

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. 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."

No. 711, "An act to amend 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. 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."

And find the same correctly enrolled, and have this the thirty-first day of May, at 5:50 o'clock P. M., presented the same to the Governor for his approval.

SHAW, Chairman.

On motion of Mr. Prendergast, the House adjourned until 9 A. M. Monday.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, June 2, 1873. }

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

Absent—Messrs. Cook, Mills, Phelps, Sabin, Salter and Short.

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

No. 975, "An act to create and define Clay land district."

No. 611, "An act to incorporate the Central Wharf and Warehouse Company of Corpus Christi."

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

No. 919, "An act to appropriate three hundred dollars to buy postage stamps for the office of Superintendent of Public Instruction."

No. 358, "An act to make provisions for the better security of public funds."

No. 865, "An act to validate bounty land warrant No. . . . , issued to the heirs of Thomas Jackson."

No. 403, "An act for the relief of the heirs of John Short, deceased."

No. 348, "An act to prohibit the sale of intoxicating liquors within certain limits of Jonesborough school, in Coryell county."

No. 966, "An act to allow the Superintendent of Public Instruction an additional clerk on and after the first day of September, 1873," with amendments by the Senate.

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

No. 883, "An act to incorporate the Wilson Creek and Colorado Canal Company."

No. 654, "An act amendatory of and supplementary to an act entitled an act to amend sections two and twelve of an act to incorporate the Hempstead, Eastern and Western Trunk Railway Company of Texas, approved August 12, 1871, passed April 28, 1871."

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. 412, "An act for the relief of G. W. Patterson and son."

No. 329, "An act prohibiting the sale or disposal of intoxicating liquors within five miles of the academy in the town of Clifton, Bosque county."

No. 284, "An act for the relief of L. W. Ludlow."

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."

No. 288, "An act for the relief of heirs or assignees of E. S. Williams, deceased."

No. 330, "An act prohibiting the sale of intoxicating liquors within two miles of Valley Mills Academy, in Bosque county."

No. 802, "An act to enable certain towns and cities to erect hospitals."

No. 977, "An act to create and define Montague land district."

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," with amendments by the Senate."

No. 466, "An act to amend the Penal Code of the State of Texas."

No. 806, "An act to prohibit the sale or giving away of spirituous, vinous, malt or other intoxicating liquors within two miles of certain places therein named."

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

And the following Senate bills:

No. 250, "An act to prevent the sale or gift of spirituous or intoxicating liquors within two miles of Concrete College."

No. 392, "An act to authorize the Judge of the Twenty-third Judicial District to hold a special term of the District Court of McLennan county for the trial of criminal causes."

No. 372, "An act to amend an act to incorporate the town of Millican, county of Brazos, approved March 13, 1871."

No. 373, "An act to provide for the improvement of the navigation of the Trinity river, and to grant the aid of the State therefor."

No. 282, "An act to authorize the County Court of Menard county to levy and collect a special tax to build a court house and jail."

No. 350, "An act to incorporate the Columbus Engine and Hook and Ladder Company No. 1."

No. 267, "An act to incorporate Tyler Chapter No. 24, Royal Arch Masons."

No. 393, "An act to promote the construction of water works for the city of Galveston."

No. 294, "An act to incorporate the Irish Immigration Aid and Colonization Association of the State of Texas."

No. 276, "An act to authorize the County Court of Kendall county to levy and collect a special tax to pay the outstanding debt of said county."

No. 278, "An act authorizing the County Court of Kendall county to have transcripts made of deeds, mortgages, judgments etc., from records of the counties of Bexar, Comal and Blanco."

No. 402, "An act supplemental to and explanatory of an act to provide for the printing of the general laws of the State in the German and Spanish languages," passed at the present session of the Legislature."

No. 388, "An act making appropriation to pay salaries of certain extra clerks in the Comptroller's and Treasurer's offices, appointed to serve during the session of the Thirteenth Legislature."

No. 394, "An act for the relief of C. C. King."

No. 395, "An act to amend an act approved March 9, 1848, entitled an act concerning the forfeiture of certain neat cattle."

No. 384, "An act to amend section first of article third of an act to incorporate the city of Austin," approved April 5, 1873.

No. 396, "An act supplementary to an act entitled 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."

No. 332, "An act to incorporate the Bayou City Hook and Ladder Company No. 2, of the city of Houston."

No. 242, "An act for the relief of certain pre-emption settlers in Bandera county."

Also the following House bills:

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

No. 971, "An act making an appropriation for the *per diem* pay of the members, and the *per diem* pay of the officers and employes of the Thirteenth Legislature."

No. 969, "An act to create certain county offices, and provide for filling the same," with amendments by the Senate.

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

Mr. Bordeaux, arose to a point of order, and stated that the "notice of motion to reconsider" given on Saturday, by Mr. Ireland, was not under the rules properly a motion to reconsider; and if it were, it was not made in time—that is, before the orders of the day were taken up.

The Speaker ruled the point of order not well taken.

Mr. Bordeaux appealed from the decision of the Chair.

The yeas and nays being called the House sustained the Chair by the following vote:

Yeas—Messrs. Adriaance, Allison, Anderson, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Gillette, Har-

risson, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Sabin, Shaw, Short, Storey, Stockbridge, Thurmond, Tilson, Tivy, Washington, Westfall, Wilder, Williams and Winkler—49.

Nays—Messrs. Abbott, Armstrong, Bledsoe, Booty, Bordeaux, Ford, Hester, Hoffman, Kleberg, Leyendecker, Prendergast, Sayers, Tom, Trolinger, Venters, Watts and Wood—17.

The question then being on the motion to reconsider the vote which adopted adverse report on House bill No. 397, "An act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern Branch, passed August 2, 1870," Mr. Washington moved the previous question, which was seconded and the main question ordered.

The vote was reconsidered by the following vote :

Yeas—Messrs. Speaker, Allison, Anderson, Booty, Broaddus, Brown of Upshur, Carroll, Cook, Cunningham, Davenport, Day, Eastland, Gaston, Gillette, Green, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Manning, McDonald, Mills, Moore, Nelson, Noeggerath, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Washington, Westfall, Wilder and Winkler—49.

Nays—Messrs. Abbott, Armstrong, Berends, Bledsoe, Bordeaux, Chambers, Denton, Ford, Gilpin, Hester, Kemble, Lane, Leyendecker, Payne, Prendergast, Salter, Tom, Trolinger, Venters, Watts and Wood—21.

A message was received from his Excellency the Governor returning House bill 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, A. D. 1871," with his objections to the same.

Resuming the subject, Mr. Cook moved to refer the bill to a special committee, of which Mr. Prendergast should be chairman, with instructions to report thereon this evening at 3 o'clock, which carried.

Mr. Trolinger moved to take up House bill No. 615.

supplementary and amendatory of "An act authorizing the sale and disposition of University lands." The House refused.

Mr. Payne presented the following memorial, which was read and ordered spread upon the journal:

MARSHALL, TEXAS, May 25, 1873.

Hon. T. J. Watts and J. Payne, members House Representatives, Austin, Texas:

SIRS: Enclosed please find memorial of myself to the Thirteenth Legislature, in regard to the subsidy of six millions of dollars granted to the Southern Pacific and Southern Trans-Continental Railroad Company, known now as the Texas and Pacific Railroad Company.

I want the memorial presented to the Legislature; and if my presence is required to facilitate an investigation, I can be found. I appeal to you as servants of the State, in the behalf of the people of the State.

Respectfully,

(Signed) W. B. JOHNSTON,
Late Sergeant-at-Arms Senate, Twelfth Legislature, State of Texas.

N. B. I send you two copies.

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

GENTLEMEN: I would most respectfully submit to the Senate and House of Representatives of our State, of which you have the honor to be the presiding officers, the following facts, to-wit:

Whereas, during the sessions of the Legislature in the years 1870 and 1871, I, as sergeant-at-arms of the Senate, became cognizant of the great swindle and robbery done the people of the State of Texas by a certain railroad company, known now by the name and title of Texas Pacific; and

Whereas, I at that time was a poor man working for an honest salary, and knowing that divulgence of my knowledge of the facts of the great robbery then being perpetrated by the said company upon the people of the State of Texas, would cost me my position as sergeant-at-arms of the Senate; and believing, further, that a day was not far distant when I would be able, without detriment to myself, to present to your honorable bodies the facts of

my knowledge of these things. Therefore, I do hereby memorialize the Thirteenth Legislature of the State of Texas, in behalf of the people of said State, and to relieve myself of the fearful consciousness of the knowledge of bribery and corruption committed by the Texas and Pacific Railroad Company, through their agent, James H. Bell, in concert with several members of both branches of the Twelfth Legislature, whereby there was caused to be granted by the people of our State, through these corrupt Representatives, *six millions* of dollars, upon the conditions fully prescribed in an act which passed November 25, A. D. 1871, and entitled "An act amendatory of and supplementary to an act entitled 'An act to encourage the speedy construction of a railroad through the State of Texas to the Pacific Ocean,' " passed on the twenty-fourth day of May, A. D. 1871, which bill was intended to be the golden arrow whose irresistible force—for the sake of, and with a humane feeling for the suffering families upon the borders of our State—was to hurl back the marauding bands of hostile Indians, and change our fertile public domain from a howling wilderness to a second "Garden of Eden." And at the same time that these corrupt men were clamoring loudly that the relief of our border from Indians were their arguments for sustaining the bill, they were as persistently impressing upon the aforementioned James H. Bell the necessity of a monied consideration to secure the passage of the bill, and avowed not to vote for it unless the amounts which he had already promised, and which had brought about the Indian argument to prepare the minds of the people for its final passage, *should be paid*, and which amounts were paid in the presence of myself, at least a portion of it—a part of the money being paid down, and the other to be paid conditional upon the final passage of the bill.

The names of the parties so being bribed and corrupted it is needless for me to state here, as the delineations of the facts connected with each separate case would make this memorial too long and tedious, and at the same time could not serve the purpose of a thorough examination under oath before a committee of investigation, and I have already made out a careful and succinct statement of all the facts in each separate case, thoroughly authenticated and qualified to, which statements will be presented almost simultaneously with this memorial; and in

making my memorial to the Thirteenth Legislature, I do so under a profound sense of duty to the people of our State, whose servant I was at the time of these occurrences, and also to make reparation to the honest members of the Twelfth Legislature for any dereliction of duty I may have committed by allowing my knowledge of the facts herein set forth to remain concealed from them and the public, and my reasons for so doing was in the belief that I was utterly powerless for remedy until now, because I believe that with a slight advance on the money used—and the Constitution had authorized a special tax upon the people—the bill could have been passed, though there was not an Indian within ten thousand miles of our border and not an acre of public land in the State. I know whereof I speak, and all the immunity I claim is that I make this exposure with the understanding that I claim the prerogative of State witness under the laws of this State and the United States. And I ask the people of our State in all that may look strange in my silence until now their careful scrutiny of my conduct, and to newspaper men, except those who were engaged in this thing, I ask your support in this matter for the interest and in the name of our common country. I think that I can show that “Credit Mobilier and Tammany” have their parallel in Texas, to the discredit of our noble State it must be said.

THE STATE OF TEXAS, HARRISON COUNTY.—Before me, C. E. Bolles, clerk of the District Court of Harrison county, Texas, appeared W. B. Johnston, who on oath says that the statements set forth in the above and foregoing memorial are true.

Sworn to and subscribed before me, this [SEAL.] twenty-fifth of May, A. D. 1873, seal of office affixed.

C. E. BOLLES, Clerk.

On motion of Mr. Watts, the memorial was referred to a special committee, consisting of Messrs. Smith, of Colorado, Payne and Rainey, with instruction to report thereon at 3:30 P. M.

Mr. Denton introduced a bill to prohibit the sale or otherwise disposing of spirituous, vinous or other intoxicating liquors within three miles of Union Valley, Wilson county.

Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Denton introduced a bill to amend the first section of an act entitled "An act to muster into service minute men for the protection of the frontier," approved November 25, 1871.

Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Kemble introduced a concurrent resolution to authorize the payment of certain scholastic census takers, which was read and adopted.

Mr. Wood offered the following resolution:

WHEREAS, The colored pages of this House have been and are receiving four dollars *per diem* each, and the white pages, Victor Kleabe, James Hardeman and Holbert Randolph, who have been equally as active and useful as the colored pages, receive but two dollars each per day; therefore,

Resolved by the House of Representatives of the State of Texas, That said three above named pages are entitled to and shall receive four dollars per day each from the date of their appointment.

Mr. Gillette moved to amend by striking out "pages," wherever it follows "colored," and inserting in lieu thereof "porters," which carried. The resolution was then adopted.

A message from the Senate announced the passage by that body of Senate bill No. 51, "An act for the relief of sureties upon official bonds," notwithstanding the objections of his Excellency the Governor.

Mr. Thurmond introduced a bill legalizing certain locations in Nueces county. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Thurmond introduced a bill for the relief of the heirs of Rev. John W. Kenney, deceased.

On motion of Mr. Kleberg the reading of the bill was dispensed with; the rules were suspended, the bill read by caption a second time and ordered engrossed.

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

Mr. Powers introduced a bill to incorporate the Carijo Bridge and Ferry Company.

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

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

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

On motion of Mr. Shaw, Senate bill No. 319, "An act for the relief of the heirs of James W. Dickson, deceased," was taken up, read second time and passed to a third reading.

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

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

No. 309, "An act to incorporate the Weatherford Hook and Ladder Company No. 1."

No. 397, "An act granting charter to Weatherford City Cotton and Wool Manufacturing Company."

And the following House bills:

No. 956, "An act to provide for testing and purchasing of James G. G. Garrett his patent right improvement in insect destroyers."

No. 844, "An act to authorize the County Court of Walker county to levy a special tax to repair the court house and jail in said county."

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."

Unfinished business, House bill 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," was taken up, and the Senate amendments read and concurred in.

House bill 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," was taken up, and the Senate amendments thereto read and concurred in.

House bill No. 920, "An act to authorize the city of Austin to become a stockholder in any company or cor-

poration for the purpose of supplying said city with water and gas," was taken up, and the Senate amendments thereto read and concurred in.

House bill 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," was taken up, and the Senate amendments thereto read and concurred in.

House bill No. 969, "An act to create certain county offices, and provide for filling the same," was taken up and the Senate amendments thereto read and concurred in.

House bill No. 310, "An act to incorporate the city of San Antonio," was taken up, and the Senate amendments thereto read and concurred in.

Senate bill No. 402, "An act supplemental to and explanatory of an act entitled an act to provide for the printing of the general laws of the State in the German and Spanish languages," passed at the present session of the Legislature, was read first time; rules suspended, read second time and passed to third reading.

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

A message from the Senate announced that that body refused to concur in the House amendments to 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," and had appointed Senators Fountain, Shelley and Tracy, a conference committee thereon, with the request for like committee on the part of the House.

Mr. Storey moved to take up Senate bill No. 307, "An act to reorganize certain judicial districts, and to abolish certain other judicial districts therein named." The House refused.

Mr. Phelps moved to take up House substitute for Senate bill No. 281, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico," which was carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Anderson, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble,

Killough, Kleberg, Lane, Leyendecker, Manning, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Russell, Salter, Sayers, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Trolinger, Venters, Westfall, Williams and Winkler—56.

Nays—Messrs. Allison, Berends, Broaddus, McDonald, Mills, Moore, Robb, Short, Watts, Wilder and Wood—11.

Whereupon the bill was taken up, pending a substitute therefor offered by Mr. Cook.

Leave having been granted, Mr. Cook withdrew his substitute.

The question then was upon the engrossment of the bill, pending which Mr. Tom offered the following amendment:

1. Amend so as to include those only that are in need of actual help.

2. That this act shall not include any person owning taxable property to the amount of twenty-five hundred dollars worth of property, or a larger amount.

Mr. Cook offered the following amendment to the amendment: "*Provided*, that any pensioner entitled under the provisions of the act of August 13, 1870, granting pensions to the veterans, etc., who shall elect not to accept the benefits of this act, shall not be in any manner prejudiced in any right he may have under the act of August 13, 1870."

The House refused to adopt the amendment to the amendment.

The amendment was then adopted by the following vote:

Yeas—Messrs. Abbott, Allison, Berends, Booty, Broaddus, Brown of Upshur, Carroll, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gillette, Harrison, Hoffman, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Powers, Prendergast, Rimes, Robb, Rosborough, Russell, Shaw, Short, Smith of Houston, Tilson, Tom, Venters, Washington, Watts, Wilder and Wood—43.

Nays—Messrs. Adriance, Anderson, Bledsoe, Bordeaux, Brown of Dallas, Chambers, Cook, Davenport, Green, Hester, Hollingsworth, Ireland, Joseph, Kleberg, Payne, Phelps, Rainey, Roberts, Sabin, Salter, Sayers,

Smith of Colorado, Storey, Stockbridge, Tivy, Trolinger, Westfall, Williams and Winkler—29.

Mr. Prendergast offered the following amendment: Amend by striking out of section one the following: "And the surviving Mier and Santa Fé prisoners, and those taken prisoners at San Antonio and at Dawson's massacre in September, 1842," and insert in lieu thereof as follows: "are hereby declared."

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

The amendment was adopted by the following vote:

Yeas—Messrs. Speaker, Abbott, Armstrong, Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Chambers, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Powers, Prendergast, Rimes, Rosborough, Russell, Sayers, Shaw, Short, Smith of Houston, Storey, Tilson, Tom, Trolinger, Venters, Watts, Wilder and Winkler—49.

Nays—Messrs. Adriance, Anderson, Berends, Bordeaux, Brown of Dallas, Cook, Davenport, Green, Ireland, Kleberg, Moore, Payne, Phelps, Rainey, Roberts, Smith of Colorado, Stockbridge, Tivy, Washington, Westfall and Williams—21.

The bill was then ordered engrossed.

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

Mr. Smith of Colorado, offered the following amendment: "Provided, that every veteran who may be excluded from the provisions of this act by reason of owning as much as twenty-five hundred dollars worth of taxable property as here provided, shall have the full amount due them under the act of August, 1870, aforesaid, and that the said bonds shall be issued to them for the same up to the first day of July, 1873, and they shall be entitled to no further pensions under this act, or that of the thirteenth of August, 1870."

Mr. Mills moved to adjourn. The House refused.

Mr. Winkler offered the following amendment to the amendment: "Unless they shall hereafter become pecuniarily reduced below twenty-five hundred dollars worth of property."

Mr. Armstrong moved to lay the bill and amendments

upon the table. Division being called for, the amendments were tabled.

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

Yeas—Messrs. Adriance, Allison, Armstrong, Berends, Brown of Dallas, Cook, Gillette, Gilpin, Kleberg, Moore, Payne, Phelps, Shaw, Short, Smith of Colorado, Stockbridge, Tivy, Trolinger and Wilder—19.

Nays—Messrs. Speaker, Anderson, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Sabin, Sayers, Smith of Houston, Storey, Tilson, Venters, Washington, Watts, Westfall, Williams and Winkler—49.

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

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Gillette, Green, Harrison, Hester, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Nelson, Noeggerath, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Sabin, Sayers, Shaw, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Venters, Washington, Watts, Westfall, Williams and Winkler—55.

Nays—Messrs. Bledsoe, Brown of Dallas, Gilpin, Hollingsworth, Kleberg, Moore, Morris, Payne, Short, Smith of Colorado, Trolinger and Wilder—12.

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

No. 404, "An act supplemental to an act 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."

No. 403, "An act making appropriation of all unexpended balances of appropriations for the support of the State Government for the fiscal year 1873, and for the fiscal year 1874."

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. 928, "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre, in September, 1842."

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

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, 1851."

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. 547, "An act to incorporate Davilla Institute, in Milam county."

No. 396, "An act granting H. M. Matthis, principal, and L. D. DeLyon, Miss Mollie E. Beaver, Miss Fannie Bradford, and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, Texas, etc."

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

No. 944, "An act requiring county courts to make settlements with sheriffs and treasurers of school boards."

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. 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. 223, "An act for the relief of A. T. Watts."

No. 913, "An act making an appropriation to defray

the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas."

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

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

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

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

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

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

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. 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."

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

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

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

No. 105, "An act for the relief of certain citizens of Limestone and Walker counties."

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

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

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. 837, "An act to incorporate the San Marcos, Guadalupe and Galveston Canal Company."

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

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

No. 776, "An act to prevent the herding of stock on certain lands therein named."

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. 809, "An act providing for the condemnation and sale of land for delinquent taxes."

No. 729, House joint resolution for the relief of Rufus A. Upton, late sheriff of Refugio county.

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

No. 589, "An act to incorporate the Texas University."

No. 285, "An act to validate headright land certificate No. 102, dated fifteenth of February 1838, issued to Walter Campbell for three hundred and sixty-nine acres of land, instead of three hundred and seventy and one-third acres, as now stated in said certificate."

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. 852, "An act to prohibit the sale of, or otherwise disposing of spirituous liquors within six miles of Little River Academy, in Bell county, Texas."

No. 848, "An act to provide for the investigation of fires in certain cases."

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

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

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

No. 960, "An act 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."

No. 378, "An act to prohibit the sale of all intoxicating liquors within three miles of Fairview Academy, Williamson county, Texas."

No. 875, "An act to incorporate the Texas Well and Irrigation Company."

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

No. 744, "An act to authorize the Police Court of Hunt county to collect a special tax."

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

No. 856, "An act to incorporate the officers and members of Gaiety Lodge No. 84 of the Independent Order of Odd Fellows, situated at Carthage, Texas."

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

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

No. 561, "An act to incorporate a Savings Bank, in Bonham, Fannin county, Texas."

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

No. 806, "An act to prohibit the sale or giving away of spirituous, vinous, malt, or other intoxicating liquors, within two miles of certain places therein named."

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

No. 975, "An act to create and define Clay land district."

No. 611, "An act to incorporate the Wharf and Warehouse Company, of Corpus Christi."

And find the same correctly enrolled, and have this the second day of June, at 10:25 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Report from the Committee on Engrossed Bills:

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

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

No. 984, a bill to be entitled "An act to prohibit the sale or otherwise disposing of spirituous, vinous or other intoxicating liquors within three miles of Union Valley, Wilson county, Texas."

No. 983, a bill to be entitled "An act to amend the first section of an act entitled an act to muster into service minute men for the protection of the frontier, approved November 25, 1871."

No. 671, a bill to be entitled "An act to legalize certain locations in Nueces county."

No. 625, a bill to be entitled "An act for the relief of the heirs of Rev. John W. Kenney, deceased."

No. 635, a bill to be entitled "An act to incorporate the Carijo Bridge and Ferry Company."

And find the same correctly engrossed.

BOOTY, Chairman.

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

AFTERNOON SESSION.

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

Absent—Messrs. Abbott, Bewley, Brown of Dallas, Cook, Day, Green, Hester, Mills, Phelps, Short and Smith of Colorado.

Leave being granted, Mr. Wood introduced a bill supplementary to "An act regulating taxation," passed at the present session of the Legislature. Read first time.

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

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

House bill No. 966, "An act to allow the Superintendent of Public Instruction an additional clerk on and after the first day of September, 1873," was taken up, and the Senate amendment thereto read and concurred in.

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

No. 609, "An act requiring the Commissioner of the General Land Office to issue patents upon surveys therein mentioned."

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

No. 531, "An act to authorize the Commissioner of the General Land Office to furnish photographic county maps to the several counties of the State."

No. 978, "An act authorizing the County Court of Cooke county to issue bonds for the purpose of funding the county indebtedness."

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

Also, that the Senate receded from its amendments to

House bill No. 185, "An act defining the duties of the Comptroller."

Also, of the passage of the following Senate bills:

No. 391, An act making an appropriation to carry into effect a joint resolution requiring the Commissioner of the General Land Office to make certain publications," passed March 14, 1873.

No. 399, "An act to amend section five of an act entitled an act to authorize the holders of State Warrants to surrender the same to the State Treasurer and receive State bonds in lieu thereof," passed during the present session of the Legislature.

No. 390, "An act making an appropriation for the Supreme Court."

Mr. Prendergast moved to reconsider the vote passing House substitute for Senate bill No. 281, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico," which motion carried.

Mr. Prendergast offered the following amendment, which was adopted:

Strike out of section six the following: "Save and except the survivors of the Santa Fé and Mier prisoners, and Dawson's massacre of 1842."

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Harrison, Hester, Hoffman, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Shaw, Smith of Houston, Storey, Stockbridge, Tivy, Tom, Venters, Washington, Watts, Westfall, Williams, Winkler and Wood—56.

Nays—Messrs. Armstrong, Bewley, Bledsoe, Brown of Dallas, Gilpin, Hollingsworth, Kleberg, Moore, Payne, Smith of Colorado, Trolinger and Wilder—12.

The Speaker announced the following committee upon the bill known as the Missouri, Kansas and Texas Railway bill, viz: Messrs. Prendergast, Brown of Dallas and Anderson.

On motion of Mr. Bordeaux, Mr. Trolinger was added to the committee.

Upon his call, Mr. Watts moved to take up all Senate bills on the Speaker's table.

Mr. Killough moved the previous question upon the motion, which was seconded, and the main question ordered.

The motion then carried.

On motion of Mr. Broaddus, Mr. Carroll was excused during the remainder of the session, on account of pressing business.

Senate bill No. 250, "An act to prevent the sale or gift of spirituous or intoxicating liquors within two miles of Concrete College," was read first time; rules suspended, 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.

Senate bill No. 388, "An act making appropriation to pay salaries of certain extra clerks in the Comptroller's and Treasurer's offices, appointed to serve during the session of the Thirteenth Legislature," was read first time; rules suspended, read second time and passed to 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, Anderson, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Storey, Stockbridge, Tilson, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—65.

Nays—Messrs. Moore and Smith of Houston—2.

Senate bill No. 384, "An act to amend section one of article three of an act to incorporate the city of Austin, approved April 5, 1873," 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. 378, "An act to provide for the improve-

ment of the navigation of the Trinity river, and to grant the aid of the State therefor," was read first time; rules suspended and read second time.

Mr. Mills moved to amend by striking out "by the State of Texas," and inserting in lieu thereof "by the persons asking for this charter."

On motion of Mr. Wood, the amendment was laid on the table. The bill then passed to third reading.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Leyendecker, Manning, McDonald, Moore, Nelson, Noeggerath, Payne, Phelps, Prendergast, Rainey, Rimes, Robb, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Washington, Watts, Westfall, Williams, Winkler and Wood—60.

Nays—Messrs. Allison, Harrison, Killough, Mills, Rosborough and Wilder—6.

Senate bill No. 255, "An act to incorporate the Paris Street Railway Company," was 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. 287, "An act to incorporate the Lake City Navigation Company, and to aid said company to improve the navigation of Big Cypress Bayou," was read first time; rules suspended, and read second time.

Mr. Winkler offered the following amendment, which was adopted:

Amend as follows: "*Provided*, that the lands hereby donated by the State, except such portions thereof as may be necessary for protecting the right of way and for operating the canal and stream, shall be alienated as follows: One-fourth in eight (8) years, one-fourth in twelve (12) years, one-fourth in (16) years, and the remaining one-fourth in twenty (20) years, after the issuance of the

certificate, and any failure to so alienate shall work a forfeiture of the lands so alienated."

The bill then passed to third reading.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Berends, Bewley, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Cunningham, Day, Eastland, Ford, Gaston, Gillette, Gilpin, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Stockbridge, Tilson, Tivy, Washington, Watts, Williams, Winkler and Wood—54.

Nays—Messrs. Bledsoe, Bordeaux, Harrison, Hester, Mills, Smith of Houston, Storey, Tom, Venters and Wilder—9.

Senate bill No. 377, "An act to amend section second of an act concerning county seats, approved May 9, 1838," was read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 267, "An act to incorporate Tyler Chapter No. 24, Royal Arch Masons," was read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 392, "An act to authorize the Judge of the Thirty third Judicial District to hold a special term of the District Court of McLennan county, for the trial of criminal causes," was read first time; rules suspended, read second time and passed to third reading.

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

Senate joint resolution No. 48, authorizing the Governor to effect the removal of the Indians from the frontier of this State, and making an appropriation for that purpose," was read first time; rules suspended, read second time and passed to third reading.

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

Yeas—Messrs. Speaker, Abbott, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Davenport, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Shaw, Short, Smith of Houston, Storey, Stockbridge, Tivy, Tom, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—60.

Nays—Messrs. Kemble and Tilson—2.

Senate bill No. 278, "An act authorizing the County Court of Kendall county to have transcripts made of deeds, mortgages, judgments, etc., from records of counties of Bexar, Comal and Blanco," was read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 276, "An act to authorize the County Court of Kendall county to levy and collect a special tax to pay the outstanding debt of said county," was read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 390, "An act making an appropriation for the Supreme Court," was read first time; rules suspended, read second time and passed to third reading.

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

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Davenport, Day, Denton, Eastland, Ford, Gaston, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Leyendecker, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Shaw, Smith of Colorado,

Storey, Stockbridge, Thurmond, Tivy, Tom, Venters, Watts, Wilder Williams, Winkler and Wood—56.

Nays—Messrs. Bledsoe, Cunningham, Gillette, Harrison, Manning, McDonald, Mills, Prendergast, Short, Smith of Houston and Westfall—11.

Senate bill No. 225, "An act to amend the twenty-second section of an act entitled an act to consolidate into one act and amend the several acts incorporating the town of Rusk, in Cherokee county," was read first time; rules suspended, read second time and passed to third reading.

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

A message from the Senate announced the passage by that body of Senate joint resolution No. 50, providing for the completion of the examination of the accounts of the Comptroller and Treasurer, and making appropriation therefor.

And House bill No. 983, "An act to amend section one of an act entitled an act to muster into service minute men for the protection of the frontier, approved November 15, 1871."

Senate bill No. 245, "An act to authorize the sale of portions of the public domain," was read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 242, "An act for the relief of certain pre-emption settlers in Bandera county," was read first time; rules suspended, read second time and passed to third reading.

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

On motion of Mr. Westfall, Mr. Tilson was excused for the remainder of the session.

Senate joint resolution No. 46, granting leave of absence to 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, was read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 261, "An act to prevent the sale or gift

of spirituous or intoxicating liquors within three miles of the Palo Alto Institute, in Bell county," 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. 316, "An act authorizing the purchase of additional ground for the use of the Asylum for the Blind, and making appropriation therefor," was read first time; rules suspended and read second time.

Mr. Wood moved to lay the bill on the table, which carried.

Senate joint resolution No. 50, providing for the completion of the examination of the accounts of the Comptroller and Treasurer, and making appropriation therefor, was read first time; rules suspended and read second time.

Mr. Denton moved to strike out the name of Senator Fountain, and insert instead, Senator Shelley. Lost.

Mr. Mills moved to strike out "\$5000," and insert in lieu thereof "\$2500."

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

Mr. Denton moved to lay the joint resolution on the table.

The House refused to table by the following vote:

Yeas—Messrs. Speaker, Allison, Armstrong, Bledsoe, Broadus, Brown of Upshur, Cunningham, Day, Denton, Ford, Gaston, Gillette, Hollingsworth, Ireland, Killough, Lane, Manning, McDonald, Mills, Nelson, Noeggerath, Powers, Rainey, Rimes, Robb, Rosborough, Russell, Sayers, Short, Smith of Colorado, Storey and Tom—32.

Nays—Messrs. Anderson, Berends, Bewley, Booty, Bordeaux, Brown of Dallas, Chambers, Cook, Eastland, Gilpin, Green, Harrison, Hoffman, Joseph, Kleberg, Moore, Morris, Payne, Prendergast, Roberts, Sabin, Shaw, Smith of Houston, Stockbridge, Thurmond, Tilson, Tivy, Venters, Washington, Watts, Westfall, Williams, Winkler and Wood—35.

Mr. Nelson moved to strike out "\$5000" and insert instead "\$3000."

Mr. Denton moved to strike out "\$3000" and insert instead "\$2000," which was adopted.

The amendment thus amended was adopted.

The joint resolution then passed to third reading.

On motion of Mr. Denton, the rules were further suspended and the joint resolution read third time, whereupon it failed to pass by the following vote :

Yeas—Messrs. Anderson, Berends, Bordeaux, Brown of Dallas, Chambers, Davenport, Day, Eastland, Gaston, Gilpin, Green, Harrison, Ireland, Joseph, Morris, Payne, Prendergast, Rosborough, Sayers, Shaw, Thurmond, Tilson, Venters, Watts, Westfall, Winkler and Wood—27.

Nays—Messrs. Abbott, Armstrong, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Cunningham, Denton, Hoffman, Hollingsworth, Killough, Kleberg, Lane, Manning, McDonald, Mills, Moore, Nelson, Noeggerath, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Russell, Sabin, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Tom, Washington, Wilder and Williams—36.

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

No. 488, "An act to provide for the employment and payment of attorneys to attend to certain suits instituted in the District Court of Travis county, under an act to ascertain and adjudicate certain claims for land against the State, situated between the Nueces and Rio Grande rivers, approved August 15, 1870."

No. 166, "An act for the relief of Hugh Reid."

And the following House bills :

No. 985, "An act supplementary to an act regulating taxation, passed at the present session of the Legislature."

No. 635, "An act to incorporate the Carijo Bridge Company."

Mr. Mills moved to reconsider the vote by which the House refused to pass Senate joint resolution No. 50, providing for the completion of the examination of the accounts of the Comptroller and Treasurer, and making appropriation therefor.

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

Mr. Westfall moved to reconsider the vote tabling 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."

The vote was reconsidered.

Mr. Denton moved to amend by striking out all that portion relating to the appropriation.

Mr. Smith of Colorado, moved to amend the amendment by providing that the purchase should be approved by the Governor.

Mr. Kleberg moved to indefinitely postpone the further consideration of the subject, which carried.

Senate bill No. 391, "An act making an appropriation to carry into effect a joint resolution requiring the Commissioner of the General Land Office to make certain publications," passed March 14, 1873, was read first time; rules suspended, read second time, and, on motion of Mr. Brown of Dallas, referred to the Committee on Printing and Contingent Expenses, with instructions to report to-morrow.

In response to a request of the Senate for a conference committee on the part of the House upon 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," and under instructions from the House, the Speaker appointed Messrs. Powers, Gilpin and Morris, said conference committee.

Senate bill No. 395, "An act to amend an act approved March 9, 1848, entitled an act concerning the forfeiture of certain neat cattle," was read first time; rules suspended, read second time, and on motion of Mr. Armstrong referred to the Committee on Agriculture and Stock Raising.

Senate bill No. 59, "An act for the relief of A. H. Cook," was read first time.

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

Mr. Tilson moved to reconsider the vote refusing to suspend the rules, which carried.

The rules were then suspended, the bill read second time and passed to third reading.

Mr. Hollingsworth moved to suspend the rules and put the bill upon its passage. The House refused.

Senate bill No. 396, "An act supplemental to an act entitled an act to ascertain the amounts due the teachers of the public free schools in this State prior to the first day March, 1873, and to provide for the payment of the same,"

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.

Reports from the Committee on Engrossed Bills:

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

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

No., substitute for Senate bill No. 281, a bill to be entitled "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico."

And find the same correctly engrossed.

BOOTY, Chairman.

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

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

No. 797, "An act to define the powers of the County Courts of this State in relation to *ex officio* services of sheriffs and district clerks."

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."

No. 966, "An act to allow the Superintendent of Public Instruction an additional clerk on and after the first of September, 1873."

No. 985, "An act supplementary to an act regulating taxation, passed at the present session of the Legislature."

And find the same correctly engrossed.

BOOTY, Chairman.

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. 358, "An act to make provision for the better security of public funds."

No. 977, "An act to create and define Montague land district."

No. 197, "An act to authorize the county courts of the

several counties to keep up and to improve roads and bridges."

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

No. 348, "An act to prohibit the sale of intoxicating liquors within certain limits of Jonesboro school, in Coryell county."

No. 403, "An act for the relief of the heirs of John Short, deceased."

No. 330, "An act prohibiting the sale of intoxicating liquors within two miles of Valley Mills Academy, in Bosque county."

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

No. 284, "An act for the relief of L. W. Ludlow."

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

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."

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

No. 329, "An act prohibiting the sale or disposal of intoxicating liquors within five miles of the academy in the town of Clifton, Bosque county."

No. 802, "An act to enable certain town and cities to erect hospitals."

No. 883, "An act to incorporate the Wilson Creek and Colorado Canal Company."

No. 384, "An act to authorize the County Court of Walker county to levy a special tax to repair the court house and jail in said county."

No. 210, "An act to incorporate the town of Whitesboro, in Grayson county."

No. 956, "An act to provide for the testing and purchasing of James G. G. Garrett his patent right improvement in insect destroyers."

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

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."

No. 865, "An act to validate bounty land warrant No., issued to the heirs of Thomas Jackson."

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."

No. 971, "An act 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."

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

No. 580, "An act to incorporate the town of Decatur, in Wise county."

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 Texas, approved May 2, 1871, approved November 13, 1871."

No. 654, "An act amendatory of and supplementary to an act entitled an act to amend sections two and twelve of an act to incorporate the Hempstead Eastern and Western Trunk Railway Company of Texas, approved August 12, 1870, passed April 28, 1871."

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

And find the same correctly enrolled, and have this the second day of June, at 4:30 o'clock P. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Mr. Brown of Dallas moved to adjourn until 8:30 o'clock P. M.

Mr. Russell moved to amend by striking out 8:30 P. M. and inserting in lieu thereof 9 A. M. to-morrow. Lost.

The motion of Mr. Brown of Dallas then carried.

EVENING SESSION.

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

Absent—Messrs. Anderson, Bewley, Booty, Cook, Hoffman, Moore, Payne, Phelps, Powers, Salter, Trolinger and Williams.

On motion of Mr. Ireland, Senate bill No. 408, "An act to provide for the employment and payment of attorneys, to attend to certain suits instituted in the District Court of

Travis county, under an act of the Legislature entitled an act to ascertain and adjudicate certain claims for land against the State situated between the Nueces and Rio Grande rivers, approved August 15, 1870," was taken up and read first time.

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

Mr. Short moved the previous question, which was seconded, and the main question ordered by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kleberg, Manning, Mills, Noeggerath, Payne, Phelps, Prendergast, Rimes, Robb, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom. Venters, Washington, Watts, Winkler—44.

Nays—Messrs. Abbott, Armstrong, Berends, Bordeaux, Broaddus, Denton, Green, Harrison, Killough, Lane, Leyendecker, McDonald, Morris, Nelson, Powers, Rainey, Roberts, Rosborough, Russell, Sabin, Stockbridge, Westfall, Wilder and Williams—25.

The bill then passed to third reading.

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

The House refused by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Bledsoe, Booty, Brown of Dallas, Chambers, Davenport, Denton, Eastland, Ford, Gillette, Green, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Mills, Morris, Noeggerath, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Sayers, Shaw, Storey, Stockbridge, Tilson, Tivy, Tom, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—44.

Nays—Messrs. Allison, Armstrong, Berends, Bordeaux, Broaddus, Brown of Upshur, Cunningham, Day, Gaston, Gilpin, Hester, Killough, Lane, Leyendecker, Manning, McDonald, Rainey, Roberts, Rosborough, Russell, Sabin, Short, Smith of Houston—24.

Leave being granted, Mr. Sayers introduced a bill to pay the old pensions. Read first time.

Mr. Brown of Dallas, moved to suspend the rules and

put the bill on its second reading. The House refused to suspend.

Mr. Joseph asked leave to make a report from the special committee upon 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," which request was granted.

Mr. Winkler moved to suspend the report and take up the bill to pay the old pensions, which carried.

The bill was then ordered engrossed.

On motion of Mr. Brown of Dallas, 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, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Venters, Washington, Watts, Westfall, Williams, Winkler and Wood—58.

Nay—Wilder—1.

Under the leave previously granted the following report was submitted :

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

SIR: Your special committee appointed to examine Senate bill No. 362, entitled "An act to authorize the lessees of the State Penitentiary to delay the payment of certain amounts of money to become due the State until the expiration of their lease," have carefully discharged the duty assigned them; and fully approving the report of the committee of this body heretofore made, and being fully satisfied that the State will be benefitted thereby through the improvements made and necessary for the penitentiary, recommend the passage of the bill without amendment.

JOHN IRELAND,

W. B. SAYERS,

THOMAS M. JOSEPH.

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

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

On motion of Mr. Tivy, Senate bill No. 275, "An act to organize the county of Green," was read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 404, "An act supplemental to an act entitled an act making appropriation 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; read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 394, "An act for the relief of C. C. King," was taken up and read first time.

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

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

Senate bill No. 393, "An act to promote the construction of water-works for the city of Galveston," was taken up; read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 294, "An act to incorporate the Irish Immigration Aid and Colonization Association of the State of Texas" was taken up and read first time.

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

Mr. Ireland moved to strike out of the list of incorporators the name of John J. Hand, which carried by the following vote :

Yeas—Messrs. Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hollingsworth,

Ireland, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Sayers, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Venters, Watts, Westfall, Winkler and Wood—48.

Nays—Messrs. Speaker, Green, Joseph, Kleberg, Mills, Noeggerath, Phelps, Robb, Roberts, Shaw, Smith of Houston, Stockbridge, Washington, Wilder and Williams—15.

Mr. Roberts moved to adjourn. The House refused. The bill then passed to third read reading.

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

Mr. Rainey moved to reconsider the vote adopting the amendment offered by Mr. Ireland.

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

Mr. Wilder moved to adjourn. The House refused.

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

Mr. Rainey moved to adjourn. The House refused.

A message was received from the Senate informing the House that the Senate had passed House bill No. 377, to prohibit the sale of intoxicating liquors within two miles of Bluffton school, in Llano county.

Also, the following bills originating in the Senate, viz :

No. 209, "An act authorizing the County Court of Llano county to levy and collect a special tax to build a court house and jail."

No. 401, "An act to incorporate the Texas Bridge Building Company."

No. 407, "An act making an appropriation for postage, wood, porter hire, and contingent expenses for the Educational department, for the year ending August 31, 1874."

No. 409, "An act for obtaining the portraits of Hon. John Hemphill, former Chief Justice, and Hon. Royal T. Wheeler, Associate Justice, and the late Thomas Green, Clerk of the Supreme Court, and making appropriation therefor."

Also, that the Senate had passed the House substitute for Senate bill No. 281, "An act making an appropriation to carry out the provisions of the act of August 13, 1870 granting pensions to the surviving veterans of the revolu-

tion which separated Texas from Mexico," as a substitute for House bill granting pensions to the surviving veterans of the revolution which separated Texas from Mexico.

The Committee on Enrolled Bills submitted the following reports:

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

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

No. 377, "An act to prohibit the sale of intoxicating liquors within three miles of Bluffton school, in Llano county."

No. 310, "An act to incorporate the city of San Antonio, and grant a new charter to said city, and to repeal an act entitled an act to incorporate the city of San Antonio, approved July 17, 1856, and an act to incorporate the city of San Antonio, approved February 11, 1860, and an act to incorporate the city of San Antonio, and grant a new charter to said city, approved August 13, 1870."

And find them correctly enrolled; and have this second day of June, at 11 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

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

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

No. 531, "An act to authorize the Commissioner of the General Land Office to furnish photographic county maps to the several counties of this State."

No. 609, "An act requiring the Commissioner of the General Land Office to issue patents upon surveys therein mentioned."

No. 185, "An act defining the duties of the Comptroller."

No. 234, "An act to encourage stock raising, and for protection of stock raisers."

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

No. 985, "An act supplementary to an act regulating taxation, passed at the present session of the Legislature."

No. 635, "An act to incorporate the Carijo Bridge and Ferry Company."

No. 982, concurrent resolution to permit certain scholastic census takers to be paid.

And find the same correctly enrolled, and have this the . . . day of June, at 5 o'clock P. M. presented the same to the Governor for his signature.

SHAW, Chairman.

Mr. Roberts moved to adjourn, upon which the vote stood as follows:

Yeas—Messrs. Allison, Morris, Roberts, Sabin—4.

Nays—Messrs. Speaker, Adriance, Armstrong, Berends, Booty, Bordeaux, Brown of Dallas, Chambers, Cook, Cunningham, Denton, Eastland, Gaston, Gillette, Gilpin, Green, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Leyendecker, Manning, McDonald, Mills, Nelson, Noeggerath, Payne, Phelps, Powers, Rimes, Robb, Shaw, Short, Smith of Colorado, Storey, Stockbridge, Thurmond, Tilson, Tivy, Westfall, Wilder, Williams and Winkler—46.

Whereupon it appeared a quorum had not voted.

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

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

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

Absent—Messrs. Berends, Bewley, Green and Venters.

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

Mr. Adriance introduced a bill to amend an act entitled "An act to incorporate the Island City Real Estate and Homestead Association of Galveston," approved June 24, 1870, and an act amendatory thereof, approved December 1, 1871. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Kemble introduced "An act to authorize the County Court of Ellis county to have records transcribed from the counties of Robertson and Navarro, and have the same recorded in Ellis county." Read first time;

rules suspended, read second time and ordered engrossed.

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

Mr. Robb moved to take up Senate bill No. 318, "An act for the relief of Richard S. Walker." The House refused.

Mr. Gillette asked leave to offer a resolution. The House refused.

A message from the Senate announced the passage by that body of Senate bill No. 286, "An act for the relief of Benjamin C. Franklin."

Mr. Gillette offered a concurrent resolution requesting the Governor to offer a reward for the apprehension and delivery to the sheriff of Hill county of John A. Purnell, and making appropriation therefor. Read and adopted by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Day, Eastland, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Manning, McDonald, Moore, Morris, Nelson, Powers, Rainey, Robb, Roberts, Russell, Sabin, Salter, Shaw, Smith of Houston, Stockbridge, Thurmond, Tivy, Trolinger, Wilder, Williams and Winkler—51.

Nays—Messrs. Armstrong, Denton, Ford, Hoffman, Leyendecker, Mills, Payne, Rosborough, Sayers, Short, Storey, Tilton, Tom, Venters, Washington, Watts and Westfall—17.

On motion of Mr. Harrison, House bill No. 415, "An act to authorize the several county courts in this State to offer premiums for wolf scalps," was taken up, read second time and ordered engrossed.

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

Mr. Broaddus submitted the following report:

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

SIR: Your committee, to whom was referred Senate bill No. 391, "An act making an appropriation to carry into effect a joint resolution requiring the Commissioner of the General Land Office to make certain publications,"

passed March 14, 1873, have had the same under consideration, and report the same back to the House and recommend that it do pass.

A. S. BROADDUS, Chairman.

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

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

Yeas—Messrs. Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Cook, Cunningham, Davenport, Eastland, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Killough, Lane, Leyendecker, Manning, Mills, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Robb, Roberts, Sabin, Salter, Short, Stockbridge, Tilson, Tivy, Venters, Watts, Wilder, Williams and Wood—42.

Nays—Messrs. Speaker, Brown of Dallas, Chambers, Denton, Ford, Gaston, Gillette, Hester, Ireland, Kemble, McDonald, Payne, Rainey, Rimes, Rosborough, Russell, Sayers, Shaw, Smith of Colorado, Smith of Houston, Storey, Trolinger, and Westfall—23.

Mr. Booty moved to reconsider the vote just taken.

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

The vote was then reconsidered.

On motion of Mr. Mills, the further consideration of the matter was postponed until 12 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 carefully examined House bill No. 936, to be entitled "An act to make appropriation to pay the old pensions," and find the same correctly engrossed.

BOOTY, Chairman.

Mr. Cook introduced a bill to prohibit the municipal corporation, of the mayor, aldermen and inhabitants of the city of Houston, from hereafter contracting any debt, or issuing bonds for any debt hereafter contracted, or from making any contract or lease to extend beyond the twenty-first day of January, A. D. 1874." Read first time ; rules suspended, read second time and ordered engrossed.

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

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

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

SIR : The Committee on Town and City Corporations, to whom was referred House bill No. 628, to be entitled "An act to reincorporate the city of Houston," etc., beg leave to report the following substitute, and recommend that the same do pass.

WOOD, Chairman.

The substitute was adopted, and ordered engrossed.

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

Mr. Wood, on behalf of the special committee upon the Comptroller and Treasurer's offices, submitted the following report, which was ordered spread upon the journals :
To the Hon. E. B. Pickett, President of the Senate, and Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIRS : Your select joint committee appointed to examine thoroughly into the condition of the offices of the Comptroller of Public Accounts and of the Treasurer of the State, and to whom was referred the message of the Governor relative thereto, ask leave to report as follows :

1. "As to whether there was any deficiency of funds in the treasury when Mr. Honey vacated the office, and the amount thereof," your committee find that there was a deficit in the funds in the treasury at the time of the seizure of the office by the order of the Governor; what the amount of that deficit was, is not so easily determined. Your committee employed three skilled accountants, who have made a full and complete statement of the condition of that office as shown from the books and papers, and which is hereto attached, marked exhibit "A," and made a part of the report.

Upon the recapitulation of this statement it will be seen that after giving Mr. Honey credit for all amounts claimed by him, including \$153,381.37 in warrants not entered on the cash book or canceled, as required by law, which may or may not have been paid, so far as any evidence in his office goes to show, there would still remain the amounts of \$55,734.39 currency and \$57,000 specie standing against

Mr. Honey. In offset to these amounts Mr. Honey claims a credit of \$28,896.13 currency, for amounts of sight drafts drawn by Bremond & Co., Austin, on B. A. Botts, President of the City Bank of Houston, found in the treasury, and which he claims were held by him as cash at the time of the seizure of his office, and of twenty-five frontier defense bonds of \$1000 each, at ninety cents, equal to \$22,500, and four United States five per cent. bonds, with coupons, equal to \$2502.50.

These transactions are exceedingly irregular. If the drafts of a private party are allowed to lie in the cash drawer of the Treasury, while the money which they represent is in the hands of other parties, possibly at interest for the benefit of the Treasurer, there would seem to be no limit to the action of that officer; while as to the bonds mentioned, the law authorized the Treasurer to invest the sinking fund as fast as it accrued in United States interest bearing bonds, or in the bonds issued under authority of the law creating the frontier bonds. No other bonds were authorized to be purchased, and the sinking fund was alone allowed to be used. Your committee do not understand that there was, or could, under the law, have been so large a sum as \$25,000 of the sinking fund in the Treasury at the time of this investment applicable to the purchase of these bonds, and believe that this transaction was irregular, to the extent that the investment was in excess of the sinking fund thus applicable, because Mr. Honey must have drawn upon other funds to make the purchase.

If, however, these last credits be allowed, the amounts remaining outstanding against Mr. Honey would be \$1835.75 currency and \$5700 gold.

Mr. Honey and his chief clerk, Mr. Burns, were more than once present, and called upon to explain why these deficits existed; but at the close of the examination, after a close scrutiny of all the books, papers and accounts of the office, there does exist a deficit as above stated; and even this may be increased by a claim which has been made that there was \$2590.32 currency in the Treasury, claimed to have been deposited there for safe keeping by the sheriff of Angelina county.

2. As to "whether or not the Treasury has been used for shaving the State's warrants, and the extent of its use in that way," your committee have examined quite a

number of witnesses, whose sworn statements are hereto attached and made a part of this report, to which, as well as to the evidence furnished by the condition of the office when vacated by Mr. Honey, as shown in the statement, exhibit "A," your committee would refer without undertaking to express any conclusion.

3. As to "whether the accounts of the Treasurer have been regularly balanced by the Comptroller at the end of each quarter, as required by law," your committee feel no hesitancy in answering that the books of the Comptroller and Treasurer had not been properly balanced as required by law, for a period extending over several quarters, and that the books of the Treasurer, Mr. Honey, especially, were in a state of the most reckless disorder.

4. As to "whether at any time there was collusion between the Comptroller, or any of his clerks, and the Treasurer, in regard to shaving warrants at the treasury," your committee have been unable to find any evidence which would enable them to answer in the affirmative.

5. As to "whether the Comptroller's office is competently managed, and whether the books and accounts therein are kept correctly, and in such manner as to show the true condition of the finances," a thorough examination of the books of the Comptroller's office by your committee develops the fact that they have never been properly balanced since the present incumbent entered upon the duties of his office in 1870. We find that the books are kept in an inaccurate and confused manner, and in such reckless disregard of any system whatever, as to render any attempt to obtain from them a correct statement of the State finances extremely difficult, if not impossible.

6. As to "whether the Comptroller has duly paid into the treasury all moneys received by him from taxes and other sources, and belonging to the State," your committee would state that the main sources from which moneys are received by the Comptroller, are out-county and back taxes, and occupation taxes from insurance companies.

No accurate account of such transactions is kept by the Comptroller. His books only show gross sums received, aggregated at intervals. No statement is kept of the accounts of insurance companies paying in money, and we have been compelled to resort to such evidence as we could avail ourselves of, to ascertain the amount of money

received from this source, and it has not been possible for us to determine whether all, or how many companies, doing business in this State, have paid the occupation tax; but it is evident from the information obtained by us that the Comptroller has not paid into the Treasury all of the money received from this source, as may be seen by reference to the accompanying statement of accountants hereto attached and marked exhibit "B," as well as to the statement of some of the witnesses. Of the moneys received by the Comptroller for out-county and back taxes, no account is kept except statements of the aggregate amounts, and the stubs of the receipts given to the persons paying the taxes.

We have not found it practicable to make up his account from these stubs, and verify the aggregate amounts, and hence are unable to report whether all the moneys from this source have or have not been paid into the Treasury.

7. As to "whether the Comptroller has drawn money from the Treasury and permitted the same to be used for other purposes than as directed by law," your committee would state that there is no evidence before them that such is or has been the fact.

8. As "to whether the Comptroller or any of his clerks have profited by way of per centage retained on any contracts for work done for his office," your committee would refer to the statement of Governor Davis, and the statements of Mr. Philips and others, hereto annexed.

In conclusion, your committee would report that out of the great confusion existing in the accounts of the late Treasurer, Mr. Honey, they have by great labor and the untiring exertions of the accountants succeeded at last in arriving at something approaching order, but that to insure the State against great loss, or at least against the necessity of having this work all done over, the work of the committee should be completed, settlements made between the two offices, and the warrants and other evidences of indebtedness duly entered and canceled, and to this end your committee would recommend the adoption of the accompanying resolution.

JOHN L. HENRY,	}	Senate Committee.
A. J. BALL,		
A. J. FOUNTAIN,		
W. D. WOOD,	}	House Committee.
JNO. ADRIANCE,		

Joint resolution, providing for the completion of the examination of the accounts of the Comptroller and Treasurer, and making an appropriation therefor.

Mr. Westfall introduced a bill to provide for the payment of a certain employé therein named. 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 by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Gilpin, Green, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Manning, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Washington, Westfall, Wilder, Williams, Winkler and Wood—62.

Nays—Messrs. Armstrong, Harrison and Watts—3.

Mr. Anderson offered the following resolution :

Resolved, That the chief clerk of the House of Representatives be required to make a complete index of all the unfinished business of the House of the present session, and file the same with the Secretary of State; to index the House journal of the present session, and to forward all mail matter coming to members after the adjournment, to their respective homes; also, to forward to each member a copy of the general and special laws, and the journals of the present session; and that he be continued in office for ninety days, or until the duties herein required are performed, from adjournment, for that purpose, and that he be required to read and correct the proof sheets of the journals of the Legislature.

Resolved, further, That all bills, resolutions, memorials and other papers, remaining in the hands of committees, shall be delivered to the chief clerk of the House, to be by him arranged and filed among the other archives of the House of Representatives; *provided*, that members shall have the right to withdraw from the clerk any bill, resolution or other paper introduced by them respectively.

The resolution was adopted.

Mr. Mills moved to take up 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." The House refused.

Leave being granted, Mr. Smith of Colorado submitted the following report:

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

SIR: The special committee to whom was referred Senate bill No. 127, fixing the times of holding the courts of the Twenty-second Judicial District, have had the same under consideration, and instruct me to report the accompanying substitute, and recommend its adoption.

GEO. W. SMITH, for Committee.

The substitute, being a bill to amend the twenty-second section of "An act prescribing the times of holding the District Courts in the several judicial districts in the State," approved February 6, 1871, was read and adopted, and ordered engrossed.

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

Mr. Hollingsworth introduced a joint resolution prescribing the number of copies of the laws of the Thirteenth Legislature to be furnished the State Department. Read first time, rules suspended and read second time.

The House refused to order the bill engrossed.

Mr. Prendergast moved to take up the veto messages from the Governor, on the Speaker's table, which motion carried.

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

Absent—Berends, Ford, Gillette, Ireland, Shaw, Tilson, Venters and Wilder.

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

The following message was then read:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 31, 1873. }

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

SIR: I return to the House of Representatives, where it originated, the act entitled "An act supplemental to and amendatory of the several acts concerning injunctions."

This bill is dangerous, because it seems to invite the getting out writs of injunction against the collection of taxes. In fact, it will be an encouragement to the throwing of such obstacle in the way of collecting the necessary taxes for the support of the government or local authorities. I think that it must, on reflection, be agreed to be better to leave the parties to their remedy by suit against the officer or party levying, to recover the tax claimed to have been illegally or unconstitutionally exacted.

Very little harm can be done to the individual by requiring him to pay the tax (which in each particular case is generally of small moment), and resort to the courts to test its legality and recover it back. On the other hand, it is obvious that great public inconvenience, to say the least, may occur, if this sweeping power of injunction is allowed.

It is not safe to pass a bill which may be used to obstruct the public service.

Very respectfully,

EDMUND J. DAVIS, Governor.

The bill was then reconsidered and passed, notwithstanding the objections of his Excellency, the Governor, by the following vote;

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas Chambers, Cook, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Harrison, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall, Winkler and Wood—56.

Nays—Messrs. Abbott, Green, Mills, Moore, Morris, Phelps, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—12.

The following message was then taken up and read :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 29, 1873. }

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

SIR: I respectfully return to the House of Representatives, where it originated, the act entitled "An act sup-

plementary to an act entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5, 1858."

This act is an innovation on the system regulating the management of the Lunatic Asylum, which, on investigation, will, for several reasons, I think, not be found beneficial.

Section first strikes out all liability of counties for the support of indigent insane, thus at once adding probably fifteen thousand dollars per annum to the current expenses of the Lunatic Asylum, to be met by appropriations from the treasury, and this extra expenditure must, of course, increase annually. There is no reason why the county authorities should be relieved of this burden. On the contrary, the mere fact of such relief would encourage them to put off upon the asylum the numerous cases of weak minded indigent who, without any danger to themselves or others, could be as well cared for at home, and to whom the asylum can be of no benefit as a curative institution.

Section second is still more objectionable, because it requires the asylum authorities to keep insane persons at the institution without regard to whether it is found possible to effect a cure or not, unless the relatives of such person apply for their discharge. It must be remembered that the Lunatic Asylum, upon its present basis, is intended solely for the cure of the insane. In its present capacity it cannot hold more than from a hundred to a hundred and ten persons, but if all the insane of the State are to be gathered there, its capacity must be increased to include a thousand or more. It has been found that after insanity continues for one year it may be considered chronic, and not likely to be cured. Now, then, if incurable or chronic insane are to be detained there against the judgment of the authorities, they must, until the capacity of the institution is vastly increased, exclude other applicants who might, by early attention, be cured and restored to their friends and usual associations.

I think the House will, on reflection, conclude with me that it is safer to leave this matter to the discretion of the managers and superintendent. Those officers may err

sometimes, but on the whole their discretion will not go far wrong.

Very respectfully,

EDMUND J. DAVIS, Governor.

The bill having been read was put upon its passage, whereupon the House refused to pass it over the veto by the following vote :

Yeas—Messrs. Allison, Bewley, Bordeaux, Brown of Upshur, Chambers, Cunningham, Day, Denton, Gaston, Gillette, Gilpin, Hollingsworth, Joseph, Kemble, Killough, Leyendecker, Morris, Nelson, Payne, Powers, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Venters and Watts—36.

Nays—Messrs. Abbott, Adriance, Anderson, Berends, Broaddus, Cook, Davenport, Eastland, Green, Harrison, Hoffman, Ireland, Kleberg, Lane, Manning, McDonald, Mills, Moore, Noeggerath, Phelps, Prendergast, Roberts, Sabin, Shaw, Stockbridge, Washington, Westfall, Wilder Williams, Winkler and Wood—31.

A message was received from His Excellency the Governor returning House bill No. 954, "An act for the relief of Alfred S. Thurmond," and House joint resolution No. 484, "An act in relation to the printing of railroad charters," with his objections to the same.

A message was received from the Senate announcing that that body had reconsidered and passed Senate joint resolution No. 45, for the relief of Mrs. Belle Murray, notwithstanding the objections of His Excellency the Governor.

The following message was then taken up and read :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 23, 1873. }

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

SIR : I return to the House of Representatives, where it originated, the act entitled "An act to be entitled an act to authorize parties in certain cases to sue in the District Courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants."

It has been my construction of article ten, section six, of the Constitution, that the Legislature could make no

further grants of land, but the Legislature, by more than two-thirds majority, has repeatedly overruled this objection, on the theory, I understand, that such certificates are not grants of lands, but only evidences of such grants previously made.

I do not propose to enter upon a discussion of this question, but if the theory is correct and it is desirable that the Legislature should be relieved of the multitude of applicants for that sort of relief who infest its halls and obstruct the legitimate business of the houses, this certainly is not a safe way of effecting it. Applicants for headright certificates under this act may sue the State in any of the most remote counties. It is not made the interest of the district attorneys, who are required to defend on the part of the State, to defeat any application; on the contrary, they are paid the same fees, whether successful or unsuccessful, thus inviting negligence and collusion.

I am very much afraid that this act will inaugurate a wholesale system of land stealing. A committee of the House, as I am informed, has developed some rather startling facts of this nature, the result of proceedings under the similar act of 1860, relating to land titles between the Nueces and Rio Grande rivers.

I do not believe that there are many persons who have just claims against the State at this late day for land certificates. I don't see, in fact, how any one can have claims entitled to consideration, who has slept upon his rights for a period of from twenty to thirty years. But if there are any such, it might be safe to provide for them by an act authorizing suit in their behalf in the District Court here at the capital, requiring the district attorney of this district to appear, under the supervision of the Attorney General, and defend on the part of the State, a reasonable fee to be paid him in the event *only* of successful defense.

Respectfully,

EDMUND J. DAVIS, Governor.

The bill was reconsidered.

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

Yeas—Messrs. Adriance, Berends, Bewley, Bordeaux, Broadus, Davenport, Gillette, Hester, Ireland, Joseph, Kleberg, Leyendecker, Manning, McDonald, Payne, Powers, Prendergast, Sayers, Smith of Colorado, Thurmond, Tivy, Westfall, Winkler and Wood—24.

Nays—Messrs. Speaker, Abbott, Allison, Anderson, Armstrong, Bledsoe, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Day, Denton, Eastland, Harrison, Hoffman, Hollingsworth, Kemble, Killough, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Shaw, Short, Smith of Houston, Storey, Stockbridge, Tom, Trolinger, Washington, Wilder and Williams—41.

A message from the Senate announced the passage by that body of House bill No. 986, "An act to make appropriation to pay old pensioners."

A message was received from his Excellency the Governor, returning House bill No. 897, "An act to authorize C. H. Randolph, W. A. Pitts and John O. Johnson, to compile an abstract of titled and patented lands," with his objections to the same.

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

No. 509, "An act to amend an act entitled an act to incorporate the Island City Real Estate and Homestead Association of Galveston, approved June 24, 1870, and an act amendatory thereof, approved December 1, 1871."

House bill No. 79, "An act for the relief of Antonio Menchaca."

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. 966, "An act to allow the Superintendent of Public Instruction an additional clerk on and after the first day of September, 1873."

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

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

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. 288, "An act for the relief of the heirs or assignees of E. S. Williams, deceased."

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

No. 978, "An act authorizing the County Court of Cooke county to issue bonds for the purpose of funding the county indebtedness."

No. 919, "An act to appropriate three hundred dollars to buy postage stamps for the office of Superintendent of Public Instruction."

No. 939, "An act to amend article 702 of an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856."

No. 983, "An act to amend the first section of an act entitled an act to muster into service minute men for the protection of the frontier, approved November 25, 1871."

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

SHAW, Chairman.

A message from the Senate announced the passage by that body of House bill No. 990, "An act to provide for the payment of a certain employé therein named."

The following message from his Excellency the Governor was taken up and read :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 26, 1873. }

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

SIR: I return to the House of Representatives, where it originated, the act entitled "An act concerning landlords and tenants."

I am sure that the pressure and burden of legislation has caused the House to overlook the legal effect of this act, and the oppression it will work towards that large class of the community that would be affected by it under the head of tenantry. The constitutional provision, article twelve, section fifteen, and the laws passed in pursuance thereof, providing for the exemption from forced sale of certain property of debtors, was certainly intended as much for the benefit of tenants as of landlords. It is a good enactment, and stands as a shield to protect the poor against the exactions of the rich, but this act does away with its effect entirely as regards the tenant class, or rather the class of our population, white or black, which owns

no real estate, and have to rent land for agriculture, or houses for shelter.

If this act becomes a law, that class can keep nothing sacred against the rapacity of the landlord. The tenant's supply of daily food for his family and himself, his furniture and bedding, his tools of trade, the very clothes on his back, all belong to the landlord. The latter cannot have more from his tenant unless it be the figurative pound of flesh. That I do not exaggerate the effect in this respect of the statute will be apparent from a careful reading of section first. It is there provided that the landlord shall have a preference lien upon *all the "property of the tenant;"* that this lien shall not be limited to the amount of rent which may be due for the premises, but shall apply to the full extent of any money or supplies which the landlord may advance the tenant. And it is expressly declared that this lien "shall be superior to," and "excepted out of any exemptions provided by law as to forced sales." I quote the words of the statute.

It is impossible, I think, to use stronger terms as against the tenant, or to have left him more completely at the mercy of the landlord. As the landlord has a lien on all the tenant's property, not only for his rent due, but also for any advances that he may make him, it is to his interest to encourage the tenant to involve himself. After that is effectually done, the tenant can only escape from his clutches with his skin.

I need go no further in the analyzation of this act, as I feel confident that these and other oppressive features thereof were not distinctly presented to the scrutiny of the Houses on its passage.

I ask its reconsideration.

Very respectfully,

EDMUND J. DAVIS, Governor.

The bill having been read, and pending the discussion thereon, Mr. Mill moved the previous question, which was seconded, and the main question ordered.

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Brown of Upshur, Cook, Cunningham, Davenport, Day, Denton, Eastland, Gaston, Harrison, Hoffman, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Man-

ning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall and Winkler—50.

Nays—Messrs. Abbott, Berends, Gillette, Gilpin, Mills, Moore, Noeggerath, Phelps, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—14.

A message from the Senate announced the passage by that body of Senate bill No. 188, "An act appropriating certain forfeited and illegal surveys to the general school fund."

Senate joint resolution No. 45, for the relief of Mrs. Belle Murray, was taken up, and the veto message thereon by the Governor read.

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

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Day, Denton, Gilpin, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Leyendecker, Manning, Mills, Nelson, Noeggerath, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Sabin, Short, Smith of Colorado, Thurmond, Tivy, Tom, Washington, Williams and Winkler—43.

Nays—Messrs. Abbott, Allison, Berends, Brown of Upshur, Eastland, Gaston, Gillette, Harrison, Lane, McDonald, Moore, Morris, Payne, Roberts, Russell, Sayers, Shaw, Storey, Trolinger, Westfall and Wilder—21.

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. 79, "An act for the relief of the assignee of Antonio Menchaca."

No. 986, "An act to make appropriation for old pensioners."

And find them correctly enrolled, and have this third day of June, at 1 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

Mr. Abbott moved to adjourn. Lost.

On motion of Mr. Sayers, Senate joint resolution No. 41, proposing amendments to section twenty of article one, Bill of Rights; to section two, section three and section four of article five; to section twenty-eight, section forty, and to section forty-eight of article twelve, general provisions of the Constitution of the State of Texas, was taken up and read second time.

On motion of Mr. Prendergast, the further consideration of the joint resolution was postponed until 4 P. M., and made special order for that hour.

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

AFTERNOON SESSION.

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

Absent—Messrs. Abbott, Berends, Bewley, Brown of Upshur, Day, Green, Phelps, Russell, Salter, Thurmond, Trolinger and Washington.

By special leave, Mr. Storey introduced a bill providing the time for holding the District Courts in the Twenty-second Judicial District. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Nelson introduced a joint resolution authorizing the Governor to offer a reward of five hundred dollars for the arrest of James Wheat. Read first time.

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

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Booty, Bordeaux, Broaddus, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Gaston, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Shaw, Short, Smith of

Houston, Storey, Stockbridge, Tilson, Tivy, Tom, Venters, Westfall, Williams, Winkler and Wood—59.

Nay—Wilder—1.

On motion of Mr. Tom, Senate bill No. 170, "An act to incorporate the El Paso Real Estate, Trust and Immigration Company," 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. Gaston, Senate bill No. 264, "An act to authorize Zimri Tate to construct, own and keep a toll bridge on the Sabine river," was taken up; read first time; rules suspended, read second time and passed to third reading.

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

Mr. Ireland in the chair.

On motion of Mr. Sabin, Senate bill No. 286, "An act for the relief of Benjamin C. Franklin," was taken up; read first time; rules suspended, read second time and passed to third reading.

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

Mr. Armstrong introduced a bill granting the privilege of collecting tolls at certain places and fixing the rates thereof. Read first time; rules suspended, read second time and ordered engrossed.

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

On motion of Mr. Hoffman, Senate bill No. 162, "An act for the relief of Thomas F. McKinney," was taken up, and the following report thereon submitted:

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

SIR: Your Committee on Claims, to whom was referred Senate bill No. 162, entitled "An act for the relief of Thomas F. McKinney," respectfully report that they have carefully examined the act, as well as the memorial of Thomas F. McKinney; that they have obtained all the information necessary from parties familiar with the times and circumstances under and in which the claim originated. They have examined the legislation on the subject of claims against the Republic.

By the act of fifth of February, 1844, the Congress of the

Republic acknowledged the services of Thomas F. McKinney and his partner, Samuel M. Williams, and admitted the indebtedness of the government to the extent of \$54,408.11 for advances made during the struggle for independence. This sum had been advanced some seven years before the passage of the act of 1844, and when that sum was liquidated by taking land scrip at fifty cents per acre, no scrip was issued to cover the interest that had accumulated. In the sum of \$54,408.11 was included six thousand dollars advanced by Dr. Conley through the house of McKinney & Williams. Deduct that amount from the \$54,408.11, will leave the sum of \$48,408.11. The one-half of which sum was due to Thomas F. McKinney on the fifth of February, 1844. The half amounted to the sum of \$24,204. The interest on that sum for seven years at ten per cent., usually allowed, and allowed by the government on its funded debt, would amount to the sum of \$16,942.80, justly due to Thomas F. McKinney on the fifth of February, 1844.

By the sixth section of the act of the eleventh of February, 1850, it is provided "that all liabilities of the late Republic of Texas, whether the same have or have not been presented to the Auditor and Comptroller, under the provisions of the act to provide for ascertaining the debt of the late Republic of Texas, approved March, 1848, shall cease to draw interest from and after the first day of July in the year eighteen hundred and fifty." Your committee recognize in this section the admission of the government, that claims for advances to the government were entitled to bear interest. That the interest should cease on the first of July, 1850, was, perhaps, a just requirement, in order to compel parties to present their claims so that they might be liquidated and settled. Add the interest on the debt of \$16,942.80, from the fifth of February, 1844, to the first of July, 1850, and the sum then due would be \$27,673.24.

Your committee find by the provision of the act of the twentieth of March, 1848, to provide for ascertaining the public debt of the late Republic of Texas, that all claims that were not presented before the second Monday in November, 1839, were to be postponed. The time for presentation of claims was extended to the first of September, 1851, by the act of February 8, 1850, and provided that all claims not presented *should be barred*. Again,

by the act of the seventh of February, 1853, the time was further extended for eighteen months.

Your committee have examined "An act providing for the liquidation and payment of the debt of the late Republic of Texas," approved January 31, 1852, and also "An act making appropriation for the payment of the third class debt," approved February 16, 1852. Under this act we find that three thousand dollars were appropriated to McKinney & Williams for a third class debt, which had been presented to the Auditor and Comptroller, and has no connection with the claim presented by the memorial of Thomas F. McKinney. The act of the thirty-first of January, 1852, had reference alone to the settlement of claims that had been allowed through the disbursement of the five million dollars due from the United States and dedicated to the payment of the debts of the Republic.

Your committee are satisfied, from testimony that cannot be questioned, that Thomas F. McKinney was one of the most active, energetic and liberal contributors to the success of the revolution and the establishment of independence; that in all human probability, without the pecuniary aid and active energy of McKinney & Williams, the cause would have been defeated or greatly delayed. Your committee, in examining the facts and looking over the memorial, find that Thomas F. McKinney is as liberal now as he was ready in 1835 and 1836, to aid the government. There is no measure of damages by which the country can fix the great debt due him. The bill only covers a small portion that can be ascertained and determined—that sum is \$27,673.24. The bill only proposes to pay him one thousand six hundred and ninety-four dollars annually during his life—a sum far less than the interest of the debt due him. The memorialist is old, infirm and broken in fortune, resulting, perhaps, in no small degree from the aid he rendered the government when the government was weak. Your committee respectfully return the bill and recommend its passage.

JOHN T. SMITH, Chairman,

A. J. BOOTY,

B. W. RIMES,

JOSEPH A. TIVY,

J. NOEGGERATH,

JUL. BERENDS,

J. H. WASHINGTON.

The following report was also submitted :

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

SIR: Your Committee on Claims and Accounts, to whom was referred Senate bill No. 162, "An act for the relief of Thomas F. McKinney," have carefully examined the same, and a majority of said committee have instructed me to report the bill back, with a request that it be indefinitely postponed, for the following reasons, namely :

In the first place, the committee are of opinion that no evidence was produced that the State, at this time, is indebted to the petitioner, further than a debt of gratitude, which it owes and acknowledges to all who assisted and participated in her struggles for liberty ; yet they believe justice should be done to all ; and should the State undertake at this time to pay claims predicated mainly upon the fact that the petitioner had been a faithful friend and done much for his country, injustice might be done to many who are equally deserving and meritorious, who have not asked for anything beyond what has been given them in the way of donations of land, and a *pro rata* share of what their claims called for at the time of a general, and as was then thought to be a final, settlement of all such claims by the State.

Petitioner alleges that he expended large sums of money and furnished a great amount of supplies to carry on the war with Mexico, and that the State is yet due him, as interest on claims, to the amount of \$16,942.80. The committee do not deny that he may have contributed largely to support the cause of the country at a time when it was much needed. But no one should expect to be fully reimbursed for what he loses financially in a great revolution ; such would not accord with the history of past events. Upon examination, your committee find that large amounts of money were paid McKinney and Williams by the Republic and State of Texas, between the years 1836 and 1856, amounting in the aggregate to near \$143,000, of which sums \$40,729.00 was paid as late as 1856, under what was known as the Scaling Act, which was to be a final settlement of all equitable claims against the government, or, at least, it was so understood by the members of the Legislature at that time and the people generally :

Therefore, the committee are unwilling again to open the doors of the Treasury for the payment of such claims, or to discriminate in favor of any particular one, believing it to be their duty to guard the interest of the whole people.

R. K. GASTON, Chairman.

The hour for the special order having arrived, on motion of Mr. Prendergast, it was postponed until the pending business should be disposed of.

A message from the Senate announced the passage by that body of House bill 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."

House bill No. 415, "An act to authorize the several county courts in this State to offer a premium for wolf scalps."

Resuming the pending question, Mr. Sabin moved to amend by providing that the amount appropriated should be divided between General Sidney Sherman and Thomas F. McKinney.

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

The House refused to adopt the amendment, and the bill passed to third reading.

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

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 special committee, to whom was referred House bill No. 411, entitled "An act making an appropriation for C. R. Gibson," and the veto thereof by the Governor, have considered the same, and do report that the claim of Gibson, though appearing somewhat irregular, was approved by the district judge, who had the authority to do so, and we do not see that the same is unjust, and therefore do recommend that the bill be passed, notwithstanding the veto of the Governor.

GEO. W. SMITH, for Committee.

The bill having been read and put upon its passage, it appeared that a quorum had not voted.

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

Absent—Messrs. Berends, Bewley, Bledsoe, Booty, Broadus, Cook, Denton, Ford, Rimes and Watts.

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

The House then refused to pass the bill over the veto of the Governor by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Bordeaux, Brown of Dallas, Chambers, Davenport, Eastland, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, McDonald, Nelson, Payne, Powers, Rainey, Robb, Rosborough, Sabin, Sayers, Smith of Colorado, Smith of Houston, Thurmond, Tivy, Venters and Winkler—37.

Nays—Messrs. Abbott, Armstrong, Brown of Upshur, Cunningham, Day, Denton, Hoffman, Leyendecker, Manning, Mills, Moore, Morris, Noeggerath, Phelps, Prendergast, Roberts, Russell, Salter, Shaw, Short, Storey, Stockbridge, Tom, Washington, Westfall, Wilder and Williams—27.!

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. 990, "An act to provide for the payment of a certain appointee therein named."

No. 509, "An act to amend an act entitled an act to incorporate the Island City Real Estate and Homestead Association of Galveston, approved June 24, 1870, and an act amendatory thereof, approved December 1, 1871."

And find the same correctly enrolled, and have this the third day of June, at 4 o'clock P. M., presented the same to his Excellency the Governor for his approval.

SHAW, Chairman.

A message from the Senate announced the passage by that body of House bill No. 543, "An act for the relief of the heirs of Rev. Martin Ruter, deceased," and House bill No. 950, to be entitled "An act concerning judicial advertisements in Comanche county," and the adoption of the House concurrent resolution, requesting the Governor to offer a reward for the arrest of John A. Purnell ;

also, that the Senate had receded from its amendments to House bill No. 868, "An act to amend an act concerning executions." and that the Senate had adopted the report of the conference committee upon Senate bill No. 352, amendatory of "An act to amend an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved April 17, 1871."

The special order was then announced, Senate joint resolution No. 41. "Joint resolution proposing amendments to section twenty of article one, Bill of Rights; to section two, section three and section four of article five; to section twenty-eight, section forty, and to section forty-eight of article twelve, general provisions of the Constitution of the State of Texas."

Mr. Mills moved to postpone the special order for ten minutes. The House refused.

After discussion thereon, Mr. Rimes moved to postpone the special order until 10 A. M., to-morrow, and make it special order for that hour, which carried.

Mr. Powers, chairman of House committee, submitted the following report upon Senate bill No. 352, amendatory of "An act to amend an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved April 17, 1871," which report was adopted.

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

GENTLEMEN: The joint committee of conference, to whom was referred Senate bill No. 352, have agreed to recommend as follows:

That the House recede from its amendments.

That the bill be so amended as to limit the term of the courts in Cameron county to three weeks.

Amend further by striking out "La Salle" county, the same having been attached to McMullen county, by an act of the present Legislature.

S. POWERS,

Chairman House Committee.

A. J. FOUNTAIN,

Chairman Senate Committee.

Mr. Anderson offered the following resolution, which was adopted, and ordered spread upon the journals:

Be it resolved by the House of Representatives of the

State of Texas, That we tender to the Speaker, Hon. M. D. K. Taylor, our thanks for, and our entire approval of, the able, prompt and impartial manner in which he has presided over the deliberations of this House.

Mr. Sabin offered the following resolution, which was ordered spread upon the journals :

At a meeting of the Republican members of the House of Representatives of the Thirteenth Legislature, C. B. Sabin was elected chairman, and J. H. Washington was elected secretary thereof; whereupon it was resolved unanimously as follows :

1. *Resolved*, That the political minority of this House do hereby tender their thanks to the Hon. M. D. K. Taylor, Speaker of the House, for his uniform justness and courteous bearing toward the minority thereof, and that the House of Representatives be respectfully requested through the chairman to permit this expression of their respects to be spread upon the journals of the House, and that a duly attested copy hereof be presented to the Speaker.

2. *Resolved*, That the minority will cordially unite with the majority in testifying their respects to the Speaker for his fairness, ability, competency and courtesy as an officer of this House.

C. B. SABIN, Chairman.

J. H. WASHINGTON, Secretary.

AUSTIN, May 30, 1873.

On motion of Mr. Leyendecker, Senate bill No. 350, "An act to incorporate the Columbus Engine and Hook and Ladder Company No. 1," was taken up; read first time; rules suspended, read second time and passed to third reading.

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

A message from the Senate announced the passage by that body of Senate bill No. 411, "An act to grant leave of absence from the State to Judge James Masterson, in 1873."

And Senate bill No. 410, "An act supplemental to an act of May 3, A. D. 1873, defining the boundaries of Palo Pinto land district."

On motion of Mr. Hollingsworth, 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," was taken up, being on its third reading.

Mr. Wood moved to strike out, under the head of "Comptroller's Office," "\$5000" and insert in lieu thereof "\$2000."

The vote having been taken, it was evident a quorum was not present.

Mr. Robb moved to adjourn. The House refused.

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

Absent—Messrs. Abbott, Berends, Bewley, Bledsøe, Brown of Upshur, Ford, Rimes, Salter, Short, Tilson, Trolinger and Watts.

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

The House then adopted the amendment.

Under the head of Deaf and Dumb Asylum, Mr. Denton moved to strike out "\$2024.25" and insert in lieu thereof "\$1000."

Mr. Cook moved to amend the amendment by striking out the whole item.

Pending the discussion, by special leave, Mr. Brown of Dallas offered the following resolution, which was adopted :

Resolved, That the Speaker appoint a committee on the part of the House, to act with a like committee on part of the Senate, to wait upon the Governor and inform him that the two houses of the Legislature will adjourn without day at 12 o'clock M. to-morrow, June 4.

The Speaker appointed the following gentlemen the committee called for by the resolution: Messrs. Brown of Dallas, Hoffman, Killough, Washington and Tivy.

Mr. Kleberg moved to adjourn. The House refused.

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

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

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

House met pursuant to adjournment. Song and prayer by the chaplain. Roll called; quorum present.

Absent—Messrs. Abbott, Bewley, Bledsoe, Booty, Chambers, Davenport, Payne, Rosborough, Salter, Stockbridge, Tilson, Trolinger, Watts and Wood.

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

A message was received from his Excellency the Governor returning House bill No. 956, "An act to provide for testing and purchasing of James G. G. Garrett his patent right improvement in insect destroyer, No. 133,023, dated November 12, 1872."

House bill No. 863, "An act to amend section three (3) of an act entitled an act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871."

House bill No. 914, "An act authorizing and requiring the issuance of land certificates to certain parties therein named."

House bill No. 589, "An act to incorporate the Texas University."

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

House joint resolution No. 944, "Joint resolution requiring county courts to make settlements with sheriffs and treasurers of school boards."

House bill No. 859, "An act to prohibit the sale or giving away of intoxicating liquors within three miles of Prairie Grove Church and Seminary of Learning, situated in Hill county, and Evergreen, Washington county."

House bill No. 977, "An act to create and define Montague land district."

House bill No. 972, "An act to extend the limits of Marion county so as to include a portion of Marion county, and to define the boundaries thereof."

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

House bill No. 403, "An act for the relief of the heirs of John Short, deceased."

House bill No. 865, "An act validating bounty land

warrant No. . . ., issued to the heirs of Thomas Jackson.”

House bill No. 284, “An act for the relief of L. W. Ludlow.”

House bill No. 894, “An act to legalize the unconditional certificate of three hundred and twenty (320) acres of land issued to Josiah Powers, and the survey made by virtue of the same.”

House bill No. 285, an act to be entitled “An act to validate the headright land certificate, No. 102, of Walter Campbell, for three hundred and sixty-nine (369) acres of land, instead of three hundred and seventy and one-third (370 $\frac{1}{3}$), as now stated in said certificate.”

House bill No. 288, “An act for the relief of the heirs or assignees of Earl Stanley Williams, deceased.”

House bill No. 826, “An act to validate a bounty land warrant issued to the heirs of Wm. Fisbaugh, deceased.”

House bill No. 793, “An act for the relief of the heirs of Frederick Rowe, deceased,” with his objections to the same.

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. 950, “An act concerning judicial advertisements in Comanche county.”

No. 988, concurrent resolution to authorize the Governor to issue a reward for the apprehension of John A. Pernell.

No. 543, “An act for the relief of the heirs of the Rev. Martin Ruter, deceased.”

No. 415, “An act to authorize the several County Courts in this State to offer a premium for wolfs’ scalps.”

No. 938, “An act to incorporate the Indianola, San Antonio and El Paso Railroad Company, and to grant land in the aid of the construction thereof.”

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

No. 992, “An act providing the times of holding the District Court in the Twenty-second Judicial District.”

And find the same correctly enrolled, and have this

the fourth day of June, at 9:28 o'clock A. M., presented the same to the Governor for his approval.

W. A. SHAW, Chairman.

On motion of Mr. Westfall, House joint resolution No. 973, "Joint resolution regarding diversion of a certain square in the city of Austin from the purpose for which it was dedicated," was taken up.

The Senate substitute therefor was read and adopted.

On motion of Mr. Westfall, Senate bill No. 371, "An act making appropriation to supply deficiencies in the appropriations for the years 1870, 1871 and 1872, for the support of the State government," was taken up, pending an amendment offered by Mr. Wood, and an amendment thereto by Mr. Cook.

The amendment to the amendment was put and failed to be carried.

The House refused to adopt the amendment.

Mr. Chambers offered the following amendment: That said bill be so amended as to include the following: "SEC. . . . That the Comptroller of Public Accounts be and he is hereby authorized to draw his warrant upon the Treasurer of the State for the sum of three thousand dollars in favor of Robards & Blackburn, on account of legal services performed for the State, and that said amount shall be received by said Robards & Blackburn in full of all claim."

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

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bordeaux, Cunningham, Day, Gaston, Gillette, Green, Hoffman, Hollingsworth, Ireland, Joseph, Kilgough, Kleberg, Leyendecker, Mills, Morris, Noeggerath, Payne, Phelps, Powers, Rainey, Roberts, Sabin, Shaw, Smith of Colorado, Smith of Houston, Tivy, Venters, Washington, Westfall, Wilder, Williams and Winkler—37.

Nays—Messrs. Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Denton, Eastland, Gilpin, Harrison, Hester, Kemble, Lane, Manning, McDonald, Nelson, Prendergast, Rimes, Robb, Russell, Sayers, Short, Storey, Thurmond and Tom—24.

Mr. Prendergast rose to a point of order, viz., that as

the bill made appropriations to individuals, a two-thirds majority was requisite for its passage.

The Speaker decided the point not well taken.

Mr. Prendergast appealed from the decision.

The Chair was sustained.

On motion of Mr. Anderson, the veto message upon Senate bill No. 51, "An act for the relief of sureties upon official bonds," was taken up.

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

Absent—Messrs. Abbott, Armstrong, Bledsoe, Booty, Brown of Upshur, Devenport, Day, Ford, Phelps, Rosborough, Stockbridge, Tilson, Trolinger, Washington, Watts and Wood.

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

Mr. Russell moved to adjourn for one hour. The House refused.

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

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

The bill was then read, and the message thereon.

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

Yeas—Messrs. Speaker, Abbott, Anderson, Bewley, Bordeaux, Brown of Upshur, Chambers, Cunningham, Gillette, Gilpin, Green, Hollingsworth, Kemble, Kleberg, Lane, Leyendecker, Manning, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Salter, Sayers, Shaw, Smith of Colorado, Thurmond, Venters and Winkler—31.

Nays—Messrs. Adriance, Armstrong, Berends, Broadus, Brown of Dallas, Day, Denton, Eastland, Ford, Gaston, Harrison, Hester, Hoffman, Ireland, Joseph, Kirlough, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Roberts, Russell, Sabin, Short, Smith of Houston, Storey, Stockbridge, Tivy, Tom, Washington, Westfall, Wilder and Williams—35.

On motion of Mr. Kemble, House joint resolution No. 944, requiring county courts to make settlements with sheriffs and treasurers of school boards, was taken up and the following veto message thereon read.

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, June, 3, 1873. }

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

SIR: I return to the House of Representatives, where it originated, the joint resolution entitled "Joint resolution requiring County Courts to make settlements with sheriffs and treasurers of school boards."

This act is retroactive in its effect, and therefore unconstitutional. It proposes to go back and unsettle all accounts of treasurers of school boards or sheriffs, without regard whatever to any settlement they may have made with the proper authorities for the time being.

The act is calculated in the highest degree to stir up bad blood and law suits.

I ask that it be reconsidered.

Very respectfully,

EDMUND J. DAVIS, Governor.

The bill having been read was put upon its passage, and passed notwithstanding the objections of the Governor, by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Russell, Sabin, Sayers, Short, Smith of Houston, Storey, Thurmond, Tivy, Tom, Venters, Washington and Westfall—54.

Nays—Messrs. Green, Moore, Stockbridge, Wilder, Williams and Winkler—6.

Mr. Hester, moved to take up House bill No. 914, "An act authorizing and requiring the issuance of land certificates to certain persons therein named," with the veto message thereon. The House refused.

Mr. Killough moved to take up Senate bill No. 204, "An act to incorporate the Irish Immigration Aid and Colonization Association of the State of Texas." The House refused.

Mr. Bordeaux moved to take up House bill No. 977, "An act to create and define Montague land district,"

with the veto message of the Governor thereon. The House refused.

Mr. Ireland in the chair.

Mr. Sabin asked leave to introduce a bill for the relief of Gen. Sidney Sherman. The House refused.

Mr. Taylor moved to take up House bill 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," with the veto message of the Governor thereon. The House refused.

Mr. Storey moved to take up the veto messages upon the Speaker's table, in the order of the number of the bills, which motion carried.

Mr. Sabin moved to adjourn for one hour. The House refused.

On motion of Mr. Mills, the use of the Hall of Representatives was granted to the Principal of the Texas Military Institute on Friday evening, June 6.

House joint resolution No. 484, in relation to the printing of railroad charters, was then announced, and the following veto message thereon read :

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, June 2, 1873.

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

SIR: I return to the House of Representatives, where it originated, the joint resolution entitled "Joint resolution in relation to the printing of railroad charters."

The printing of all railroad charters now in force in this State, as called for in this bill, will cost several thousands of dollars, and when printed will be of no substantial use to anybody other than the parties owning the roads, and of not much to them.

This act requires that they shall be printed as an appendix to the general laws, and of this appendix five thousand copies are required, by the act passed at this session, to be printed. The railroad charters now in force would fill a large volume by themselves.

There is another difficulty about the act, in regard to the question of the railroad charters now in force.

It is provided in the act that only charters now in force shall be printed.

There might be a deal of doubt raised as to the vitality of many charters. It is true, it is left to the Attorney

General to designate or point out such as are in force, but this puts upon him judicial functions which are not consonant with the nature of his office.

Very respectfully,

EDMUND J. DAVIS, Governor.

The joint resolution having been read, was put upon its passage, whereupon it appeared a quorum had not voted.

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

A quorum having been obtained, the call was suspended.

The House then refused to pass the joint resolution by the following vote :

Yeas—Messrs. Adriance, Harrison, Ireland, Leyendecker, Prendergast, Rimes and Winkler—6.

Nays—Messrs. Speaker, Allison, Anderson, Armstrong, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Rainey, Robb, Roberts, Russell, Sabin, Salter, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Venters, Westfall, Wilder and Williams—56.

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

Resolved, That the Committee on Contingent Expenses be authorized to approve the account for copies of the Galveston *Times* furnished this House, from March 20 to May 31, 1873, at five cents per copy.

The special order was then announced, Senate joint resolution No. 41, proposing amendments to section twenty of article one, Bill of Rights ; to section two, section three and section four of article five ; to section twenty-eight, section forty, and to section forty-eight of article twelve, general provisions of the Constitution of the State of Texas.

The joint resolution was read.

A message from the Senate announced the passage by that body of House bill No. 987, to authorize the County Court of Ellis county to have records transcribed from the counties of Robertson and Navarro, and have the same recorded in Ellis county ; also, that the Senate concurred

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

Resuming the question, Mr. Green moved to lay the joint resolution on the table.

The vote having been taken thereon, it appeared a quorum had not voted.

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

Absent—Abbott, Bewley, Hester, Leyendecker, Noeggerath, Phelps, Rainey and Wilder.

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

The House refused to lay the joint resolution on the table by the following vote:

Yeas—Messrs. Speaker, Green, Mills, Moore, Morris, Noeggerath, Roberts, Washington and Williams—9.

Nays—Messrs. Adriance, Allison, Anderson, Armstrong, Berends, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Klerberg, Lane, Manning, McDonald, Morris, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Vinters, Westfall and Winkler—51.

A message was received from His Excellency the Governor, returning House bill No. 928, "An act to authorize the issuance of land certificates to the heirs of those who were killed in the Dawson massacre, near the Salado, in September, 1842, and of those who were taken prisoners there and died while in prison," with his objections to the same.

A message was received from the Senate announcing that that body had reconsidered 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 had passed the same by a two-third majority, notwithstanding the objections of His Excellency the Governor.

Also that that body had reconsidered Senate bill No.

336, to provide for the printing of the general laws of this State in the German and Spanish languages, and had passed the same by a two-thirds vote, notwithstanding the objections of His Excellency the Governor.

Also that that body had reconsidered Senate bill No. 402, supplementary to "An act to provide for the printing of the general laws of this State in the German and Spanish languages," and had passed the same by a two-thirds vote, notwithstanding the objections of His Excellency the Governor.

Also, that that body had adopted the House resolution providing for a committee to wait upon the Governor and announce to him that the two houses would adjourn without day at 12 M., June 4, and had appointed Senators Finlay, Shelley and Tracy a committee on the part of the Senate.

The joint resolution then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cook, Cunningham, Day, Denton, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Kemble, Kleberg, Lane, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Russell, Sabin, Salter, Sayers, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Venters, Westfall and Winkler—52.

Nays—Messrs. Green, Joseph, Leyendecker, Moore, Phelps, Roberts, Washington and Williams—8.

On behalf of the special committee to investigate the charges against Hon. T. C. Barden, Judge of the Tenth Judicial District, Mr. Payne submitted the following report :

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

GENTLEMEN: Your joint select committee appointed to investigate the charges against T. C. Barden, Judge of the Sixteenth Judicial District of the State of Texas, beg leave to report that they have fully investigated said charges, and herewith submit to your honorable bodies the evidence taken by them for such deposition as you may see proper to make of it.

Your committee would respectfully report that owing

to the great number of witnesses they have had to examine, and the difficulties and delay they have encountered in procuring their attendance, they have not been able to make their report at an earlier day.

In view of the fact that the time fixed for the adjournment of the Legislature has arrived, and of the fact that the evidence is too voluminous to be considered now, and not believing it was contemplated or is proper for your committee to do more than collect the evidence, your committee respectfully recommend the adoption of the accompanying resolution, and ask to be discharged.

All of which is respectfully submitted.

H. C. KING,	} Senate Committee.
N. G. SHELLEY,	
JOHN L. HENRY,	
F. G. FRANKS,	
J. PAYNE,	} House Committee.
JOHN M. McDONALD,	
M. KLEBERG,	
W. B. SAYERS,	

Resolved, by the Legislature of the State of Texas, That the evidence taken by the joint select committee appointed by the two houses to investigate the charges against T. C. Barden, Judge of the Sixteenth Judicial District, be filed with the Secretary of State, to be by him preserved, subject to such uses as the Legislature may see proper hereafter to make.

Mr. Green moved to lay the resolution on the table.

The House refused to table by the following vote:

Yeas—Messrs. Green, Joseph, Mills, Moore, Phelps, Roberts, Sabin, Washington, and Williams—8.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Denton, Eastland, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Rainey, Rimes, Robb, Russell, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Venters, Westfall, and Winkler—53.

The resolution was then adopted.

On motion of Mr. Mills, Senate bill No. 362, "Au act

to authorize the lessees of the State penitentiary to delay the payment of certain amounts of money to become due the State, until the expiration of their lease," was taken up and the veto message thereon read.

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Denton, Eastland, Gaston, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Manning, McDonald, Mills, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Russell, Sabin, Salter, Sayers, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Washington, Westfall, Williams and Winkler—55.

Nays—Messrs. Berends, Chambers, Gillette, Hester, Leyendecker, Morris, Shaw and Venters—8.

A message was received from the Senate announcing that that body had reconsidered Senate bill No. 360, "An act to establish and define the powers of the Criminal District Court in and for the cities of Dallas, McKinney and Sherman," and had passed the same, notwithstanding the objections of his Excellency the Governor.

On motion of Mr. Chambers, the above recited bill was taken up and the veto message thereon read.

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Denton, Eastland, Gaston, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Russell, Sabin, Salter, Sayers, Shaw, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Venters, Watts—57.

Nays—Messrs. Mills, Moore, Wilder, Williams—4.

A message was received from his Excellency announcing that he had vetoed certain items in House bill No. 441, "An act making appropriation 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."

On motion of Mr. Killough, Senate bill No. 402, "An act supplementary to an act to provide for the printing of the general laws of this State in the German and Spanish languages," was taken up and the veto message thereon read.

The bill was then put upon its passage, with the following result:

Yeas—Messrs. Speaker, Adriance, Anderson, Berends, Bewley, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Denton, Gilpin, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rimes, Sabin, Salter, Sayers, Shaw, Smith of Colorado, Smith of Houston, Storey, Tivy, Winkler—40.

Nays—Messrs. Abbott, Armstrong, Eastland, Ford, Gaston, Gillette, Green, Harrison, Hester, Moore, Morris, Robb, Roberts, Russell, Short, Tom, Venters, Westfall, Wilder—19.

Whereupon it was evident a quorum had not voted.

In pursuance of notice previously given, Mr. Brown, of Dallas, presented the following protest, which was ordered to be spread upon the journals:

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

SIR: Having given notice to the House on yesterday, immediately on the passage of the Senate pension bill, as amended and passed by the House, that I should claim the constitutional right of spreading upon the journals my objections to the same, I now submit the same.

The Senate bill provided pensions as follows:

1. For all who served in the Texas revolutionary army prior to April 22, 1836.

2. To the Santa Fé, Mier, San Antonio and Dawson massacre prisoners.

In that shape, though far from including all having strong claims to pensions, I was willing to vote for the bill, hoping another Legislature would supply its deficits. But when the House so amended the bill as to strike from its provisions the survivors of the Santa Fé, Mier, San Antonio and Dawson massacre prisoners, my sense of

equity and historical justice compelled me to vote against the emasculated measure.

Wild and vague notions pervade the country on the subject of pensions. Few men seem to have digested the matter so as to form opinions safe, prudent and just for legislative adoption. I blush to say some few of the old veterans have complicated the question and weakened the general cause by indiscreetly stepping forward to indicate what should be done, assuming a sort of quasi right of determining what the Legislature should do and what it should not do. In this they have manifested the same weakness betrayed by an occasional old citizen in writing notes of history, in the Texas Almanac and elsewhere, by way of personal recollections. A small number of such, however obscure at the time, have so written as to leave the impression that they played a part in glorious transactions forty years ago, of which their now surviving comrades seem to have been wholly unconscious at the time. (See letters of F. W. Johnson and William J. Russell, in the *Galveston News* some two months ago.)

But another manifest injustice in nearly every proposition before this Legislature (excepting the substitute offered by the Hon. Gustave Cook of Harris), has been in limiting the pensions proper (outside of the various classes of prisoners referred to) to those only who served before April 22, 1836. It is an absolute historical truth that some men served as citizen volunteers in the fall of 1835, and others for a few weeks in the spring of 1836, and *never afterwards*; while but a few days or weeks after the battle of San Jacinto large numbers of volunteers from the United States (previously *en route* to reinforce Gen. Sam. Houston) arrived, and mainly constituted the army of the Republic, successively commanded by Generals Rusk, Felix Huston, Albert Sidney Johnston and T. J. Green, until its disbandment in 1837.

Let it be remembered that both, Generals Felix Huston and Albert Sidney Johnston, in the memorable year of 1836, successively commanded the army stationed on our southwestern border, and successfully prevented a second Mexican invasion under Generals Filinola and Bravo; yet, under the bill as passed, neither they, if living, nor a great majority of their surviving soldiers, volunteers from the United States, are allowed pensions for at least a year's service in an unhealthy district, ragged, ill-fed

and substantially unpaid, while, as before said, many who served only a few weeks before, and then returned to their already acquired homes, are liberally pensioned for life. I assert as an undeniable truth that the men who became the bold and successful defenders of our Mexican and Indian frontier for ten years of war after the battle of San Jacinto, were composed, on an average of about three to one, of men who arrived in the country after that battle—men whose names and deeds are indelibly impressed on the pages of our history—among which stand the names of Johnston, Felix Huston, Gen. John A. Quitman, John C. Hays, Samuel H. Walker, McCulloch, Owen, Mark B. Lewis, Cameron, Baker, Neill, Chandler, and a host of others, endeared to all who prize *all* that is chivalrous, noble and glorious in our ten years struggle from 1835 to 1845. Those ten years constitute the true period of the revolution which separated Texas from Mexico. If not, how comes it that late in 1844, nearly nine years after the battle of San Jacinto, about two hundred of our prisoners were liberated from Mexican dungeons, after two years' incarceration? Or that the Santa Fé prisoners were liberated in 1842, more than seven years after the same battle? Or, further still, that some of our citizens were still in Mexican prisons up to the hour of annexation?

If the object of pensions in a Republic or State is not only to assist the defenders of their country when old and decrepid, but to reward distinguished gallantry and suffering in the cause, then I maintain that, however noble and meritorious, the men who served in the brief campaign of 1835, or in March and April, 1836, can show no higher title to their country's gratitude and parental care, than can many other survivors who, at a later day, heroically performed their parts—gave unfading glory to our arms—and languished, some for months, others for years, in Mexican prisons; while others, and often many of the same men, stood for long years as a bulwark of safety on our Mexican and Indian frontier, some of whom have long been helpless from wounds received in such warfare, and more than one of whom was scalped alive.

It follows, that to include all of equal or similar merit, would increase the number of pensioners to such proportions as to make it a heavy burthen upon the people of the State. Our old veterans must bear in mind that with-

in the last few years our present population have passed through another and greater revolutionary struggle, in which thousands lost their substance and are now poor, and thousands of homes are yet clad in mourning for their fallen members.

The premises considered, I am forced to the conclusion, on grounds of sound public policy, good faith and a discriminating sense of public benevolence, that our true policy is—

First. To pay up in full to this date all accrued claims for pensions under the law of 1870 and therewith to repeal said law.

Second. To enact a new pension law for the future, by which moderate annual pensions shall be granted to all surviving veterans who fought for Texas from the beginning of the revolution in 1835 to annexation, and who are now disabled by wounds received in such service, or are unable by reason of age, decrepitude, or otherwise physical infirmity, to support themselves. The law should be continuing, so that the veteran who is hale to-day, should become a pensioner the moment he becomes helpless. Thus arranged on the true principles of public benevolence, the amount annually required to uphold those who really need the fostering care of a grateful people, would be cheerfully furnished by the people of Texas.

This statement, though long, is necessary to a proper understanding of the position occupied by myself and various other gentlemen of the House of Representatives, and is respectfully submitted to be spread upon the journals.

J. H. BROWN.

In the main we endorsed the foregoing.

JNO. IRELAND,
L. J. STOREY,
J. PAYNE,
A. N. DENTON,
A. S. THURMOND,
JOHN ADRIANCE,
JOS. A. TIVY,
HENRY PHELPS.

I endorse most of this protest, and only differ in this, that I am disposed to go even further in pensioning, *at this time*, all who deserve the gratitude of this country,

without reference to their ability or inability to support themselves.

GUSTAVE COOK.

Mr. Cook, chairman House committee to investigate the charges against Hon. Henry Maney, Judge of the Twenty-second Judicial District, submitted the following report, which was ordered to be spread upon the journals:

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

SIR: The special committee appointed to investigate charges against Hon. Henry Maney, Judge of the Twenty-second Judicial District, beg leave to report that they have performed that duty to the best of their ability, and ask the adoption of this report, and that they be discharged.

They notified Judge Maney of the investigation, and invited him to be present. He declined. The evidence produced before the committee shows contumacious refusal of Judge Maney to obey the mandates of the Supreme Court, and the obstruction of justice in his district. His conduct as judge has been arbitrary, tyrannical, capricious, and in many respects subversive of law and justice; and it appears, further, that Judge Maney persists in his determination to resist the mandates of the Supreme Court, and to obstruct the course of justice and the administration of law in the Twenty-second District.

Wherefore your committee say that the evidence exhibits, in their judgment, a proper case for this Legislature to move an address to his Excellency the Governor, advising the removal of Judge Henry Maney as a district judge.

GUSTAVE COOK, Chairman.

Mr. Abbott presented a minority report, which was ordered to be spread upon the journals.

[In the confusion and hurry of the moment this paper was mislaid and could not be found.]

Mr. Brown of Dallas, on behalf of the special committee to wait upon his Excellency the Governor and inform him of the approaching adjournment of the Thirteenth Legislature, reported that the committee had discharged their duty; that the Governor presented his compliments to the Legislature, and informed them that he had no further communication to make.

The Speaker then delivered the following valedictory:

Gentlemen of the House of Representatives: Our labors have closed, and we are about to separate, perhaps many of us forever. Sad to me is the word farewell. Whether it be spoken amid these halls, or in the silent wood, there is associated with it a serious reflection; yet, the sadness of this parting is relieved in a great degree, by the prospect of a speedy and happy reunion with those we love best, and with this consolation in the breast of each of you, I believe that you feel that you have done your whole duty to promote the general good, to maintain the dignity of the State, and to preserve the liberties of those you represent. You have performed a vast amount of business; you have been devoted to your duties; early and late have you been at your post. You were compelled, under the circumstances, to do much business of a private nature, which some are disposed to condemn. But this is not your fault. The Constitution, which each of us have sworn to support, allows any citizen, however humble, to seek redress at your hands, and permits the Legislature to pass upon matters of this character; and the representative who turns a deaf ear to the constitutional rights of his constituents, deserves not to represent a free people. But you have by your acts relieved future Legislatures from most of this character of business, by the passage of general laws under which it may be accomplished.

Upon your assemblage here much was expected of you. The great mass of the people felt that by the then existing laws they were oppressed. They looked with fond anticipation and hope to you for relief, and gratified am I to know that they did not look or hope in vain. You have, by a prudent and conservative course, removed from the statute books many of the laws complained of and modified many others, but would have done more if permitted. With an Executive adverse to you in feeling upon many questions of reform demanded by the people, with a Senate by no means in accord with you, and environed by a Constitution forbidding many wholesome reforms, you have accomplished more than the most sanguine could have reasonably anticipated when your labors commenced.

It is finished! And the acts of the Thirteenth Legislature become a part of the history of our loved State, to be passed upon by an intelligent and, I trust, an unprejudiced constituency, who must, in the opinion of your

humble Speaker, upon mature reflection and consideration of all the surroundings and the difficulties with which you have had to contend, approve your acts.

During a long legislative experience, I have never witnessed so much harmony and good feeling as with the members of this House. Although you have had many exciting and perplexing questions to grapple with, reason in every instance has held its sway.

I part with each of you, fellow-members and officers, with feelings the most kind. In the performance of my duties, I may have committed errors; if so, I assure you it was rather of the head than of the heart. With me our associations in these halls, and our efforts to promote a common good, will last with my life, and be among the fond recollections of my declining years.

To each of you I return my heartfelt thanks for the assistance you have been pleased to render me in the performance of the duties assigned me at the commencement of the session; and to the officers and employés of the House, I take great pleasure in saying, you have performed your arduous duties without a fault; each has been at his post, and did his duty to the letter, thereby making my duties lighter and more agreeable, for which I return each and all my thanks.

I wish you, gentlemen, members and officers, a speedy and pleasant return to loved ones at home, prayerfully invoking the blessings of Almighty God on you and yours.

“Farewell! a word that must be, and hath been,—
A sound which makes one linger; yet, farewell.”

In obedience to a resolution of the two houses, I pronounce the House of Representatives of the Thirteenth Legislature adjourned without day.

After prayer and benediction by the chaplain, in pursuance of a concurrent resolution adopted by both Houses, May 30, the Speaker declared the House adjourned without day.

Approved:

M. D. K. TAYLOR,
Speaker of the House of Representatives.

Correct:

W. C. WALSH,
Chief Clerk of the House of Representatives.