

HOUSE OF REPRESENTATIVES; }
AUSTIN, TEXAS, February 13, 1873. }

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

The journal of yesterday was read and adopted.

Mr. Phelps, member elect from the Thirteenth Senatorial District, came forward and was sworn in as a member of the House.

On motion of Mr. Joseph, Mr. Adriance was excused for the day.

The special order, being the joint resolution ratifying the constitutional amendment voted upon at the recent election, was taken up.

Mr. Ireland moved to postpone the matter one week from to-day at 11 A. M., and that the special railroad committee be requested to report on that day, or earlier if practicable. Adopted.

Unfinished business being next in order, House bill No. 25, entitled "An act to repeal an act entitled an act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box, approved August 15, 1870," was taken up.

Mr. Joseph offered the following substitute for section twenty-seven and the pending amendment thereto:

That during the entire day of any election in this State for municipal, county, district or State officers, it shall be unlawful for any bar room, saloon or other place, house or establishment, where vinous, malt, spirituous or intoxicating liquors are sold, to be open, but the same shall be closed; and it shall be unlawful for any person, or persons, or firm to sell, barter or give away any vinous, spirituous, malt or intoxicating liquors within the limits of the county within which such election is being held during the day thereof; and any person violating any provision of this section shall, for each offense, be guilty of a misdemeanor, and subject to indictment, and may be fined in any sum not less than one hundred dollars nor more than five hundred dollars for each offense; *provided*, nothing herein contained shall prevent the sale of liquor at any drug store or establishment where drugs are sold, for medicinal purposes, on the prescription of a practising

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Mr. Kemble introduced a bill to secure good bonds from public officers. Referred to Judiciary Committee No. 2.

Mr. McDonald introduced a bill granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spivey crossing on Trinity river, in Anderson county, and Navarro county. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Tom introduced a bill to authorize the County Court of Kinney county to levy and collect a special tax, for the term of six years, to build a court house and jail at the county seat of said county. Referred to the Committee on Finance.

Mr. Ghent offered the following concurrent resolution :
Resolved, That the Speaker appoint a committee of three, to act in conjunction with a like committee to be appointed by the Senate, whose duty it shall be to inquire into and investigate the workings, doings and condition of the Lunatic Asylum, and that they report to both Houses the result of their labors.

Adopted.

The Speaker appointed Messrs. Ghent, Joseph and Salter said committee.

Mr. Carroll introduced a bill to establish and organize Central county. Referred to the Committee on Counties and County Boundaries.

Mr. Winkler introduced a bill to create the county of Gibbard. Referred to the Committee on Counties and County Boundaries.

Mr. Payne introduced a bill to incorporate the San Antonio River and Valley Canal Company. Referred to the Committee on Internal Improvements.

Mr. Bewley introduced a bill confirming certain land certificates. Referred to the Committee on Private Land Claims.

Mr. Hester introduced a bill to change the names of certain persons therein named. Referred to the Committee on State Affairs.

Mr. Harrison introduced a bill to authorize Thomas M. Cain and W. J. A. Gee to construct a toll bridge across Sabine river. Referred to the Committee on State Affairs.

Mr. Gallaway introduced a bill to incorporate Leesburg Institute in Upshur county, Texas. Referred to the Committee on Town and City Corporations.

Mr. Gallaway introduced a second bill, to prohibit the sale or gift of intoxicating or spirituous liquors within two miles of Odd Fellows Male and Female College, located at Pittsburg, in Upshur county, Texas. Read first time and laid on the table.

Mr. Gallaway introduced a third bill, to authorize the County Court of Upshur county to issue interest-bearing bonds to finish paying for the building of the courthouse of said county, and to levy and collect a tax to pay the same. Referred to the Committee on Counties and County Boundaries.

Mr. Gallaway introduced a bill to prohibit the sale or gift of intoxicating or spirituous liquors within two miles of Leesburg Institute, in Upshur county, Texas. Read first time; rules suspended and read second time by caption and ordered engrossed; rules further suspended, read third time and passed.

Mr. Salter introduced a bill to incorporate the Hebrew Benevolent Society in Calvert, Robertson county, Texas. Referred to the Committee on Town and City Corporations.

Mr. Hollingsworth introduced a bill to incorporate the town of San Marcos, in the county of Hays. Referred to the Committee on Towns and City Corporations.

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

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

SIR: Your Committee on Enrolled Bills have carefully examined "An act to provide for the public printing," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

SHAW, Chairman.

Second report from same committee :

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

SIR: Your Committee on Enrolled Bills have carefully examined "An act requiring the next term of the District Court of Trinity county to be held at the town of Trinity," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

SHAW, Chairman.

Mr. Prendergast introduced a bill concerning contracts

for service or labor, and the rights, duties, and liabilities incident thereto. Referred to Judiciary Committee No. 1.

Mr. Mills introduced a bill to authorize and empower the county courts of Grimes and Washington counties to aid in the construction of a bridge across the Brazos river, at the town of Washington, Washington county, Texas. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Watts introduced a bill concerning the admission of attorneys and counselors at law to practice in the Supreme Court. Referred to Judiciary Committee No. 1.

Mr. Watts introduced a second bill, to amend "An act to adopt and establish a penal code for the State of Texas," approved August 26, 1856. Referred to Judiciary Committee No. 1.

Mr. Thurmond introduced a bill to amend the seventh section of an act, entitled "An act to incorporate the city of Rockport," approved May 26, 1871. Referred to the Committee on Town and City Corporations.

Mr. Ford introduced a bill making an appropriation to pay the salary of Hon. Lipscomb Norvell as special Judge of the District Court of Tyler county. Referred to the Committee on Finance.

Mr. Frankoe offered the following resolution :

Resolved, That the Committee on Education be and is hereby instructed to take into consideration and to report the most speedy means to relieve the public free school teachers, as regards their back pay.

Adopted.

Mr. Anderson of Montgomery introduced a bill to prevent the establishment or use of ten pin alleys within three miles of any town or village in the county of Montgomery. Referred to Judiciary Committee No. 2.

Mr. Storey offered the following resolution :

Resolved, That the Committee on Public Lands and Land Office ascertain and report to this House by what authority the Commissioner of the General Land Office requires settlers to make their preliminary affidavits before the clerk of the district court, to procure the surveying of their pre-emption claims, instead of before the county surveyor, as permitted by law.

Adopted.

Mr. Kemble introduced a bill to authorize the Police Court of Ellis county to levy and collect a special tax for

the purpose of building a jail. Referred to the Committee on State Affairs.

Mr. Doyle introduced a bill to authorize the Commissioner of the General Land Office to issue patent to J. S. Fairley and others therein named. Referred to the Committee on Public Lands.

Mr. Anderson of McLennan introduced a bill for the relief of Miller & Dowell, assignees of Freeman Prewitt. Referred to the Committee on Private Land Claims.

Mr. Manning introduced a bill to amend articles four hundred and twelve and four hundred and eighteen of the Penal Code as amended by act of May 11, 1871. Referred to Judiciary Committee No. 2.

Mr. Gillette introduced the following resolution :

Resolved, That the Committee on Agriculture and Stock Raising are hereby requested to report to this House at their earliest convenience the propriety of giving effect in all the counties west of the Trinity river to the various provisions of "An act entitled an act to encourage stock-raising and for the protection of stock raisers, approved May 22, 1871.

Adopted.

Mr. Winkler introduced a bill to provide for the erection of a new penitentiary, and for dividing the State into two penitentiary districts. Referred to the Committee on State Affairs.

Petitions and memorials being in order, Mr. Russell offered a petition of the trustees and patrons of Cedar Grove Male and Female Institute. Referred to the Committee on Education.

Mr. Russell offered a second petition, of sundry citizens of Delta county praying for a prohibitory liquor law. Referred to Judiciary Committee No. 1.

Mr. Westfall offered a memorial of Wm. G. Hall for relief. Referred to Committee on State Affairs.

Mr. Carroll offered a memorial of the citizens of Burleson, Washington, Fayette and Bastrop counties, praying for the erection of a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Roseborough offered a petition of citizens of Corvell county asking to be included in the new county of Florence. Referred to the Committee on Counties and County Boundaries.

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

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

SIR: Your committee to whom was referred House bill No. 149, "An act to amend an act to incorporate the Galveston Artillery Company, approved January 30, 1841," have instructed me to report said bill and to recommend its passage with the following amendments :

Amend section three so as to add the following :
 "Provided, such requisitions be not excessive, which is to be adjudged by the Governor, and that the members of said company shall be jointly and severally liable for the loss or destruction of such arms, ammunition and equipments caused by negligence in the use or care of the same, which may be recovered by suit by the State in any court of the city of Galveston of competent jurisdiction."

Amend further by striking out section eight, which exempts members of the company from jury service, and in lieu thereof insert as follows :

"Sec. 8. *Be it further enacted,* That in cases of invasions of the State by a public enemy, said artillery company shall be subject to the control of the military authority of the State."

Which amendments are submitted in an accompanying document marked "A."

J. M. ANDERSON, Chairman.

The amendments being taken up by sections, the first amendment was adopted.

The second amendment was taken up and lost.

The third amendment was then adopted.

The bill as thus amended was then ordered engrossed.

The Committee on Military Affairs reported further, as follows :

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

SIR: Your Committee on Military Affairs, to whom was referred Senate bill No. 11, entitled "An act to repeal an act entitled an act to establish a State police, and provide for the regulation and government of the same, approved July 1, 1870," direct me to report that they find that said bill is insufficient to attain the objects evidently intended by the bill, as it will appear, by reference to the enactments of the Twelfth Legislature of the State of Texas, that the act recited in the caption of said Senate bill No. 11, was

amended by an act approved July 1, 1870, entitled "An act to amend an act entitled an act to establish a State police and provide for the regulation of the same," and therefore I am directed further to report the accompanying bill, repealing both the original act and amendatory act, and recommend the same as a substitute for the Senate bill.

J. M. ANDERSON, Chairman.

The original bill and Senate bill having been read, the substitute was read and adopted, and passed to a second reading.

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

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

SIR: Your committee to whom was referred House bill No. 208, a bill to be entitled, "An act to establish a ferry across Trinity river, at Prewitt's old mill," have considered the same, and recommend its passage.

HARRISON, Chairman.

The bill was read a second time and ordered engrossed.

The secretary of the Senate announced the passage, by that body, of Senate bill No. 5, "An act for the relief of the heirs and assigns of Haynes Crabtree, deceased;" also of Senate bill No. 34, "An act to amend section two of an act entitled an act for the regulating proceedings in the several courts of the State of Texas, approved May 19, 1871;" also Senate joint resolution, authorizing the Comptroller and Treasurer each to employ two additional clerks.

The joint resolution was read; the rules suspended, read a second time and ordered engrossed; rules further suspended and passed.

Second report from the Committee on Roads, Bridges and Ferries:

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

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled, "An act to authorize the citizens of Marion county, and of the city of Jefferson, to construct a free bridge across Big Cypress Bayou," have had the same under consideration, and find that "An act to incorporate the Jefferson, Marshall and Big Cypress Bayou Bridge Company," was passed July

20, 1870, and have until January 1, 1875, to complete their bridge. Your committee are therefore of opinion that said bill conflicts with article one, section fourteen, of the Constitution of the State of Texas, I am, therefore, instructed to report the bill back to the House, and ask that it be referred to Judiciary Committee No. 1.

J. M. HARRISON, Chairman.

Adopted.

Third report from same committee :

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

SIR: Your Committee to whom was referred House bill No. 127, entitled "An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river, in the county of Goliad, Texas," have carefully examined the same and offer the following amendment to the bill, to wit :

Amend section three of said act by adding to said section the words, "Provided said bridge shall be subject to the general laws of the State regulating bridges and ferries, which are or may hereafter be enacted."

Said committee instruct me to recommend that said bill do pass, amended as aforesaid.

HARRISON, Chairman.

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

Fourth report from same committee :

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

SIR: Your committee, to whom was referred a bill to be entitled "An act authorizing Jacob Carroll to construct a bridge across Peach Creek, in Gonzales county," have considered the same, and have instructed me to report the bill back to the House and recommend its rejection.

HARRISON, Chairman.

On motion of Mr. Sayers, the report and bill were laid on the table.

Fifth report from same committee :

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

SIR: Your committee to whom was referred a bill to be entitled "An act to authorize Alexander English to erect a toll bridge over Bois d'Arc creek, two miles east of

the town of Bonham, in the county of Fannin, Texas," have considered the same, and have instructed me to recommend its passage.

HARRISON, Chairman.

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

Fifth report from same committee:

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

SIR: Your committee to whom was referred a petition of the citizens of Gonzales county, asking a charter to build a bridge across the Guadalupe river, have considered the same, and find that said charter would interfere with vested rights. The committee have therefore instructed me to report the same back to the House and ask to be discharged from further consideration of the same.

HARRISON, Chairman.

Report adopted.

The Committee on Town and City Corporations reported as follows:

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

SIR: Your Committee on Town and City Corporations, to whom was referred House Bill No. 58, "An act to incorporate the Odd Fellows Male and Female College, at Pittsburg, in Upshur county," have carefully examined the same, and have instructed me to report the same back to the House and recommend that it do pass.

WOOD, Chairman.

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

The same committee made a second report, as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Town and City Corporations, to whom was referred House bill, "An act to amend the charter of Dallas," have carefully examined the same, and have instructed me to report the same back to the House, and recommend that it do pass.

WOOD, Chairman.

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

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

The same committee made a third report, as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 201, "An act to amend the charter of the town of Gonzales," have carefully considered the same, and have instructed me to report the same back, and recommend that it do pass.

WOOD, Chairman.

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

The Committee on Claims and Accounts reported as follows:

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

SIR: The Committee on Claims and Accounts, to whom was referred the petition of George W. Davis, asking pay for a certain block of lots in a town known as Waterloo, upon which he had a small frame house, which, together with the lots, he estimates to have been worth at that time (1839) one hundred and eighty coin dollars, which lot and house, petitioner represents, were condemned for the purpose of locating the Capitol of the Republic of Texas, and that he has never received anything from the government or State of Texas for the same, after duly examining the matter, think the proof insufficient to establish the claim; therefore they have instructed me to report the bill back to the House, and ask to be relieved from the further consideration of the same.

GASTON, Chairman.

Adopted.

The Committee on Public Debt reported as follows:

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

SIR: The Committee on Public Debt have had under consideration a communication from his Excellency the Governor, in connection with communications from the State Treasurer and Attorney General, relative to obligations created before the war, and thought to require legislative action, and have instructed me to return said communications to the House and ask that they be referred to the Judiciary Committee No. 1, as in the opinion of the committee the question involved is one exclusively of law.

SHELTON, Chairman.

Report adopted.

The Committee on Private Land Claims reported as follows:

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

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 202, entitled "An act for the relief of William J. Russell," beg to report they find that, as a soldier serving for one year or more during the years 1835 and 1836 in the army of the Republic of Texas, William J. Russell is of right entitled to receive from the State of Texas a land certificate for twelve hundred and eighty (1280) acres, this being the amount granted and received by all parties rendering the same service who have applied therefor. Your committee further find that the said William J. Russell was in the army at Bexar, in the fall of 1835, and among the first to volunteer for the storming and reduction of that place, which took place in his absence from the command, he being detached on special duty by General S. F. Austin when in command before that place, and a short time previous to the assault, to bring up cannon from Brazoria for the attack on Bexar; and though by this duty, deemed necessary and required by the commanding officer for the reduction of Bexar, he was not in the assault, still the committee are of opinion that as he was absent only because of the orders of the commanding general, he is entitled to receive also the quantum of land (six hundred and forty acres) allowed by the act of December 21, 1837, to those who actually took part in the reduction of Bexar. Your committee also find that William J. Russell has never received bounty or donation land for his military services. The conclusions of your committee are based upon the sworn statements of the applicant, fully corroborated by the testimony of Colonel F. W. Johnson and Colonel William T. Austin, together with a certificate from the Commissioner of the General Land Office. I am, therefore, instructed to report the bill back and recommend its passage.

D. M. SHORT, for Committee.

The bill was read a second time and ordered engrossed.

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

The select committee to investigate affairs in Madison county reported as follows:

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

SIR: The select committee, to whom was referred the special message of the Governor, with the accompanying memorial of certain citizens of Madison county, relative to affairs therein, with authority to send for persons and papers, and, if the committee should deem it best, to proceed to said county for the purpose of making such investigation, went to Madisonville, the county seat of said county, and there made the contemplated investigation, and report as the result thereof, that some ten or fifteen reckless, bad men had assembled in the western portion of the county, some of them indicted for offenses committed in the county, others fugitives from adjoining counties, and by their conduct and threats caused considerable excitement and some alarm among the good citizens of that section. These men were encouraged in defying arrest because there was no efficient sheriff or other executive officer in the county. It will be observed from the testimony of some of the best citizens of the county, herewith submitted, that M. W. Burney, the sheriff elect, and the former deputy sheriff, is a sympathizer with those bad men, and is both inefficient and corrupt; and that Charles G. Scott, the presiding justice, is also a sympathizer with those bad men, and is totally inefficient and has not intelligence to perform the duties of the office. With efficient civil officers, the law would be as effectually enforced in Madison as any other county in the State. The committee further report that the court house of said county and all the records were destroyed by fire some time during the late war, and was destroyed by fire again some two or three weeks ago, admitted to be the work of an incendiary. The people of the county are poor and unable to build a court house. There is now due the State from the county about one-half of the State taxes for the years 1870 and 1871, and all the State taxes for the year 1872. The committee would respectfully suggest the remitting of the taxes due to January 1, 1873, which will enable the county to build a court house. The committee are of opinion that no legislative action is necessary in regard to the disturbances in said county, as to the sheriff, as the law fully authorizes the judge of the district court to remove the sheriff. Some provision

should be made for the removal of the justice of the peace for inefficiency, etc.

WATTS,
GREEN,
SMITH,
Committee.

The report was, on motion, laid on the table, and one hundred copies of it and accompanying documents ordered printed for the use of the House.

The Committee on Education reported as follows :

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

SIR: Your Committee on Education, to whom was referred a bill to prohibit the sale of intoxicating liquors in a certain locality, have had it under consideration and instruct me to report the same back and recommend its passage.

CHAMBERS, for Committee.

The bill was read a second time and ordered engrossed.

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

By special request Mr. Winkler offered a petition and diagram relative to the proposed county of Gibbard, which were referred to the Committee on Counties and County Boundaries.

By special leave Mr. Westfall submitted remonstrances from citizens of Bell, Lampasas and Williamson counties against the proposed new county of Florence. Referred to the Committee on Counties and County Boundaries.

The Committee on State Affairs, by special leave, reported as follows :

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

SIR: The Committee on State Affairs, to whom was referred a bill to redistrict the State of Texas into judicial districts, and reducing the number of the same, respectfully return it to the House and recommend that it be referred to the special committee on judicial districts.

J. H. BROWN, Chairman.

Adopted.

The order of the day having been reached, the following resolution offered by Mr. Ireland was taken up :

Resolved, That the standing rules of this House be amended by striking out sections twenty-six and eighty-one.

The resolution being divided, section twenty-six was stricken out, section eighty-one retained, and the resolution thus amended was adopted.

Senate bill No. 5, "An act for the relief of the heirs and assigns of Haynes Crabtree, deceased, was read and referred to the Committee on Private Land Claims.

Senate bill for the relief of John H. Jenkins was taken up, read and referred to the Committee on Private Land Claims.

Senate bill No. 34, to amend section second of "An act further regulating proceedings in the several courts of the State of Texas, approved May 19, 1871," was taken up, read first time and referred to Judiciary Committee No. 1.

Senate joint resolution authorizing the Comptroller and Treasurer to employ each two additional clerks, was read the first time; rules suspended, read second time; rules further suspended, read a third time and passed.

Senate joint resolution No. 7, in reference to the interment of Texas soldiers who fell at the battles of Glorrietta and Valverde, and also of those who were buried at Socorro, Albuquerque and Santa Fe, in New Mexico, during the late war, was read and referred to the Committee on State Affairs.

Senate bill No. 33, amending and supplementing the act incorporating the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company, was read and referred to the Committee on Internal Improvements.

Senate bill No. 44, "An act to incorporate the Palestine Fire Company," was read first time and referred to the Committee on State Affairs.

Senate bill No. 63, "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Red Rock, in the county of Bastrop," was read first time and passed to second reading.

Senate bill No. 81, "An act to establish a bridge across Choctaw bayou, in Grayson county," was read and referred to the Committee on Roads, Bridges and Ferries.

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

House bills on their second reading were then taken up.

House bill No. 131, for the relief of Obadiah Marsh, was read the second time and laid on the table.

House bill No. 156, to validate the survey of John P. Dillard, was read the second time and ordered to be engrossed.

House bill No. 52, "An act prohibiting the sale of intoxicating, spirituous or vinous liquors within two miles of Pleasant Grove Academy, in Hunt county," was read the third time and passed.

House bill No. 94, "An act for the relief of the heirs of George W. Miller, deceased," was read the third time and passed.

House bill No. 92, "An act to amend an act amendatory of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," approved May 8, 1871, was read the third time and passed.

House bill No. 38, "An act to incorporate the Falls County Real Estate and Savings Association," was read the third time and passed.

House bill No. 102, "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas," approved August 26, 1856, was read the third time and passed.

House bill No. 95, "An act for the relief of Mrs. Caroline A. Stevens, was read the third time and passed.

On motion of Mr. Broaddus the regular order was suspended and Senate bill No. 92, "An act to provide for the enrollment, organization and discipline of the militia," was taken up, read first time, and referred to the Committee on Military Affairs.

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, February 15, 1873. }

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

Pending the reading of the journal of yesterday, the secretary of the Senate announced the passage by that body of House bill No. 187, "An act to amend section.

seven of an act prescribing the times of holding the district courts in the several judicial districts of the State, approved August 10, 1870;" and House bill No. 186, "An act to incorporate the town of Gainesville, in Cooke county."

Mr. Sayers moved to reconsider the vote of the House on yesterday on the bill for the relief of Wm. J. Russell. The House refused to reconsider.

Petitions and memorials being in order, Mr. Prendergast offered a protest from the Police Court of Austin county against the creation of Hempstead county.

Mr. Winkler offered a remonstrance from the same court against the dismemberment of Austin county.

Mr. Abbott offered a similar remonstrance to the same effect.

The bill to create Hempstead county was then taken up and referred, with the above papers, to the Committee on Counties and County Boundaries.

Mr. Ireland offered the following resolution:

Resolved, That the six porters now in the employment of this House be paid at the rate of four dollars per day from the date of their employment.

Adopted.

On motion, the bill for the relief of Obadiah Marsh was taken up, read a second time and ordered engrossed, the rules suspended, read a third time and passed by a unanimous vote.

Mr. Smith of Colorado offered a protest from citizens of Austin county against the dismemberment of said county. Referred to the Committee on Counties and County Boundaries.

Mr. Berends offered a memorial of citizens of Medina county on the subject of fences. Referred to the Committee on Agriculture and Stock Raising.

Mr. Roseborough offered a petition of the County Court of Bell county, asking a remission of one-half of the State tax to aid in erecting a jail. Referred to the Committee on State Affairs.

Mr. Payne offered a petition of citizens of Yorktown for the change of the act of incorporation as to the boundary of the same. Referred to the Committee on Town and City Corporations.

The chairman of Committee on Enrolled Bills reported as follows:

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

SIR: Your Committee on Enrolled Bills to whom was referred "An act to incorporate the city of Fort Worth, in the county of Tarrant," have carefully examined and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

SHAW, Chairman.

Judiciary Committee No. 1 reported as follows:

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

SIR: The Judiciary Committee No. 1, to whom was referred House bill No. 91, with amendment thereto, have had the same under consideration, and have instructed me to report the bill back to the House with the amendment accompanying this report, and to recommend its adoption in place of the amendment referred to us, and that the bill as here proposed to be amended be passed.

GEO. W. SMITH, Chairman.

Amendment—Strike out all that part of section three beginning after the word "State," in the third line from the close of said section, and insert in lieu thereof these words, to-wit: "Provided, that when the warrant shall be issued by any justice of the peace, he shall impress thereon his notarial seal, and when by a mayor or recorder of a city or town, he shall impress thereon the seal of said city or town."

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

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

The same committee reported further as follows:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 85, entitled "An act directing the publication of the expenditures, assets and indebtedness of the several counties," have had the same under consideration, and have directed me to report the bill to the House with the accompanying amendments offered to it, and to recommend the passage of the bill with the said amendments.

GEO. W. SMITH, Chairman.

Amendments—1. Strike out the word “article” wherever it appears in the bill, and insert in lieu thereof the word “section.”

2. Strike out all of the first section after the word “published,” in the twelfth line, and insert in place thereof the words following, to-wit: “On the first day of July and the thirty-first day of December of each year. That on the first day of July shall be made by posting up at the door of the courthouse of the county, a copy of the said statement for two months, and that on the thirty-first day of December, once in the newspaper published in the county having the largest circulation in the same; and should there be no newspaper published in the county, then four copies of said statement shall be posted at four different public places in the county, and also one other copy shall be posted on the courthouse door one month.”

3. In the first and third lines of section two, after the word “shall,” insert the word “willfully.”

4. Strike out the three last lines of section two, and insert as follows, to-wit: “Fined not less than twenty five nor more than one hundred dollars.”

5. After the word “account,” in the tenth line of section three, insert as follows: “Which statement shall contain an account current of all receipts and disbursements (noting the kind of each, whether money or other thing,) of each respective fund which, by law, he is required to keep.”

6. In the last line of section three strike out the word “thousand,” and insert “hundred.”

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

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

SIR: Your committee respectfully report that they have carefully examined House bill No. 235, “An act to be entitled an act regulating elections,” and find the same correctly engrossed. SAYERS, for Committee.

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 28, entitled “An act to further regu-

late the practice in the Supreme Court," have considered the same, and have instructed me to report that they do not think it would be wise to make the proposed change in the well settled practice of the court, and recommend that the bill do not pass.

G. W. SMITH, Chairman.

The report was adopted.

The same committee reported further as follows:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 135, entitled "An act for the protection of purchasers at sales made by executors and administrators, by requiring certain deeds to be recorded within a certain time," have had the same under consideration, and a majority of them have instructed me to report the bill to the House, with the request that it do not pass.

G. W. SMITH, Chairman.

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

On motion of Mr. Brown of Dallas Captain John G. Todd, an officer of the Texas navy under the Republic, was invited to a seat within the bar.

Judiciary Committee reported further as follows:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 16, and the substitute therefor, entitled, "An act to amend the first section of an act entitled an act to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the district courts, approved May 13, 1846," have have the same under consideration, and have instructed me to report the bill and substitute back to the House, with an amendment, to be inserted at the close of section one of the said substitute, and to recommend the passage of the said substitute with that amendment.

G. W. SMITH, Chairman.

Amendment—"No depositions taken beyond the limits of the United States, and in a country where there is no law to punish for perjury, false swearing, nor for false judicial protestation or affirmation, shall be used as evidence in any of the courts of this State; *provided*, that the presumption shall be that all foreign countries have

such laws until the contrary may be proven by the party or person who may object to the deposition."

The bill having been read the amendment was adopted.

The bill thus amended was read a second time and ordered engrossed.

Mr. Sayers moved to suspend the regular order and take up the bill regulating elections, which was carried.

The bill having been read, Mr. Smith, of Colorado, offered the following amendments:

Substitute for section twelve the following:

"SEC. 12. That all the elections in this State shall be held for one day only at each election, and the polls shall be open on that day from 8 o'clock A. M., to 6 o'clock P. M."

Second. Add to the end of Section 21, "The transmitted returns directed to the care of the Secretary of State shall be taken charge of by him and preserved in his office; the package and seal thereon to remain unbroken until the organization of the next Legislature, when he shall, on the first day thereof, deliver the said returns to the Speaker of the House of Representatives."

Third. Insert in the third line of Section 34, after the word "State," "and those senators whose terms of office shall not have terminated."

On motion of Mr. Winkler the amendments were adopted.

Mr. Storey offered the following amendment:

Amend Section 1 by inserting after the word "precinct" the words "as near the geographical center thereof as practicable." The amendment was lost.

Mr. Wood moved the previous question, which being seconded was put and carried. The bill was then passed.

Mr. Mills offered the following resolution:

WHEREAS, By an act of the Legislature of the State of Texas, approved August 15, 1870, the Governor of the State was authorized to sell the Houston Tap and Brazoria Railway upon certain terms and conditions mentioned in said act; and

Whereas, There is now pending before the Legislature a bill for the consolidation of the said Houston Tap and Brazoria Railway with the Houston and Great Northern Railway; therefore

Be it resolved by the House of Representatives of the Thirteenth Legislature of the State of Texas, That the Committee on Internal Improvements be requested to inquire into the proceedings had under said act authorizing the sale of said railway—whether the sale was made, the money paid, the bond therein required was executed by the purchaser, and its conditions complied with, and report to this body what, if any, legislation is necessary in the premises for the protection of the interest of the State, and that said committee be requested to make a report hereon before reporting on the consolidation of said Houston Tap and Brazoria Railway Company with the Houston and Great Northern Railway Company.

Adopted.

By special leave Mr. Russell introduced a bill to authorize Howard Keys & Co. to construct a toll bridge across the Sabine river. Referred to the Committee on Roads, Bridges and Ferries.

By special leave Mr. Rainey offered the following resolution:

Resolved, That all of the members of this House who, from sickness in their families or of themselves, were prevented from being present at the beginning of the present session of the Thirteenth Legislature, be and are hereby declared excused for non-attendance to the date of their arrival.

Adopted.

Mr. Bewley moved to adjourn until 10 A. M. Monday morning. Lost.

Mr. Sayers moved that the regular order be suspended and the registration bill be taken up. Carried.

On motion of Mr. Sayers, the reading was dispensed with.

Mr. Shaw moved to amend section twelve by striking out "county court" and inserting "be paid by the person registered."

Mr. Nelson offered a substitute for the bill before the House.

Mr. Winkler moved the previous question, which, being seconded, was put and carried.

The bill was then ordered engrossed.

Mr. Bewley moved to adjourn until 10 A. M. Monday morning. Lost.

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

On motion of Mr. Russell, the House then adjourned until 10 A. M. Monday morning.

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

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

The following gentlemen failed to answer to their names:

Messrs. Gillette, Michael, Morris and Noeggerath.

The journal of yesterday was read.

On motion, Mr. Gillette was excused for two days.

The Committee on Privileges and Elections was excused from attendance on the House during the day.

The journal was then amended so as to exclude the substitute bill of Mr. Nelson from the journal, and thereby prevent its printing.

The journal was then adopted.

On motion, the Committee on Town and City Corporations had leave to report, which they did as follows:

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

SIR: Your committee to whom was referred the bill to incorporate the city of Denison, have carefully examined the same, and recommend that it do pass.

JOSEPH, for Committee.

The bill was read a second time by caption, and ordered engrossed; the rules suspended, read a third time by caption, and passed by a two-thirds vote.

Petitions and memorials being in order, Mr. Broadus offered a memorial of the citizens of Brazos county, asking the passage of the Ohio liquor law. Referred to Judiciary Committee No. 2.

By special leave, the Committee on State Affairs reported as follows:

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

SIR: Your committee have carefully considered the following petitions, and instruct me to report them back,

and ask that the committee be discharged from further consideration of the same, to-wit :

Petitions respectively from the counties of Wise, Jack, Brown and Bandera, asking relinquishment of the State taxes to them, for the purpose of building either jails or court houses, or both.

Petition of A. G. Walker, asking relief for capturing one Scott, accused of horse stealing.

Petition of citizens of Walker county, asking the use, by contract with the lessees, of certain rooms in the penitentiary, to be used as a county jail.

Petition of citizens from Colorado county, asking that C. C. King be allowed to peddle without license.

The committee also instruct me to return to the House, a large number of petitions, praying for the enactment of a law similar to what is commonly known as the Ohio liquor law, and recommend that they be referred to Judiciary Committee No. 2, in order that a subject of such importance may receive the consideration of at least a portion of the best legal gentlemen of the House, and a bill be prepared, if any at all, which may be effective.

J. H. BROWN, Chairman.

The report was adopted, and the papers mentioned referred to Judiciary Committee No. 2.

Mr. Scott offered a petition of John Penman and others, asking modification of revenue law. Referred to the Finance Committee.

Mr. Payne offered a petition of citizens of Refugio county, on the subject of the Ohio Liquor law. Referred to Judiciary Committee No. 2.

Mr. Sayers offered a memorial of citizens of Leesburg, Gonzales county, asking the prohibition of the sale of spirituous liquors within three miles of the town of Leesburg, in said county. Referred to the Committee on Education.

Mr. Storey offered a petition of citizens of Caldwell county, for the Ohio liquor law. Referred to Judiciary Committee No. 2.

Mr. Ireland offered a communication from a citizen on the Rio Grande, relative to matters on that river. Referred to Committee on State Affairs.

Mr. Roseborough offered a remonstrance of citizens of Bell county, against including a portion of said county

in the proposed new county of Florence. Referred to the Committee on Counties and County Boundaries.

Reports of committees being in order, Judiciary Committee No. 1 reported as follows:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 220, entitled "An act to regulate the compensation of county treasurers," have had the same under consideration, and have instructed me to report the bill back to the House, with three amendments to it, which accompany this report, and to recommend that the bill, with said amendments, be adopted and passed.

GEO. W. SMITH, Chairman.

First amendment: In the ninth line of section one, strike out the words "one and one-half," and in lieu thereof insert the words "two and one-half."

Second: In the third line from the end of section one, strike out the word "five" and insert the word "six."

Third: After the word "annum," in the third line from the end of section one, insert these words, to wit: "Nor shall he be entitled to receive or retain any commission on the amount he may receive from his predecessor in office, nor on what he may pay or deliver over to his successor in office."

Mr. Brown of Dallas moved to amend the bill by striking out the words "six hundred" and inserting "one thousand." Lost.

The amendments were then adopted, and the bill thus amended ordered engrossed.

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

Joint resolution No. 13, authorizing and requiring the Comptroller of Public Accounts to receive and deposit in the treasury money belonging to the estate of Charles Cammer, deceased, and to cause to be escheated the land and other effects belonging to said estate.

Substitute Senate bill No. 28, "An act to regulate the disposal of the public lands of the State of Texas."

Substitute Senate bill No. 28, "An act for the benefit of actual occupants of the public lands."

Senate bill No. 42, "An act conferring the right of suffrage upon such foreign born residents as may have here-

tofore declared, or may hereafter declare, their intention to become citizens before the clerks of the district courts of the several counties in vacation."

Senate bill No. 69, "An act to expedite the decision of criminal cases by the Supreme Court."

Senate bill No. 72, "An act for the relief of Bertha Staffel."

Senate bill No. 85, "An act concerning proceedings in the district courts."

By special leave, the select committee to whom was referred Senate joint resolution No. 5, relative to the payment of Treasury warrants, reported as follows:

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

SIR: The select committee to whom was referred Senate joint resolution No. 5, requiring the payment of Treasury warrants without regard to date or numbers, have carefully considered the same and recommend that it do pass.

VEALE, for Committee.

The report was adopted and the joint resolution passed to a third reading.

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

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

SIR: Your committee to whom was referred House bill No. 194, to be entitled "An act to incorporate the town of Pine Hill, in Rusk county;" House bill No. 160, to be entitled "An act to incorporate the town of Greenville, Hunt county;" House bill No. 132, "An act to repeal an act entitled an act to provide for the employment of private clerks for the judges of the Supreme Court, approved April 5, 1871;" House bill No. 161, to be entitled "An act to abolish the offices of supervisors and inspectors of the public schools;" House bill No. 121, to be entitled "An act making an appropriation to pay mileage and per diem of presidential electors;" House bill No. 144, to be entitled "An act to amend an act entitled an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26, 1856;" House bill No. 109, to be entitled "An act for the relief of David M. Callahan;" House bill No. 202, to be entitled "An act for the

relief of William J. Russell," respectfully report that they have carefully examined the same and find them correctly engrossed.

SAYERS, for Committee.

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

SIR: Your committee have carefully examined "An act to amend section seven of an act prescribing the time of holding the district court in the several judicial districts in the State, approved August 10, 1870," find the same correctly enrolled, and have this day presented the same to the Governor for his approval.

SHAW, Chairman.

Second report from same committee:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your Committee on Enrolled bills, to whom was referred "An act to incorporate the town of Gainsville, in Cooke county," have carefully examined the same and find it correctly enrolled, and have this day presented the same to the Governor for his approval.

W. A. SHAW, Chairman.

The chairman of Judiciary Committee No. 1, reported further, as follows:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 221, entitled "An act to regulate testimony of witnesses in cases of bribery," have had the same under consideration, and have instructed me to report the bill back to the House and recommend its passage.

G. W. SMITH, Chairman.

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

The chairman of the same committee reported further, as follows:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 139, entitled "An act regulating proceedings in the several courts of the State," have had the same under consideration, and have instructed me to

say that they are of the opinion that the practical operations of the law proposed to be repealed, has been much more conducive to the ends of justice than was anticipated, and that it should be further tested, and therefore report the bill back with the request that it do not pass.

G. W. SMITH, Chairman.

Adopted.

A message from the Senate announced the passage by that body of the following bills: Senate bill No. 75, "An act to authorize the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county, contracted for the building of a jail, and to provide for their payment;" and Senate bill No. 79, "An act to provide for the ascertainment of the liabilities of the county of Washington."

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

SIR: Judiciary Committee No. 1, have had under consideration House bill No. 120, entitled "An act to amend the twenty-ninth section of an act entitled an act prescribing the time of holding the district courts of the several judicial districts in the State," and herewith return the same and recommend its passage.

GEO. W. SMITH, Chairman.

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

Judiciary Committee No. 2 reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your committee to whom was referred House bill No. 182, "An act to authorize the Police Court of Leon county to levy a special tax to build a jail," beg leave to report the same back to the House, and recommend that the same do pass.

IRELAND, Chairman.

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

Second report from same committee:

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

SIR: Your Committee to whom was referred House

bill No. 76, beg leave to report that in the opinion of the committee there are some useful suggestions in said bill, but that the whole probate system is now under investigation before Judiciary Committee No. 1, and your committee recommend that this bill be referred to said Judiciary Committee No. 1.

IRELAND, Chairman.

Report adopted.

Third report from the same committee:

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

SIR: Your committee to whom was referred House bill No. 99, "An act to amend section twenty-three of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," beg leave to report the same back to the House, and unanimously recommend the passage of the original bill, which had been substituted by the one referred to the committee, with an amendment herewith reported.

IRELAND, Chairman.

Amendment: "When any person shall be convicted under the provisions of this section, a fee of three dollars shall be taxed against him, and when collected the same shall be paid over to the county treasurer for county purposes." Amendment adopted.

The substitute having been read, the original bill was read a second time and ordered engrossed.

Fourth report from same committee, as follows:

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

SIR: Your committee to whom was referred House bill No. 113, "An act for the protection of farming interests," beg leave to report said bill back to the House with the accompanying substitute, with the recommendation that said substitute do pass.

IRELAND, Chairman.

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

The rules were then suspended, the bill read a third time and passed.

Fifth report from same committee.

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

SIR: Your committee to whom was referred House bill No. 195, a bill to be entitled, "An act to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, the jail and court house, and for all other purposes for which the said county court is by law authorized to levy a tax," beg leave to report the same back to the House with the recommendation that the same do pass.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed.

The rules were then suspended, the bill read a third time and passed.

Sixth report from same committee.

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

SIR: Your committee, to whom was referred House bill No. 119, a bill to be entitled "An act for the relief of certain minors therein named," beg leave to report that, in their opinion, section thirteen, article twelve, of the Constitution, which reads as follows: "General laws regulating the adoption of children, emancipation of minors, and the granting of divorces, shall be made, but no special law shall be enacted relating to particular or individual cases," forbids the passage of said bill, and the committee, therefore, recommend that the bill do not pass.

IRELAND, Chairman.

Report adopted.

Seventh report from same committee, as follows:

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

SIR: Your committee to whom was referred House bill No. 183, a bill entitled "An act to prescribe the times of holding the District Court of Leon county, and regulating proceedings therein," instruct me to report the same back to the House, with the recommendation that the substitute herewith presented do pass.

IRELAND, Chairman.

The original bill having been read, the substitute was read and adopted; read a second time and ordered engrossed.

The rules were then suspended, bill read a third time and passed.

Eighth report from same committee, as follows:

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

SIR: Your committee, to whom was referred House bill No. 93, a bill entitled "An act to better provide for the agricultural interests and amend the penal code of the State," beg leave to report said bill back with substitute, and recommend the passage of said substitute.

IRELAND, Chairman.

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

On motion of Mr. Frankes, it was then recommitted to the Committee on Agriculture and Stock Raising.

Ninth report from same committee:

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

SIR: Your committee to whom was referred House bill No. 166, a bill to be entitled "An act to amend article 354 of the Penal Code, amended by act of February 12, 1859," beg leave to report said bill back with substitute, and recommend that said substitute do pass.

IRELAND, Chairman.

The bill having been read, the substitute was read and adopted, read a second time and ordered engrossed. The rules were then suspended, the bill read a third time and passed.

Tenth report from same committee:

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

SIR: Your committee to whom was referred House bill No. 79, a bill to be entitled "An act for the relief of the assignees of Antonio Manchaca," and accompanying papers, instruct me to report the same back to the House with the recommendation that said bill do pass.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed.

Eleventh report from same committee:

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

SIR: Your committee to whom was referred House bill No. 53, "An act to provide for appeals from interlocutory orders and decrees made by the district courts of this State and the judges thereof, and to repeal an act entitled an act to provide for appeals from interlocutory judgments in the district courts of this State," which had

been engrossed, beg leave to report said bill back with the recommendation that the original bill do pass and that said engrossed bill do not pass.

IRELAND, Chairman.

The original bill, being a bill relating to appeals to Supreme Court from interlocutory judgments in the district courts, was read; rules suspended, read a second time and ordered engrossed. The rules were further suspended, the bill read a third time and passed.

Report from Committee on State Affairs:

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

SIR: The Committee on State Affairs have considered a bill to incorporate the Benevolent Aid Society of the city of Houston, and recommend that it do not pass, for the reason that all such objects can be accomplished under a general law concerning private corporations, approved December 2, 1871. That act was passed especially to relieve the State of the enormous expense attending the incorporation of such companies or associations by separate legislative action in each case. The committee, therefore, not only recommend that the bill referred to do not pass, but instruct me to recommend the adoption of the accompanying resolution as the sense of the House on this and kindred propositions.

J. H. BROWN, Chairman.

Resolved, That hereafter the House will entertain no bill for incorporating a company or association of a private nature, the objects of which can be accomplished under the general law concerning private corporations, approved December 2, 1871.

Report and resolution adopted.

Second report from same committee:

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

SIR: Your committee to whom was referred the petition of the Mechanics' Fire Company No. 1, of the city of Jefferson, remonstrating against a change in the law which exempts regular members of fire companies, in the towns and cities of this State, from jury duty, have considered the same, and unanimously instruct me to report that firemen constitute a class of men who dedicate themselves without pay or reward to the salvation of property and life in our towns and cities against destruc-

tion by fire. They are in the highest and most practical sense the friends of humanity, hold themselves always ready, by day and night, to leave their pursuits by day or their beds by night, and hasten to the scene of destruction. They are unpaid friends of humanity, and in all communities are hailed as such whenever or wherever the fire bell sounds forth its dismal notes. The committee regard their exemption as but a slight discrimination in their favor by the State, and hope it may not be repealed.

J. H. BROWN, Chairman.

Report adopted.

Third report from same committee, as follows :

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

SIR: The Committee on State Affairs have considered the memorial of the County Court of Gonzales county, and direct me to report the accompanying bill and recommend its passage.

J. H. BROWN, Chairman.

The bill, being a bill to be entitled "An act to authorize the levy and collection of a special tax in Gonzales county," was read; the rules suspended, read a second time and ordered engrossed. The rules were then further suspended, the bill read a third time and passed.

Fourth report from same committee, as follows :

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

SIR: The Committee on State Affairs have considered the petition from the County Court of Wise county, asking for the right to levy a special tax, and instruct me to report the accompanying bill and recommend its passage.

J. H. BROWN, Chairman.

The bill, being "An act providing for a special tax in Wise county," was read; the rules suspended, read a second time and ordered engrossed. The rules were then further suspended, the bill read a third time and passed.

On motion of Mr. Sayers, Mr. Storey was excused for four days on account of important business.

Fifth report from same committee, as follows ;

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

SIR: The Committee on State Affairs have considered "An act to authorize the County Court of Falls county to

levy and collect a special tax." The bill is a reasonable one; it only asks that in order to enable the County Court of said county to build a court house and repair the jail of said county, the county court shall levy and have collected a special tax of not to exceed twenty cents on the one hundred dollars of taxable property of the county, and a special poll tax of one dollar on each male citizen over twenty-one years of age. Therefore the committee recommend the passage of the bill.

J. H. BROWN, Chairman.

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

Sixth report from same committee:

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

SIR: The Committee on State Affairs to whom was re-committed the bill to authorize the County Court of Comal county to levy and collect a special tax, with an amendment, instruct me to report the same back and again recommend its passage, with the accompanying amendment, to come in as a proviso at the end of the first section.

J. H. BROWN, Chairman.

Amendment.—Add to the first section the following:

Provided, That before levying such tax an election shall first be held, at such time and in such manner as the police court may direct, and a majority of the voters of the county who may vote at such election shall have voted for the tax.

Report adopted.

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

Seventh report from same committee:

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

SIR: Your Committee on State Affairs, have carefully examined the petition of Rev. Orceneth Fisher, praying that the State will restore to him and his wife three several tracts of land sold for taxes and bought in by the State. The case is a peculiar one, the merits of which are fully set forth in the petition, and appeal strongly to our better nature. The petitioner for fifty years has been an

humble but faithful minister of the Gospel, the last thirty-three years of which have been devoted to Texas and California. Being in California during the war, he was unable to pay the taxes on the lands, and since returning to Texas in 1869, he has been unable, with a dependent family to support, to redeem them. They are frontier lands, not valuable at the present time. Besides this, the two tracts of 640 acres each were donated by the State to Mrs. Fisher and her brother for the reason that their parents were massacred by the Indians in 1842, and one of them (their children) wounded and captured. They were recovered by a party of rangers, among whom was the Hon. A. S. Thurmond, a member of this House from Aransas, one of them having been pierced entirely through the body by a lance. The whole amount of taxes for which the lands were bought in by the State was \$363.43. A majority of the committee direct me to report the accompanying "Bill for the relief of Rev. Orceneth Fisher and Rebecca Jane Fisher, his wife," and recommend its passage.

J. H. BROWN, Chairman.

The bill was read and referred to Judiciary Committee No. 1.

Eighth report from same committee:

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

SIR: Your Committee on State Affairs, to whom were referred petitions from the citizens of Bell county, and Midway, Madison county, have considered the same, and have instructed me to report the following bills and recommend their passage.

M. E. KLEBERG, for Committee.

The bill to prohibit the sale of intoxicating or spirituous liquors within two miles of Bird's creek school house, in Bell county, Texas, was read; rules suspended, read a second time and ordered engrossed. The rules were then further suspended, the bill read a third time and passed.

The second bill, being "An act to prohibit the sale of vinous and spirituous liquors within two miles of Midway, Madison county, Texas," was then read; the rules suspended, read a second time and ordered engrossed. The rules were then further suspended, the bill read a third time and passed.

Ninth report from same committee:

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

SIR: Your committee to whom was referred a bill entitled, "An act supplemental to the several acts to regulate the assessment and collection of taxes," having duly considered the same, instruct me to report the accompanying substitute, and recommend that the same do pass.

VINTERS, for Committee.

The substitute was adopted, read the second time, and laid on the table.

By special leave, Mr. Wood offered the following resolution;

Resolved, That the Committee on Public Lands and Land Office be authorized to send for persons and papers in any case deemed necessary by them, in the investigation of any matter before said committee.

Adopted.

On motion of Mr. Bordeaux, Mr. Wood was added to the Committee on Public Lands and Land Office.

Special leave being granted, the following gentlemen introduced bills as follows:

Mr. Hollingsworth, bill to repeal an act entitled "An act to ascertain and adjudicate certain claims for land situated between the Nueces and Rio Grande rivers," approved August 15, 1870. Referred to the Committee on Public Lands and Land Office.

Mr. Berends, bill entitled "An act to authorize the County Court of Gillespie county to issue interest bearing bonds, for the purpose of building a court house and jail." Referred to Committee on State Affairs.

Mr. Broadus, bill to be entitled "An act supplemental to and amendatory of an act entitled an act to incorporate the Odd Fellows' Hall and Building Association of Bryan, Texas," approved December 1, 1871. Referred to the Committee on State Affairs.

Mr. Broadus, second bill, to be entitled "An act to amend an act entitled an act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the city of Bryan." Referred to the Committee on State Affairs.

Mr. Kleberg, bill to be entitled "An act to provide for the inclosure of commons for the pasturage of stock." Referred to the Committee on Agriculture and Stock Raising.

Mr. McDonald, bill to be entitled "An act to authorize Mrs. L. A. Davenport to keep and run a ferry and erect a toll bridge over the Lake Ford of Sabine river, in Wood county." Referred to Judiciary Committee No. 2.

Mr. Tom, bill to be entitled "An act to create and provide for the organization of the county of Benton." Referred to the Committee on Counties and County Boundaries.

Mr. Kemble, a bill to be entitled "An act validating certain land titles in Ellis county." Read, rules suspended, and ordered engrossed; the rules were then further suspended, the bill read a third time and passed.

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

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 18, 1873. }

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

The following gentlemen failed to answer to their names:

Messrs. Doyle and Rainey.

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

The journal of yesterday was read and adopted.

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

SIR: Your committee on Engrossed Bills have carefully examined House bill No. 126, to be entitled "An act for the relief of A. S. Thurmond;" No. 143, to be entitled "An act to incorporate Teutonia Association of Fayette county;" No. 154, to be entitled "An act to provide for the election of city officers for the city of Columbus, and to regulate their duties;" No. 253, to be entitled "An act to prohibit the sale of intoxicating liquors within two miles of Hackberry Grove Academy, Collin county;" No. 231, to be entitled "An act to authorize the county of Marion to issue interest bearing bonds for the building of a court house and jail in said county;" No. 255, to be entitled "An act to prohibit the sale or gift of

intoxicating or spirituous liquors within two miles of Leesburg Institute, in Upshur county, Texas," and find that they have been correctly engrossed.

W. B. SAYERS, for Committee.

Mr. Morris moved to go into the committee of the whole on the Finance bill. Carried.

Pending the discussion of the bill, the committee of the whole rose, and the House received notice of the passage by the Senate of the following bills:

Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railway Company."

Senate bill No. 12, "An act to amend an act entitled an act to provide for appeals from interlocutory judgments in the District Courts of the State, approved November 1, 1871."

Senate joint resolution No. 17, instructing and requesting our Congressional delegation to urge upon Congress the survey and construction of a ship canal across the peninsula of Florida.

Senate bill No. 54, "An act to incorporate the Hibernian Benevolent and Mutual Aid Association of Austin, Texas."

Senate bill No. 62, "An act to incorporate the Tyler-Real Estate and Building Association."

Senate bill No. 82, "An act for the relief of John S. Menifee."

Senate bill No. 89, "An act to incorporate G. M. Johnson Lodge No. 97, of the Independent Order of Odd Fellows."

House bill No. 8, "An act to incorporate the city of Sulphur Springs, in the county of Hopkins."

House bill No. 194, "An act to incorporate the town of Pine Hill, in Rusk county."

House bill No. 231, "An act to authorize the county of Marion to issue interest bearing bonds for the building of a court house and jail in said county."

A message was received from his Excellency the Governor, announcing that he had approved the printing bill.

The House again resolved itself into a committee of the whole, and, after further discussion, rose and announced, through its chairman, that it had adopted the finance bill, with the following amendments, to-wit:

Amend section two by inserting, after the word "named," in the twenty-sixth line, the words: "Or

whatever amount may be found due by the Comptroller."

Amend section eight by inserting, after the word "much," in the second line, the word "thereof."

Amend section nine by adding the following: "*Provided*, that the faith and credit of the State of Texas is hereby pledged for the payment of the principal and interest on the bonds provided to be sold under the provisions of this act, according to their tenor and effect, and that said bonds are hereby validated."

Amend section ten by adding the following: "*Provided*, that the agent shall not take charge of or sell any of the forty-three ten per cent. currency bonds claimed to have been fraudulently obtained from Raymond & Whittis."

The House being in session, Mr. Winkler moved to adopt the amendments in gross.

Mr. Smith of Colorado moved to postpone the whole matter two weeks.

By special leave Mr. Payne presented the following specifications to charges against T. C. Barden, Judge of the Sixteenth Judicial District:

Specifications to the charges preferred against T. C. Barden, Judge of the Sixteenth Judicial District of Texas.

Specifications to the first charge.—His conduct and rulings on the bench of the Sixteenth Judicial District for the years 1871 and 1872.

Specifications to the second charge.—That said T. C. Barden, judge as aforesaid, did on the trial of the case of H. L. Kinney's executor v. Lucien Birdseye, at the June Term, 1871, of the District Court of Nueces county, call the jury from their retirement of his own motion and in the absence of plaintiff's counsel, and partially urge them to find a verdict by way of compromise; and at the time and place aforesaid, in the case aforesaid, did, of his own motion, call the jury from their retirement after they had been three days deliberating on their verdict, and gave them further instructions, without the request of said jury or of the counsel of either side, for the purpose of influencing them in favor of defendant; and on the trial of the case aforesaid did partially instruct the jury on matters not in issue, for the purpose of prejudicing their minds against the plaintiff; and on the trial of the case aforesaid did partially and corruptly refuse to make out a

full and fair statement of facts in the said case when the attorneys had disagreed, but did partially and corruptly adopt the statement of facts made out by defendant's counsel, leaving out one deed and other important evidence offered and received on said trial, which statement was false and incorrect; and on the trial of the case aforesaid, did partially and corruptly permit defendants to read a deed without proof of its execution and without its having been filed, so as to offer it as a recorded instrument, against the objection of plaintiff; and on the trial of the case aforesaid, did partially and corruptly permit defendants to read a sheriff's deed without producing the judgment or execution authorizing the said sheriff to make said deed. That at the October Term, 1871, of the District Court of Nueces county, said T. C. Barden did partially and corruptly refuse to grant a *mandamus* to compel the clerk of his court to approve a bond in the sum of ten thousand dollars, in the case of Nelson & Miller v. Warren Wallace *et al.*, then pending in said court, although the securities on the bond offered were shown to be worth the sum of seventy-six thousand dollars above their liabilities and property exempt from execution, and there being no evidence to the reverse.

Specifications to the third charge.—That said T. C. Barden, judge as aforesaid, at the October Term, 1872, of the District Court of Calhoun county, did corruptly and illegally detain the grand jury from Saturday morning until the following Tuesday, when the foreman had announced that the jury were through with the business of the term.

That at the October Term, 1871, of the District Court of Nueces county, said T. C. Barden did corruptly and illegally detain the grand jury four days after said grand jury had finished their business, and urged the members thereof to find indictments against J. C. Russell, Charles Lovinskiold and W. H. Maltby and others, for exposing his corruption and partiality on the trial of the case of Kinney's executor v. Birdseye, and because they had refused to try any cases before him at said term on account of his corruption and partiality.

Specifications to the fourth charge.—That said T. C. Barden, judge as aforesaid, did corruptly, partially and illegally draw the grand jury at the September Term,

1872, of the Victoria District Court, and at the October Term, 1872, of the Calhoun county District Court.

Specification to the fifth charge.—His conduct generally at the courts of the Sixteenth Judicial District in the years 1871 and 1872.

Specification to sixth charge.—That said T. C. Barden, judge as aforesaid, did, at the October Term, 1872, of the Calhoun County District Court, in the case of Theo. B. Green's administrator v. George P. Findlay, executor of J. J. Holt, partially and corruptly rule in favor of plaintiff and plaintiff's attorney. That said Barden, at the aforesaid court, in the case of D. Sullivan v. Hall, did corruptly and partially rule in favor of plaintiff and plaintiff's attorney.

That said T. C. Barden, at the aforesaid term of the court, in the case of the State v. Gentry, did corruptly and partially order said Gentry to be held in custody for an offense of which he had been fully acquitted, and require him to enter into bonds.

Specification to seventh charge.—That said T. C. Barden did, at the June Term, 1871, of the District Court of Nueces county, in the case of H. L. Kinney's executor v. Lucien Birdseye, call the jury, who had retired to consider said case, into court, and give them further instructions without the request of the jury or the parties to said suit.

Specification to eighth charge.—That said T. C. Barden, judge as aforesaid, did, at the June Term, 1871, of the District Court of Nueces county, clandestinely enter the petit jury room at twelve o'clock at night, while the jury were considering their verdict in the case of H. L. Kinney's Executor v. Lucien Birdseye, and hold conversation with one of the jury in reference to the merits of said case.

Specification to ninth charge.—That said T. C. Barden, judge as aforesaid, did corruptly refuse to remove or suspend J. Cahn, sheriff of Calhoun county, after he had been so requested to do by the Comptroller, by letter, dated November 19, 1872, which letter informed said Barden that said Cahn was behind in his accounts ten thousand dollars, and had refused to execute an additional bond of fifteen thousand dollars required by the Comptroller; that said Barden had used said Cahn's money to pay himself his own salary, and was largely indebted to him,

said Calm, for advances at the time said notice was served on him.

Specifications to tenth charge—That said T. C. Barden, judge as aforesaid, did, in the month of October, 1872, maliciously write, publish, print and circulate, or cause to be published, printed and circulated in his judicial district, an anonymous libel in pamphlet form against George P. Finlay, an attorney practicing in his court, charging said Finlay with murder, perjury and subordination of perjury; and other outrages.

Referred to the special joint committee on the Barden case.

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

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 19, 1873. }

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

The journal of yesterday was read and adopted.

The Finance bill, being unfinished business, was taken up, and the amendments proposed by the committee of the whole adopted.

Mr. Denton moved to postpone the further consideration of the question ten days.

Mr. Morris moved to lay that motion on the table.

The yeas and nays being ordered, resulted as follows:

Yeas—Messrs. Speaker, Abbott, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bewley, Bledsoe, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Day, Ford, Frankee, Gallaway, Gaston, Gillette, Green, Hoffman, Joseph, Kleberg, Lane, Mabry, Michael, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Roberts, Roseborough, Russell, Salter, Shaw, Shelton, Tilson, Tivy, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Wilder, Williams and Winkler—50.

Nays—Messrs. Bordeaux, Carroll, Davenport, Denton, Doyle, Eastland, Ghent, Gilpin, Harrison, Hollingsworth, Ireland, Kenble, Killough, Leyendecker, Manning, McDonald, Nelson, Praundergast, Rainey, Rimes, Robb.

Sayers, Scott, Short, Smith of Colorado, Smith of Houston, Thurmond, Tom, Walker, Westfall and Wood—31.

The motion was declared to have carried.

Mr. Brown of Dallas moved the previous question, which being seconded, was carried.

The bill was then ordered engrossed.

A message from the Senate announced the passage by that body of Senate joint resolution No. 9, ratifying an amendment to section six of article ten of the Constitution of the State of Texas, proposed by joint resolution of the Legislature of the State of Texas passed May 11, 1871.

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

SIR: Your Committee on Engrossed Bills have carefully examined the following bills and find that they are correctly engrossed: House bill No. 58, "An act to incorporate the Odd Fellow's Male and Female College at Pittsburg, Upshur county, Texas;" No. 99, "An act to amend section twenty-three of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duty, approved August 18, 1870;" No. 127, "An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river in the county of Goliad, Texas;" No. 195, "An act to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, the jail and court house, and for all other purposes for which the said County Court of said county is authorized to levy a tax;" No. 201, "An act to amend and consolidate the several acts incorporating the town of Gonzales;" No. 212, "An act to authorize Alexander English to erect a toll bridge over Bois d' Arc creek in the county of Fannin."

WM. B. SAYERS, for Committee.

A communication was received from the Adjutant General, enclosing his report for the year 1872. Read and referred to the Committee on Military Affairs.

A message was also received from the Governor, approving the printing bill, with suggestions thereto belonging. Read, and referred to the Committee on Public Printing.

Mr. Sayers moved to allow the special railroad committee to report.

Division being called for, resulted in fifty-four for and eighteen against, whereupon the motion was declared carried.

The special railroad committee then reported as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred the subject of the indebtedness of the State of Texas to the International Railroad corporation, beg leave to report that after careful and diligent investigation the committee is of opinion that the State of Texas does not owe said railroad company anything. The title of the act under and by virtue of which it is claimed that the State is indebted to said company is as follows: "An act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same." The committee are unanimously of the opinion that this title embraces two distinct subjects, and is in violation of the plain letter of the seventeenth section, article twelve, general provisions of the Constitution. (*San Antonio v. Gould, 34 Texas, 74.*)

Independent of, and underlying this constitutional objection to said act, is the further objection, that (as your committee believe) there exists no power in the Legislature of the State to levy and collect a tax to aid private parties to construct a railroad. The right of eminent domain is wholly disconnected from, and independent of the power to tax, to aid private individuals in an enterprise of this sort.

JNO. IRELAND,
S. POWERS,
JAMES M. ANDERSON,
GEO. W. SMITH.

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

SIR: Your select committee to whom was referred the question of indebtedness of the State to the Texas Pacific Railway Company, have given the subject all the attention, time and other duties permitted. It is the opinion of your committee that the State is not now, nor can be placed under monied obligation to said company, for the reason that there does not exist any power in the legislative department of this government to tax one citizen and give the money raised by such taxation to another citi-

zen, or may be to a stranger, or citizen of another State or government. In this instance it will be seen that the incorporation named in the charter under which the company is organized, consists of one hundred and sixteen persons, but one of whom is a citizen of or resides in the State of Texas. Thus it will be seen that if the power is admitted, as is claimed, there is no one that shall set bounds to the use of the power, and the entire substance of the people may be taken from them, not for legitimate purposes of supporting the government, but under the empty and delusive plea that, may be, the incidental returning benefits will compensate for the loss of lands, money, property—all that we possess. As stated in another report, the power of eminent domain is a different question. In that case, while the government reserves the power to condemn the citizen's land for mill, ferry, road or other public use, when the public may derive great benefits, the government says to the citizen at whose instance the property of the other is to be taken, that you must not enjoy it until you have paid the owner full value for his property. But then admit the power to tax to help build the ferry, mill or road, and you turn to the citizen and say, true, we made A pay you a thousand dollars for your land, but we will tax that thousand out of your pocket, and return it to A to help build the mill, and in return you may have your corn and wheat ground at the mill, but you must pay A a part of your grist when you get it ground. Your committee are not unmindful that there are conflicting authorities on this question, but we believe the law, as an original question, is as we have stated it, that it accords with every dictate of justice, and that such a rule is the only safeguard the citizen has against powerful combinations. We must not overlook the fact, that one, and one of the chief ends of government, is to protect the minority, or the weak against unwarranted encroachments by the strong and powerful.

Again, it will be seen that the title of the act under which six millions of money is claimed, is "An act to encourage the speedy construction of a railway," etc. It might readily be supposed, under this caption to "encourage," that the bill would relieve the company from taxation, or grant some other immunity from the common burdens of government. But it certainly does not convey to the hearer the idea that a gift or donation in money

is intended, and a majority of the committee are of opinion that it is in violation of the seventeenth section of the twelfth article of the Constitution. Under the original act the State had thirty years in which to substitute land for bonds, and under the amendatory act the State is restricted to February 1, 1874.

Thus one of the essential features of the original act is wholly changed by an act, entitled "supplemental" or "amendatory" of the original, without indicating what section, or in what particular, the original act was to be changed. In the opinion of the committee, this is in violation of the eighteenth section of article twelve of the Constitution.

The committee are further of the opinion that under the caption of the original act to *encourage* the construction of a road to the Pacific, it was not competent to provide in the body of the bill for building a number of roads, and thus consume the whole donation on a small section of territory, leaving the greater portion of the State untraversed.

Finally, shall the people be coerced into an amendment of their Constitution by the terms of these acts—six millions of money be taxed upon us and our posterity, or a change of your organic law?

The company claims sixteen sections of land to the mile under the general railroad law. This question is now involved in a suit pending in the courts of the United States, and the committee have not thought it necessary to go into an investigation of that matter.

All of which is respectfully submitted.

JOHN IRELAND,

S. POWERS,

GEO. W. SMITH,

JAMES M. ANDERSON.

The committee deem it proper to state that should they be incorrect in their views as here presented, all rights to the company that have now attached are reserved by the terms of the second section of an act reported by your committee. We believe that it is at all times competent for the State to withdraw her bounties and donations whenever she may think proper as to those rights not already attached.

IRELAND, Chairman.

Further report from same committee :

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

SIR: Your committee to whom was referred House bill No. 176, "An act to repeal all laws granting money subsidies to railroad corporations," beg leave to report said bill back and recommend its passage.

JOHN IRELAND,
S. POWERS,
J. M. ANDERSON,
GEORGE W. SMITH.

A bill entitled "An act to repeal all laws and parts of laws in force authorizing the State of Texas to aid in the construction of railroads, in bonds or money donations or subsidies."

Section 1. Be it enacted by the Legislature of the State of Texas, That all laws and parts of laws authorizing the issuance of the bonds of this State to aid in the construction of railroads be and the same are hereby repealed.

Section 2. Be it further enacted, That the first section of this act shall not be so construed as to affect or impair the rights, if any there be, of any railroad company on account of road now completed, and in operation.

Section 3. Be it further enacted, That this act shall take effect and be in force from and after its passage.

Mr. Morris submitted the following minority report :

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

SIR: The undersigned, one of the special committee to whom was referred the resolution to inquire into the legal obligations of the State of Texas to railroads, and to consider a bill proposing to repeal subsidies to railroads, beg leave to say that the committee have had before them the charter of the consolidated Texas Pacific Railroad with the Southern Pacific and Transcontinental, and also that of the International, and beg leave to submit, that owing to other public engagements constantly demanding his time, and the short period forced by the House for bringing in the report, in his opinion it is out of the question for him to do justice either to himself or the very important question involved. He has therefore respectfully declined to sign the majority report, for the want of time and opportunity to satisfactorily investigate the following questions: 1. Whether railroads in

the matter of freight and passengers transported as public carriers, etc., and subject to legislative regulations, are public or *quasi* public corporations. 2. Whether the Legislature has power to aid in the construction of such works through the State as a public good by donations be relied on mainly in the majority report on the question of taxation. It is stated by counsel that while the courts of Wisconsin, Iowa and Michigan deny the power to tax, they are opposed by those of twenty other States, that affirm the power, with three decisions of the Supreme Court of the United States added to the same point.

W. W. MORRIS, of Committee.

On motion of Mr. Russell the reports and bill were laid on the table, and three hundred copies of each ordered printed.

Petitions and memorials being in order, Mr. Brown of Dallas offered a memorial of Nat. M. Burford, ex-Judge of the Sixteenth Judicial District. Referred to Judiciary Committee No. 1.

Mr. Broadus offered a memorial of the citizens of Burleson county, praying for the enactment of the Ohio liquor law. Referred to Judiciary Committee No. 2.

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

SIR: Your Committee on Enrolled Bills have carefully examined the following bills: "An act to incorporate the town of Pine Hill, in Rusk county;" also, "An act to authorize the county of Marion to issue interest bearing bonds for the building a court house and jail in said county," and find them correctly enrolled, and have presented this day the same to the Governor for his signature, at 12 o'clock.

SHAW, Chairman.

Mr. Westfall offered a petition of citizens of Williamson county, asking relief for William Eubanks. Referred to Committee on State Affairs.

By special leave, Mr. Brown of Dallas offered the following resolution:

Resolved, That Judiciary Committee No. 2 be instructed to inquire into the legality and expediency of enacting a general law by which the citizens within two miles, or some other fixed distance, of any institution of learning, not within a town or city, may by election or other-

wise prevent the sale of liquor within said distance, and that they report by bill or otherwise.

Adopted.

By special leave, Mr. Bewley offered the following resolution :

Resolved, That the Senate be and it is hereby invited to meet the House of Representatives in this hall at two o'clock P. M. this day to elect a public printer.

Adopted.

Mr. Berends offered a petition of the County Court of Gillespie county, in regard to a special tax for repairing roads. Referred to Committee on State Affairs.

By special leave, Mr. Payne introduced a bill regulating the survey of the land certificates of private corporations, and declaring the law touching the sections reserved. Referred to Judiciary Committee No. 1.

Mr. Prendergast offered a memorial from the town of Mexia, in Limestone county, praying for a charter.

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

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 20, 1873.

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

The following gentlemen failed to answer to their names:

Messrs. Anderson of McLennan, Ellett, Harrison, Mills, Moore, Noeggerath and Smith of Houston.

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

Mr. Ireland offered the following resolution :

Resolved, That the Speaker of this House be, and he is hereby requested to appoint a committee of three, to act in concert with a like committee on the part of the Senate, whose duty it shall be to make a thorough and searching investigation into the tragedy that took place near this Capitol last evening; that said committee be and is hereby empowered to administer oaths and send for persons, and take all the needful steps to ferret out the perpetrators of the deed.

Adopted.

Mr. Killough then delivered a brief and feeling tribute to the memory of his late colleague, and offered the following resolution:

WHEREAS, The Hon. Louis Frankee, a member of the Thirteenth Legislature from the Twenty-sixth Senatorial District, was foully assassinated in front of the Capitol building, on last night, the nineteenth instant, at half-past seven o'clock, while on his way to the room of the Committee on Immigration, of which he was chairman, and robbed of his money and watch by the assassin; therefore, be it

Resolved, That this house stand adjourned until to-morrow at ten o'clock A. M., in commemoration of this sad event.

Resolved, That the Senate and State officers be requested to join this body in a procession, at three o'clock P. M. to-morrow, to march to the public burial grounds with his remains.

A message from the Senate informed the House that that body had passed the concurrent resolution of the House, relative to the appointment of a joint committee to ferret out the assassins of the late Hon. Louis Frankee, and that Messrs. Sayers, Dillard and Fountain had been appointed said committee.

Messrs. Nelson, Brown of Dallas, and Ireland also offered tributes of respect to the memory of the deceased.

The Speaker announced the following gentlemen as the House committee provided for by the previous resolution: Messrs. Ireland, Killough and Brown of Upshur.

The resolution of Mr. Killough was then adopted, and the House adjourned.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, February 21, 1873.)

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

The following gentlemen failed to answer to their names:

Messrs. Bordeaux, Moore and Salter.

On motion, Mr. Bordeaux was excused on account of important business for six days, Mr. Davenport for four

days, Mr. Moore for four days, Mr. Roseborough for four days, Mr. Salter for four days, Mr. Gaston for ten days, Mr. Smith of Colorado until Friday next, and Mr. Allen for one week.

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

Mr. Brown of Dallas, then offered the following resolution :

Resolved by the House of Representatives, the Senate concurring, That a joint committee of arrangements, consisting of five Senators and nine Representatives, be appointed to arrange for and superintend the funeral ceremonies of the Hon. Louis Frankee, late a member of the House of Representatives from the county of Fayette, this day at 3 o'clock P. M.

Adopted.

Mr. Cunningham offered the following resolution :

Resolved, That the sergeant-at-arms be required to place two lamps at the foot of the steps on the south side of the capitol, and two in the centre of the lower hall of the capitol, and one on the south gate of the capitol enclosure, and to light the same from dark until eleven o'clock each night during the remainder of the present session of the Legislature.

Adopted.

Mr. Anderson of McLennan offer the following resolution :

Resolved, That the Speaker of the House of Representatives be authorized and requested to appoint W. J. Barker a general committee clerk, who shall do and perform all duties as clerk for each committee, "or other duties," as the Speaker may from time to time designate.

Adopted.

✓The Speaker appointed the following gentlemen as the House committee on the funeral of the late Hon. Louis Frankee: Messrs. Thurmond, chairman; Killough, Noeggerath, Kleberg, Lyendecker, Watts, Abbott, Shaw and Doyle.

On motion of Mr. Ireland the House then adjourned until 2 P. M.

AFTERNOON SESSION.

House met at 3 P. M. Roll called; quorum present. His Excellency the Governor being present, was invited to a seat at the Speaker's left.

The chairman of the Committee on Funeral Arrangements announced that all necessary preparations having been made, they were ready for the reception of the Senate.

Mr. Broadus offered the following resolution :

Resolved, That H. W. Nelson, J. P. Lyendecker, I. G. Killough, T. G. Allison, A. T. Watts, J. Noeggerath, B. W. Brown and S. Day, members of the House of Representatives, and N. C. Rives, assistant sergent-at-arms, be and they are hereby appointed to accompany the remains of the Hon. Louis Frankce to Ledbetter, and deliver the same to his family and friends.

Adopted.

The Senate being announced, came in and took the seats prepared for them, the President of that body occupying a seat on the right of the Speaker.

The Rev. Dr. Fisher then delivered the funeral oration.

The following order of ceremonies was then read from the clerk's desk :

Funeral Obsequies of the Hon. Louis Frankce, Friday, February, 21, 1873, at 3 P. M.

The funeral ceremonies will be performed in the hall of the House of Representatives, where the body of the lamented Representative from Fayette lies in state.

The procession will be formed on the campus in rear of the Capitol, at the close of the ceremonies, by the Hon. George P. Finlay, marshal on behalf of the Senate, and the Hon. John Henry Brown, marshal on behalf of the House of Representatives, in the following

ORDER OF PROCESSION.

Marshals.

Band.

Military Escort.

Texas Institute Cadets.

Pall Bearers. HEARSE. Pall Bearers.

Chaplains of Senate and House, in carriages.

Members of the House.

Members of the Senate.

Governor and suite, in carriages.

Supreme Court, in carriages.

Heads of Departments and suites.

City Authorities.

City Fire Companies and other societies.

Citizens on foot.

Citizens in carriages.

Citizens on horseback.

The procession will move through the capitol grounds down Congress Avenue to Pecan street, thence down Pecan street to the depot of the Central Railroad.

JOHN HENRY BROWN,

GEO. P. FINLAY,

Marshals.

On motion, the House adjourned to 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 22, 1873.

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

The following gentlemen failed to answer to their names:

Messrs. Berends, Day, Ireland and Nelson.

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

Resolved by the Senate, the House concurring, That the two houses meet on Saturday next at 11 o'clock A. M., in the Hall of the House of Representatives, in joint session, for the purpose of electing a Public Printer, as contemplated by law.

The journal of yesterday was read and adopted.

On motion, Mr. Berends was excused for six days on pressing business; Mr. Smith of Colorado during the day; Mr. Manning for one week; Mr. Wilder until Saturday next, and Mr. Green until Friday next.

On motion, Mr. Tivy was added to the Committee on Indian Affairs.

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

Resolved by the Senate and House of Representatives of the State of Texas, That the Governor be and he is hereby authorized to offer a reward of five thousand dollars for the apprehension and conviction of the murderers of the late Hon. Louis Frankee, to be paid out of any moneys in the Treasury not otherwise appropriated.

On motion, the regular order was suspended and the above joint resolution was taken up and passed to a second reading.

On motion, the rules were again suspended, the joint resolution read a second time; rules further suspended and resolution passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Allison, Anderson of McLennan, Bewley, Bledsoe, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Michael, Mills, Morris, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Russell, Sayers, Scott, Shaw, Shelton, Short, Smith, Storey, Thurmond, Tison, Tivy, Tom, Trolinger, Van Zandt, Venters, Walker, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—69.

Nays—None.

On motion, Mr. Morris was granted leave to supplement his minority report, from the special railroad committee, by adding the following :

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

Since the reading in the House on yesterday of the report of the majority of the select committee, to whom was referred a resolution of inquiry as to the legal obligations of the State, there has been neither time nor opportunity to mature such a counter-statement as the great importance of the subject deserves, but a general indication of views has been furnished me, and it is but just that it be submitted and printed in connection with the minority report of the undersigned. I will here add that on looking to the authorities cited as to the legality of the caption of the International railroad charter, I am

induced to withdraw my concurrence in that part of the majority report.

W. W. MORRIS.

It appears obvious that if there is any one question which has been set at rest by concurrent action of both the Federal and State governments, through all their departments, and especially through their judicial tribunals, that question is the constitutional competency of each of the States of this Union to extend pecuniary aid to the construction of railroads.

If any doubt upon that question now remains, it is confined, so far as evidenced by public records, to the majority of this committee.

The highest courts of more than twenty of the States of this Union have, after the fullest consideration, not merely conceded this power to the States themselves, but have established it as a power which may be delegated by the States to their respective municipal and local organizations. In proof of this assertion a list of cases, hastily collected for the purpose of this report, is hereto appended. It comprises some fifty causes, adjudicated in the appellate courts, and might be greatly extended upon further investigation. Among these cases are several decided by the Supreme Court of our own State, and they all concur in holding the question to have been settled in favor of the power. In the case of *San Antonio v. Jones*, 28 Texas, 29, the opinion of the court was delivered by Chief Justice Moore, whose judicial reputation requires no encomium in a Texas Legislature, and he says that the constitutionality of such laws has been sustained with remarkable uniformity by the courts of almost every State of the American Union; and he concurs in the opinion of another distinguished jurist, that "it is too late to bring the matter into serious debate."

The subsequent case of *San Antonio v. Lane*, 32 Texas, p. 410, treats the question as one fully and finally settled in this as well as the other States; and the still later case of *San Antonio v. Gould*, 34 Texas, on page 70, distinctly admits the same conclusion, although it proceeds to impeach the validity of the particular act then under consideration, for other and different reasons.

It being obviously impossible, within the limits of this report, to review the very numerous decisions upon this question, we must content ourselves with these citations

from the decisions of our own Supreme Court, simply to show that Texas is no laggard in the march of progress, but is fully abreast with her sisters of the Federal Union.

If, then, a mere county, town or city may derive power from a State Legislature to extend pecuniary aid to railroads, how foolish and futile it is to question the power of the States themselves, through their Legislatures, to do the same thing. To vindicate this power it is not incumbent upon me to cite any specific grant of it in the letter of the Constitution. It is a simple and ordinary legislative power, and is vested in the representatives of the people by the general grant of legislative power conferred on them by the Constitution. As such, and without any *specific mention* of it, the legislatures of almost all, if not every one of the States, have exercised it, and with equal unanimity their highest courts have sustained it. Being an ordinary legislative power it can not be denied to this Legislature unless the Constitution has expressly withheld it; and I challenge the production of any provision to that effect.

But the majority of the committee assume and attempt to maintain another position in their effort to invalidate the enactment in question. Its caption is, "An act to incorporate the International Railroad Company, and to provide for the aid of the State of Texas in constructing the same," and it is pretended that this caption violates the constitutional provision that "every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title."

Writers on constitutional law concur in declaring that provisions of this kind are "not designed to embarrass legislation by multiplying the number of bills, but to put an end to vicious legislation, and to require that in every case the proposed measure shall stand upon its own merits." (Dwarris on Statutes, 105; 13 Michigan Reports, 494.) Our own Supreme Court has held that "this section, doubtless, was to prevent embracing in an act having one ostensible object, provisions having no relevancy to that object, but really designed to effectuate other and different objects, and thus to conceal and disguise the real object proposed by the provisions of an act, under a false and deceptive title." (20 Texas Reports, 782, and see Sedgwick on Constitutional and Statutory Law, 51.)

. With this rational construction of the constitutional clause in question, its wisdom and utility are apparent; but surely it is not permissible to force upon it a construction which must generate evils as great as those it was designed to avert.

Let us take, then, the entire caption or title of the enactment under consideration, and from it ascertain its object. Can any rational mind detect in it more than a *single* object, to-wit, to ensure the construction of the road by competent legislation? That was the object, and the *sole* object of the enactment. Incorporation of the company was competent legislation to that object; State aid was competent legislation to it; but the caption itself conveys to the mind *but the one single object of the construction of the road*. If, in expressing that object, the Legislature saw fit to indicate the leading features of the legislation by which that object was to be effectuated, can it be maintained by any rational man that this introduced an *additional object* into the caption, and thus brought it within the prohibition of the Constitution? In fact, does not the entire caption more fully conform to the spirit and intent of the constitutional provision, though still purporting but a single object, than if the title had consisted of a generalization so vague as to leave unindicated the character of legislation by which that single object is to be accomplished?

Similar provisions are to be found in the constitutions of other States, and have come under judicial determination; but there is no instance in which an act of the Legislature has been held unconstitutional upon such an objection as this which is urged by the majority of the committee.

The case of *San Antonio v. Gould* does not raise or decide the question at all. That case decided that the caption or title of the act entitled "An act to incorporate the San Antonio Railroad Company," *failed to express* one of two different and substantive objects contained in the body of the act, and having no necessary or proper connection with each other. (It is no concern of this review to consider the degree of authority to be accorded to this case of *San Antonio v. Gould*; but it may be remarked that in *San Antonio v. Lane*, 32 Texas Reports, p. 405, the then Supreme Court arrived at an exactly op-

posite conclusion on precisely the same objection to the same enactment.)

Thus it is clear that the Gould case has not the slightest application to the act now under consideration. Here it is said that the title comprises *two* objects, while in that case the title clearly expressed but one object; but it was said that the body of the act provided for more objects than one. And I repeat that there is no other judicial decision which supports the objection taken by the majority of this committee to the title of the act in question.

The honor and fair name of the State of Texas concur, in my opinion, with the truest and most vital of the interests of her people, in imposing upon this House the imperative duty of promptly repudiating repudiation, no matter under what specious guise it presents its hideous front. Nothing more calamitous can befall us than the just imputation of ill-faith to the makers of our laws. To evade our obligations by a resort to quibbles and meaningless technicalities would be folly as well as fraud, and must be followed by a blight upon our prosperity as well as an indelible stain upon the character of the State.

In addition to what is above stated, it may be remarked that the opinion of Judge Cooley, in his work on Constitutional Limitations, and in one or more decisions made by that certainly able jurist, seems to be based upon the absence of any constitutional provision conferring upon the Legislature, either expressly or impliedly, the power to grant pecuniary aid to railroads.

It is not necessary either to assent to or combat the correctness of this opinion. It is sufficient for us to take as our guide our own Constitution, which clearly confers the power, as will be seen by reference to the different sections bearing upon that subject, and which are here respectfully referred to. The following sections are more particularly referred to: Section six of article twelve, and section six of article ten, which prohibits the granting of lands, and would have prohibited pecuniary aid, if such had been the intention or purpose of the framers of the Constitution.

Decisions referred to:

Sharpless v. Mayor of Philadelphia, 21 Penn., 47; Goodin v. Crump, 8 Leigh, Va., 120; Bridgeport v. R. R. Co., 15 Conn., 475; Nichol v. Nashville, 8 or 9

Humphries, Tenn., 252; Talbot v. Dent, 9 B. Monroe, Ky., 526; Beekman v. R. R. Co., 3 Paige, N. Y., 45; Stewart v. Supervisors Polk Co., 1 American Reports, 238. (This case overrules Hanson v. Vernon, *contra*, by same court.) Swan v. Williams, 2 Mich., 427; Blodgett v. Mohawk R. R. Co., 18 Wendell, 1; Stewart v. Land, 1 Cranch, 299; Pratt v. Brown, 3 Wis., 612; Robins v. R. R. Co., 6 Wis., 636; Soens v. Racine, 10 Wis., 280; New York v. Coates, 7 Cowen, 585; Commonwealth v. Perkins, 43 Penn., 410; The People v. Mitchell, 35 N. Y., 550; Clarke v. Rochester, 28 N. Y., 604; Gould v. Town of Venice, 20 Barbour, 442; Slack v. Maysville, 18 B. Monroe, 1; Maddox v. Graham, 2 Metcalf, Ky., 56; Society v. New London, 29 Conn., 174; Cincinnati R. R. Co. v. Commissioners, 12 Ohio, 77; State v. Commissioners, 12 Ohio, 596; Shoemaker v. Goshen, 14 Ohio, 569; Prettyman v. Supervisors, 19 Ill., 406; Butler v. Dunham, 27 Ill., 474; Gibbons v. Mobile R. R. Co., 36 Ala., 410; Robinson v. Bidwell, 32 Cal., 379; Commissioners v. Bright, 18 Indiana, 93; Aurora v. West, 22 Indiana, 88; Augusta Bank v. Augusta, 49 Maine, 407; Clark v. Janesville, 10 Wis., 130; Ellis v. Glason, 11 Wis., 470; Caldwell v. Justices, etc., 4 Jones Eq., N. C., 229; Powers v. Dougherty Co., 23 Ga., 65; St. Joe R. R. v. Buchanan Co., 39 Mo., 485; St. Louis v. Alexander, 23 Mo., 183; Strickland v. Miss. R. R. Co., 27 Miss., 209; Colton v. Commissioners, 5 or 6 Fla., 610; Police Jury v. McDonough, 3 La., 341; San Antonio v. Jones, 28 Texas, 19 (opinion by Judge Moore); San Antonio v. Lane, 32 Texas, 409; Ryder v. Alton R. R. Co., 13 Ill., 516; Lumsden v. Cross, 10 Wis., 282; Knowlton v. Supervisors, 9 Wis., 414; Louisville R. R. v. Davidson Co., 1 Sneed, Tenn., 637; Gilman v. Sheboygan, 2 Black, 510 (Supreme Court U. S.); and many other cases.

The cases *contra* usually relied on are:

The People v. Salem, Supreme Court of Michigan, A. D. 1870, opinion by Judge Cooley, but *the court was divided*. (See Am. Law Review for October, 1870, p. 126, *et seq.*) Hanson v. Vernon, 27 Iowa, 28—but this case was expressly overruled by same court in Stewart v. Supervisors of Polk county, 1 Am. Reports, 238. The case of San Antonio v. Gould, 34 Texas, 49, turns upon a different question. In it the court admits the authority of San Antonio v. Jones, 28 Texas, and San Antonio v.

Lane, 32 Texas, maintaining the validity of municipal subscription in general.

On motion, Mr. Hester was excused for twelve days from Monday next on account of sickness in his family.

On motion, Mr. Robb was excused for the same time.

By special leave the following bills were introduced :

Mr. Ford : Bill for the relief of L. W. Ludlow. Referred to the Committee on Private Land Claims.

Mr. Tilson : Bill for the relief of the heirs and assignees of E. S. Williams, deceased. Referred to the Committee on Private Land Claims.

Mr. Hester : Joint resolution proposing an amendment to section forty-eight, article twelve, general provisions of the Constitution. Referred to the Committee on Constitutional Amendments.

Mr. Bledsoe : Bill authorizing the County Court of Bosque county to levy a tax for the purpose of building a court house and jail. Referred to Judiciary Committee No. 2.

Mr. Kemble : Bill to suppress gambling. Referred to Judiciary Committee No. 2.

Mr. Broadus : Bill to validate headright land certificate No. 102, dated February 15, 183-, issued to Walter Campbell for 369 acres of land, instead of 370½ acres as now stated in said certificate. Referred to Committee on Private Land Claims.

By special leave, Judiciary Committee No. 1 reported as follows :

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 283, entitled "An act regulating the surveys of the land certificates of private corporations, and declaring the law touching the section reserved," have considered the same, and have directed me to report the bill to the House, with three amendments proposed by the committee, and to recommend their adoption and the passage of the bill as proposed to be amended.

GEO. W. SMITH, Chairman.

Amendments proposed by the committee to House bill No. 283 :

1. In the caption of the act insert in the second line after the word "of," these words, to-wit, "railroad and other."

2. After the word "by," at the end of the third line in section one, insert the same words: "railroad and other."

3. And at the end of section one, insert as follows: "All laws and parts of laws in conflict herewith are repealed."

Amendments adopted.

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

Mr. Payne then moved to suspend the rules and put the bill on its third and last reading. Lost.

On motion, the House took a recess of five minutes, to prepare for the reception of the Senate.

At the expiration of that time, the House was called to order.

The Senate was then announced and came in, and took seats prepared for them, the President occupying a seat on the Speaker's stand.

The Speaker announced that the two Houses had met in joint session to elect a public printer, as provided for by law.

The roll of the Senate being called, a quorum was declared present.

The roll of the House was then called and a quorum declared present.

Nominations on the part of the Senate being in order, Senator Dohoney nominated John Cardwell.

Senator Broughton nominated Willard Richardson.

Nominations from the House being called for, Mr. Prendergast nominated John Cardwell.

Mr. Mills nominated E. H. Quick.

Mr. Watts nominated Willard Richardson.

Senator Ball and Representatives Bewley and Cunningham were appointed tellers.

Mr. Joseph withdrew the name of Willard Richardson.

The vote being then taken *viva voce*, resulted as follows:

John Cardwell received 66 votes; Willard Richardson, 18; E. H. Quick, 3; Dan. McGary, 1; M. M. Pomeroy, 1; John D. Elliott, 1.

Whereupon, Mr. John Cardwell was declared duly elected State Printer.

The Senate then withdrew from the hall.

On motion of Mr. Russell, House bill No. 8, "An act to incorporate the city of Sulphur Springs, in the county of Hopkins," was taken up, and the following amendments, offered thereto and passed by the Senate, were read:

1. Amend third line of section two, by striking out the word "next," and inserting "1874."

2. Amend fifth section, by adding at the close of said section: "*provided, however,* that the present mayor, aldermen and city marshal shall hold said offices until the next election provided for in this act."

3. At the close of section ten add: "for each regular session, and fifty cents for each called session; and for a failure to attend any regular or called meeting of the board, may be fined in a sum not less than two nor more than five dollars, at the discretion of a majority of said board."

Adopted.

The bill thus amended was then passed, under further suspension of the rules.

By special leave, the following bills were introduced:

Mr. Winkler: Bill to incorporate the Corsicana Cemetery Association. Referred to the Committee on State Affairs.

Mr. Winkler: Bill to incorporate Marvin College. Referred to Committee on State Affairs.

Mr. Joseph: Bill to incorporate the Lee Fire Engine Company No. 5, of the City of Galveston. Referred to the Committee on Town and City Corporations.

Mr. Joseph: Bill to amend section one hundred and two, article three, title two, of an act to incorporate the city of Galveston, and to grant a new charter, approved May 16, 1871. Referred to Judiciary Committee No. 1.

Mr. Joseph: Bill to incorporate the Gulf, Colorado and Santa Fe Company. Referred to the Committee on Internal Improvements.

Mr. Joseph: Bill to amend the fourteenth section of an act concerning conveyances, approved February 5, 1840. Referred to Judiciary Committee No. 2.

Mr Allison offered the following resolution:

Resolved, That the Finance Committee be requested to inquire into the fees of all public officers, especially of district clerks, sheriffs, justices of the peace and constables, and whether the laws regulating the same do not

need revision, and if so to report at their earliest convenience by bill or otherwise.

Adopted.

Mr. Allison introduced a bill to prevent horse-racing in any city, town, or village. Referred to Judiciary Committee No. 2.

Mr. Abbott introduced a bill to incorporate the Hempstead Hook and Ladder Company No. 1, of the city of Hempstead. Referred to the Committee on State Affairs.

Mr. Ireland offered the following resolution :

Resolved, That the Committee on Finance be instructed to report a bill as soon as possible, making an appropriation of twenty-five thousand dollars, or so much as may be necessary, to pay interest on public debt falling due on the first of March.

Adopted.

Mr. Anderson of Mc Lennan introduced a joint resolution concerning the debt of Texas. Read and passed to second reading.

The rules were then suspended, the resolution read a second time and ordered engrossed. The rules were then further suspended, the resolution read a third time and passed.

By special leave, the Committee on Roads, Bridges and Ferries reported as follows :

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

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled "An act to authorize Howard Keys and his associates to construct a toll bridge across the Sabine river, at Crockett's Bluff," have had the same under consideration, and the committee have instructed me to report the bill back to the House and recommend its passage.

J. M. HARRISON, Chairman.

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

Mr. Ghent offered claims of C. F. Millett against the State of Texas. Referred to Committee on Claims and Accounts.

Mr. Watts introduced a bill re-incorporating the town of Liberty. Referred to Committee on Town and City Corporations.

Mr. Robb introduced a joint resolution making an ap-

appropriation for certain purposes. Referred to Committee on Claims and Accounts.

Mr. Gillette introduced a bill for the relief of John F. Elliott, a blind man. Referred to the Committee on State Affairs.

Mr. Roberts introduced a bill to prohibit hunting and killing game on Sunday. Referred to Judiciary Committee No. 2.

Mr. Kemble introduced a bill to secure the moneys collected under the one per cent. school tax. Referred to the Committee on Education.

Mr. Wood introduced a bill to amend section two of "An act defining the homestead and other property exempt from forced sale in this State," approved August 15, 1870. Referred to Judiciary Committee No. 2.

Mr. Wood introduced a bill to authorize and require the Commissioner of the General Land Office to issue certain land certificates therein named. Referred to the Committee on Public Lands and Land Office.

Mr. Wood introduced a bill to validate bounty land warrants issued to John B. Fox. Referred to the Committee on Private Land Claims.

Mr. Wood introduced a bill regulating insurance companies. Referred to Judiciary Committee No. 1.

Mr. Hollingsworth offered the following resolution:

Resolved, That Judiciary Committee No. 1, are hereby instructed to inquire into the legality and expediency of superseding suits now pending in the District Court of Travis county based upon an act entitled "An act to ascertain and adjudicate certain land claims against the State, situated between the Nueces and Rio Grande rivers," approved August 15, 1870.

Adopted.

Mr. Powers, on the part of the Joint Committee on Public lands and Land Office, reported as follows:

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

SIR: The Joint Committee of the Senate and House of Representatives on Public Lands and Land Office, to whom was referred House bill No. 188, entitled "An act supplementary to and amendatory of an act to regulate the disposal of the public lands of the State of Texas," approved August 12, 1870, have had the subject under

consideration, and instruct us to report the same back to the House and recommend its passage.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

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

The Committee on Military Affairs reported as follows:

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

SIR: Your Committee on Military Affairs, to whom was referred Senate bill No. 92, entitled, "An act to provide for the enrollment, organization and discipline of the militia," instruct me to report said bill to the House, and state that, after a careful investigation of the said Senate bill, it is found not in all respects to comply with the requisition of the Constitution of the United States, and the act of Congress of 1792, passed in pursuance thereof, regulating the enrollment and organization of the militia of the several States.

I am further instructed to report the accompanying bill as a substitute for said Senate bill, and recommend its passage.

J. M. ANDERSON, Chairman.

The substitute, being "An act to repeal the third, twenty-sixth and twenty-seventh sections, and to amend the eighth section of an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870, and to repeal the first section of an act to amend an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State guards, and for the public defense, approved June 24, 1870, approved April 12, 1871," was read, and, on motion, laid on the table, and two hundred copies thereof ordered printed for the use of the House and Senate.

Mr. Bewley introduced a bill to authorize the county of Marion to audit and fund the debt of said county. Referred to Judiciary Committee No. 2.

Mr. Denton offered the following resolution:

Resolved, That the clerk of the Committee on Privileges and Elections be, and is hereby entitled to eight dollars per day for his services from this date.

Adopted.

The Speaker announced the receipt of the following communication :

MAYOR'S OFFICE,
CITY OF HOUSTON, February 18, 1873. }

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

SIR: I have the honor to present a resolution of the Common Council of the city of Houston, tendering the hospitality of this city to His Excellency the Governor, the Heads of Departments, Judges of the Supreme Court, and members and officers of the Senate and House of Representatives of the State Legislature, on their return from the festivities at Galveston.

Your acceptance of the same is respectfully solicited.

Should the desires of the people of this city to do honor to the State authorities, be met by the acceptance of this invitation, I would respectfully ask to be informed on what day after the conclusion of the festivities at Galveston they will visit Houston.

I have the honor to be, very respectfully, your obedient servant,

T. H. SCANLAN, Mayor.

Resolved, That the invitation of the city of Houston is accepted by the House, and that the Speaker be and is authorized to inform the city authorities of such acceptance, and name Wednesday evening next, at five o'clock, as the hour of reception.

The yeas and nays being called on the adoption of the resolution, resulted as follows :

Yeas—Messrs. Speaker, Abbott, Allison, Anderson of McLennan, Bewley, Brown of Dallas, Brown of Upshur, Cunningham, Doyle, Ford, Gallaway, Gilpin, Green, Hoffman, Joseph, Lane, Mabry, Manning, Mills, Morris, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Shaw, Shelton, Smith of Houston, Trolinger, Van Zandt, Venters, Walker, Washington, Watts, Williams and Winkler—37.

Nays—Messrs. Broaddus, Carroll, Chambers, Denton, Eastland, Gaston, Gillette, Hester, Ireland, Killough,

McDonald, Payne, Rainey, Russell, Sayers, Scott, Story, Tilson, Tivy, Tom, Westfall and Wood—22.

Whereupon the resolution was declared adopted.

Mr. Anderson of McLennan offered the following resolution:

WHEREAS, There is entertained by many persons interested in the public debts and obligations of the State of Texas fears that the present Legislature will endeavor to annul many of said debts and obligations; therefore, be it

Resolved by the House of Representatives of the State of Texas, That we censure and entirely disapprove of the means and manner by and in which many of said debts and obligations were incurred, but that we believe that all debts and obligations that were *legally* incurred by the *legally* constituted authorities are binding on the State; and that however much we may deprecate the same, we will not do nor sanction any act that tends to annulling, repudiating or depreciating any of such debts, or obligations so legally incurred.

Adopted.

Mr. Shelton offered the following resolution:

Resolved, That the use of the Representative hall be and is hereby tendered to the Rev. James Young, State temperance lecturer, to deliver an address upon the "Ohio Liquor Law," Saturday, March 1, at 7:30 o'clock P. M.

Adopted.

On motion, Mr. Winkler was granted leave of absence for one week.

Mr. Abbott offered the following resolution:

Resolved, That in memory of the Father of our Republic, George Washington, this House stand adjourned until 7 o'clock A. M. Monday the twenty-fourth instant.

Resolved, That a committee of five be appointed by the Speaker to cause to be fired thirteen rounds of artillery, with one of the pieces now standing in front of the Capitol, three minutes intervening between each salute, the firing to commence at 2 P. M.

Adopted.

The Speaker announced the following gentlemen on the committee above provided for: Messrs. Abbott, Green, Roberts, Hoffman and Gillette.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, February 24, 1873. }

House met pursuant to adjournment, at 7 o'clock A. M. Roll called.

The following gentlemen failed to answer to their names:

Messrs. Abbott, Adriance, Allen, Anderson of Montgomery, Armstrong, Berends, Booty, Bordeaux, Broadus, Davenport, Day, Ellett, Gaston, Ghent, Green, Ireland, Joseph, Leyendecker, Manning, Michael, Moore, Nelson, Noeggerath, Payne, Powers, Prendergast, Roseborough, Salter, Smith of Colorado, Smith of Houston, Veale, Wilder, Winkler and Wood.

There being no quorum present, the sergeant-at-arms was dispatched to bring in absent members.

During his absence, Mr. Brown of Dallas moved to adjourn until Friday, February 28, at 10 o'clock A. M.

Mr. Denton rose to a point of order, stating that the motion before the House proposed to adjourn for a longer period than three days.

The Speaker decided the point of order was not well taken.

Mr. Brown of Dallas then moved to adjourn until 10 A. M. Thursday, February 27.

The yeas and nays being called, resulted as follows:

Yeas — Messrs. Speaker, Allison, Anderson of McLennan, Bewley, Bledsoe, Brown of Dallas, Cunningham, Doyle, Ford, Gallaway, Gilpin, Hoffman, Hollingsworth, Killough, Kleberg, Lane, Mills, Morris, Phelps, Rainey, Rimes, Robb, Roberts, Shaw, Shelton, Short, Thurmond, Trolinger, Van Zandt, Venters, Washington, Watts and Williams—33.

Nays—Messrs. Brown of Upshur, Carroll, Chambers, Denton, Eastland, Gillette, Harrison, Hester, Kemble, Mabry, McDonald, Russell, Scott, Storey, Tilson, Tivy, Tom, Walker and Westfall—19.

There being no quorum present, Mr. Russell moved to adjourn until to-morrow morning at 10 o'clock, which was carried.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 25, 1873.

House met pursuant to adjournment.

Mr. Russell in the chair.

Roll called, when the following gentlemen failed to answer to their names:

Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Brown of Upshur, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Michael, Mills, Moore, Noeggerath, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Roseborough, Salter, Sayers, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Wilder, Williams, Winkler, Wood.

There being no quorum present, on motion of Mr. Morris, the House adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 26, 1873.

House met pursuant to adjournment.

Mr. Russell in the chair.

Roll called, when the following gentlemen failed to answer to their names:

Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Brown of Upshur, Carroll, Cunningham, Davenport, Day, Denton, Doyle, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald,

Michael, Mills, Moore, Noeggerath, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Roseborough, Salter, Sayers, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Wilder, Williams, Winkler, Wood.

There being no quorum present, on motion of Mr. Morris, the House adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 27, 1873.

House met pursuant to adjournment.

Mr. Russell in the chair.

Roll called, when the following members failed to answer to their names:

Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Brown of Upshur, Carroll, Cunningham, Davenport, Day, Denton, Doyle, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Klerberg, Lane, Leyendecker, Mabry, Manning, McDonald, Michael, Mills, Moore, Noeggerath, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Roseborough, Salter, Sayers, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Wilder, Williams, Winkler, Wood.

There being no quorum present, on motion of Mr. Broaddus, the House adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, February 28, 1873.

House met pursuant to adjournment. Prayer by the chaplain. Roll called; quorum present. Absent, Messrs Leyendecker and Michael.

On motion of Mr. Brown of Upshur, Mr. Carroll was excused for an indefinite period. Messrs Morris and Bewley were excused for the day.

The journals of the preceding days were read and adopted.

A message was received from the Senate informing the House that the Senate had passed House bill No. 202, a bill for the relief of William J. Russell, and House concurrent resolution assuring pay of teachers of public schools; and the following bills originating in the Senate: Bill No. 70, to incorporate the city of Lampasas, in the county of Lampasas; bill No. 95, for the relief of Luke G. Lea, and bill No. 98, to incorporate the town of Weatherford.

Mr. Winkler, by leave, called up Senate bill No. 37, to create the county of Rockwall, which was read third time.

Mr. Shaw presented a protest from citizens of Kaufman county against the passage of the bill. Upon calling the roll the bill passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adrance, Allen, Allison, E. Anderson, J. M. Anderson, Berends, Booty, Bordeaux, Broaddus, J. H. Brown, B. W. Brown, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Gillette, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Joseph, Kimball, Killough, Lane, Mabry, McDonald, Mills, Nelson, Noeggerath, Phelps Powers, Rainey, Russell, Scott, Shelton, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Washington, Watts, Westfall, Williams and Winkler—55.

Nays—Messrs. Bledsoe, Ireland, Kleberg, Moore, Payne, Prendergast, Roberts, Roseborough, Sayers, Shaw, W. G. Smith, J. T. Smith, Veale and Venters—14.

Mr. Booty, chairman of the Committee on Engrossed Bills, reported as correctly engrossed House bill No. 235, to incorporate the city of Denison.

Mr. Sayers, from the Committee on Engrossed Bills, made the following report:

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

SIR: Your Committee on Engrossed Bills respectfully report that they have examined House bills:

No. 29, "An act to provide for the registration of voters."

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

No. 91, "An act to amend an act entitled an act to establish a code of criminal procedure for the State of Texas."

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

No. 120, "An act to amend the twenty-ninth section of an act entitled an act for prescribing the times of holding the District Courts in the several judicial districts in the State."

No. 53, "Relating to appeals to Supreme Court from interlocutory judgments in the District Courts."

No. 162, "An act to authorize the County Court of Comal county to levy a special tax."

No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed."

No. 156, "An act to validate the survey of John B. Dillard, and authorize patent to issue on the same."

No. 157, "An act amendatory of and supplementary to an act to incorporate the city of Dallas, in Dallas county, approved April 20, 1871."

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

No. 183, "An act to prescribe the time of holding the District Court of Leon county, and to regulate proceedings therein."

No. 303, "An act to establish a ferry across the Trinity river at Prewitt's Old Mill."

No. 220, "An act to regulate the compensation of county treasurers."

No. 221 "An act to regulate the testimony of witnesses in cases of bribery."

No. 270, "An act validating certain land titles in Ellis county."

No. 278, "An act to prohibit the sale of vinous and

spirituous liquors within two miles of Midway, Madison county, Texas."

No. 279, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Bird's Creek School House, in Bell county, Texas."

No. 281, "An act providing for a special tax in Wise county."

No. 282, "An act to authorize the levy and collection of a special tax in Gonzales county."

And find that the same are correctly engrossed.

On motion of Mr. Broaddus, a bill supplemental to "An act to provide for the establishment of the Agricultural and Mechanical College of Texas," approved April 17, 1871, was made the special order for to-morrow at 11 A. M.

On motion of Mr. Sayers, House bill No. 201, to amend and consolidate the several acts incorporating the town of Gonzales, was taken up, read third time and passed.

On motion of Mr. Ireland, the business on the Speaker's table was taken up and disposed of as follows:

House joint resolution No. 18 $\frac{1}{2}$, ratifying an amendment to the Constitution. Made special order of the day for Monday at 11 o'clock.

Senate joint resolution No. 9, ratifying an amendment to section six of article ten of the Constitution of the State of Texas, proposed by joint resolution of the Legislature of the State of Texas, passed May 17, 1871. Made the special order of the day for Monday next at 11 o'clock.

Senate bill No. 7, to incorporate the Colorado, Austin and Lampasas Railway Company. Read first time and referred to the Committee on Internal Improvements.

Senate bill No. 12, to amend "An act entitled an act to provide for appeals from interlocutory judgments in the district courts of the State, approved November 1, 1871." Read first time.

Senate joint resolution No. 13, authorizing and requiring the Comptroller of Public Accounts to receive and deposit in the Treasury, money belonging to the estate of Charles Kammer, deceased, and to cause to be escheated the land and other effects belonging to said estate. Read first time.

Senate joint resolution No. 17, instructing and requesting our congressional delegation to urge upon Congress

the survey and construction of a ship canal across the peninsula of Florida. Read first time; rule suspended, read second time and passed to a third reading; rule further suspended, read third time and passed.

Senate bill No. 28, to regulate the disposal of the public lands of the State. Read and referred to the Committee on Public Lands.

Senate bill No. 42, conferring the right of suffrage upon such foreign born residents as may have heretofore declared, or may hereafter declare, their intention to become citizens before the clerks of the district courts of the several counties in vacation. Read first time; rule suspended, bill read second time and passed to a third reading; rule further suspended, read third time and passed.

Senate bill No. 54, to incorporate the Hibernian Benevolent and Mutual Aid Association of Austin, Texas. Read first time and referred to the Committee on State Affairs.

Senate bill No. 62, to incorporate the Tyler Real Estate and Building Association. Read first time and referred to the Committee on State Affairs.

Senate bill No. 69, to expedite the decision of criminal cases by the Supreme Court. Read first time; rule suspended, bill read second time and passed to a third reading; rule further suspended, read third time and passed.

Senate bill No. 72, for the relief of Bertha Staffel. Read first time and referred to the Committee on State Affairs.

Senate bill No. 82, for the relief of John S. Menefee. Read first time and referred to the Committee on Private Land Claims.

Senate bill No. 75, to authorize the County Court of Washington county to issue bonds for the purpose of funding the indebtedness of said county, contracted for the building of a jail, and to provide for their payment. Read first time and referred to the Committee on State Affairs.

Senate bill No. 79, to provide for the ascertainment and payment of the liabilities of the county of Washington. Read first time and referred to the Committee on State Affairs.

Senate bill No. 85, concerning proceedings in the district courts. Read first time and referred to Judiciary Committee No. 2.

Senate bill No. 89, to incorporate G. M. Johnson Lodge No. 97 of the Independent Order of Odd Fellows. Read first time.

House bill No. 104, to amend section four of an act entitled "An act to incorporate Paine Female Institute," approved August 6, 1866. Read third time and passed.

House bill No. 109, for the relief of David M. Callahan. Read and referred to the Committee on Judiciary No: 1.

By leave, Mr. Short introduced joint resolution No. 312, providing for the election of delegates to a constitutional convention, and fixing the time for the assemblage of the same. Read first time and referred to the Committee on Constitutional Amendments.

By leave, Mr. Killough introduced House bill No. 311, to make legal and valid an election for mayor and constable of the town of La Grange. Read first time; rule suspended, bill read a second time and ordered engrossed; rule further suspended, read a third time and passed.

House bill No. 121, making an appropriation to pay the mileage and per diem of Presidential electors, was read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Ghent, Gillette, Gilpin, Green, Harrison, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, McDonald, Mills, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Roseborough, Russell, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom. Trolinger, Van Zandt, Veale, Walker, Washington, Westfall, Williams and Winkler—69.

Nay—Mr. Watts—1.

House bill No. 122, to amend an act entitled "An act to amend articles seven hundred and fifty-seven and seven hundred and sixty-six of an act to adopt and establish a penal code for the State of Texas," approved November 12, 1866. Read and re-referred to Judiciary Committee No. 1.

House bill No. 126, for the relief of A. S. Thurmond. Read third time and passed.

House bill No. 144, to amend an act entitled "An act to establish a code of criminal procedure for the State of Texas," approved August 26, 1856. Read third time and passed.

House bill No. 164, to prohibit the sale, or otherwise disposing of intoxicating liquors within two miles of the Acton Masonic Institute, in Hood county. Read third time and passed.

House bill No. 146, to amend "An act to incorporate Austin College," approved November 22, 1849. Read third time and passed.

House bill No. 160, to incorporate the town of Greenville, Hunt county. Read third time and passed.

House bill No. 212, to authorize Alexander English to erect a toll bridge on Bois d'Arc creek, in the county of Fannin. Read third time and passed.

House bill No. 58, to incorporate Odd Fellows Male and Female College, at Pittsburg, Upshur county, Texas. Read third time and passed by a two-thirds vote.

Mr. Cunningham offered the following resolution:

Resolved, That the sergeant-at-arms be required to furnish each of the members of this House, daily, during the present session, with ten copies of the *Daily Democratic Statesman*, five copies of the *Galveston Daily News*, one copy of the *Houston Age*, and one copy of the *Daily State Gazette*."

Mr. Ghent moved to amend by striking out "ten" and inserting "twenty," where it relates to the *Statesman*.

Mr. Killough offered the following as a substitute:

Resolved, That each member of this House be furnished with ten newspapers per day of any kind that he may desire.

On motion, the resolution and substitute were referred to a special committee.

Messrs. J. H. Brown, Broaddus and Ireland were appointed said committee.

House bill No. 99, to amend section twenty-three 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. Read third time.

Mr. Ireland moved to amend by inserting after the word "may," in the twelfth line of section one, the words "unless the jury be waived. Carried, and bill passed.

House bill No. 127, to authorize Isaac Franklin to erect

a pontoon bridge over the San Antonio river, in the county of Goliad, Texas. Read a third time and passed by a two-thirds vote.

On motion of Mr. Berends, Mr. Nelson was added to the Committee on Education.

On motion of Mr. Sayers, the memorial of citizens of Gonzales county, asking the privilege of levying a special tax to erect a bridge, heretofore referred to the Committee on Roads, Bridges and Ferries, be referred to Judiciary Committee No. —.

On motion of Mr. Brown of Dallas, Hon. Roger Q. Mills was invited to a seat on the floor of the House.

Mr. Berends, by leave, introduced a bill, No. 310, 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 entitled "An act to amend the act to incorporate the city of San Antonio," approved February 11, 1860, and an act entitled "An act to incorporate the city of San Antonio and grant a new charter to said city," approved August 13, 1870. Read first time and referred to the Committee on Town and City Corporations.

Mr. Allen presented a protest from citizens of Harris county, against the formation of the county of Hempstead.

Mr. ——— presented the petition of citizens of Austin county, in favor of the formation of the county of Hempstead.

Mr. Smith of Colorado presented protests of about fourteen hundred citizens of Austin county against the formation of Hempstead county—all of which were referred to the Committee on Counties and County Boundaries.

Mr. Walker presented the petition of citizens of Cherokee, asking for the creation of a new county to be called Dillard. Referred to the Committee on Counties and County Boundaries.

Mr. Moore presented a protest of citizens of Harrison county, against the dismemberment of their county.

On motion of Mr. Brown of Dallas, the House adjourned until ten o'clock to-morrow morning.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, March 1, 1873. }

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

On motion, the reading of the journal was hereafter dispensed with.

On motion, Mr. Walker was excused for an indefinite time, on account of sickness in his family.

On motion, Mr. Robb was excused until Tuesday.

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

Mr. Morris moved to have printed one hundred copies of the Governor's estimate of expenditure for the present and ensuing year. Carried.

Petitions and memorials being in order, Mr. Westfall offered a petition of citizens of Liberty, Hill and Williamson counties, asking the passage of "An act to prohibit the sale of intoxicating liquors within three miles of Fairview Academy." Referred to the Committee on Education.

Mr. Tilson offered a petition regarding the sale of liquors, etc. Referred to the Committee on State Affairs.

Mr. Mills offered a petition of the citizens of Walker county, praying to be reimbursed by the State for the support of martial law in said county. Referred to the Committee on State Affairs.

Mr. Berends presented a memorial of the Board of Trade of San Antonio. Read and referred.

Mr. Kleberg presented a remonstrance by the citizens of Yorktown against a petition from citizens in the vicinity of said town, asking to be incorporated in the same. Referred to the Committee on Town and City Corporations.

Mr. Rosborough presented a petition of citizens of Coryell county, asking the passage of a law prohibiting the sale of intoxicating liquors within two miles of Oak Grove Academy, in said county. Referred to the Committee on State Affairs.

Mr. Rosborough presented a petition of citizens of Bell county, asking the passage of a hog law. Referred to the Committee on Agriculture and Stock Raising.

Mr. Tivy presented a petition from the Police Court of

Kerr county, in relation to the court house. Referred to the Committee on State Affairs.

Mr. Tivy presented a petition of citizens of San Antonio, in relation to the Indianola, San Antonio and El Paso Railroad. Referred to the Committee on Internal Improvements.

Mr. Tivy presented a memorial from citizens of Gillespie county, in relation to the Constitutional Amendment and railroad subsidies. Referred to the Committee on Constitutional Amendments.

Mr. Bordeaux presented a petition, praying the issue of a patent to Dr. A. Gordon. Referred to Judiciary Committee No. 1.

Mr. Hollingsworth presented a petition from citizens of Hays county asking for the passage of a liquor law. Referred to Judiciary Committee No. 1.

Mr. Brown, of Dallas, presented a petition of T. C. Jordan. Referred to Judiciary Committee No. 2.

Mr. Brown, of Dallas, presented a petition of the citizens of Dallas county. Referred to the Committee on State Affairs.

Mr. Rosborough presented a remonstrance of citizens of Bell county against the proposed new county of Florence. Referred to the Committee on Counties and County Boundaries.

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

Resolved by the Senate, the House concurring, That the joint committee appointed to investigate the charges against Judge T. C. Barden be authorized to employ a clerk.

On motion, the rules were suspended to allow the introduction of bills.

Mr. Payne introduced a bill to authorize the County Court of Goliad county to levy and collect a special tax for the purpose of building a court house. Read; the rules suspended, read a second time by caption and ordered engrossed. The rules were then further suspended, the bill considered engrossed, read a third time by caption and passed by a two-thirds vote.

Mr. Payne introduced a bill to amend section second of an act entitled "An act to incorporate the town of Yorktown," approved May 22, 1871. Referred to the Committee on Town and City Corporations.

Mr. Payne introduced a bill to amend sections one and two of an act entitled "An act further regulating proceedings in the several courts of the State of Texas," approved May 19, 1871. Referred to Judiciary Committee No. 1.

Mr. Payne introduced a bill to repeal Section sixty of an act entitled "An act concerning private corporations," approved December 2, 1871. Referred to the Committee on Town and City Corporations.

Mr. Payne introduced a bill to provide for a change of venue in civil causes. Referred to Judiciary Committee No. 1.

Mr. Tom introduced a bill to enlarge the county of Medina. Referred to the Committee on Counties and County Boundaries.

Mr. Gillette introduced a bill to be entitled "An act to prohibit the sale of spirituous liquors in certain places in the State of Texas." Referred to the Committee on State Affairs.

Mr. Rainey introduced a bill to amend Article 3733, Paschal's Digest, in reference to depositions. Referred to Judiciary Committee No. 1.

Mr. Rainey introduced a bill to amend article —, Paschal's Digest. Referred to Judiciary Committee No. 1.

Mr. Hollingsworth introduced a bill to authorize the County Court of Comanche county to issue bonds for certain purposes. Referred to the Committee on Counties and County Boundaries.

Mr. Winkler introduced a bill to amend the ninetieth section of an act entitled "An act to regulate proceedings in the district courts," approved May 13, 1846. Referred to Judiciary Committee No. 2.

Mr. Bledsoe introduced a bill to be entitled "An act prohibiting the sale of intoxicating liquors within two miles of Valley Mills Academy in Bosque county." Referred to the Committee on Education.

Mr. Bledsoe introduced a bill to be entitled "An act prohibiting the sale or disposal of intoxicating liquors within five miles of the academy in the town of Clifton, Bosque county." Referred to the Committee on Education.

Mr. Prendergast introduced a bill to be entitled "An act to incorporate Mount Calm Masonic Institute." Referred to the Committee on State Affairs.

Mr. Prendergast introduced a bill to be entitled "An act to prohibit the sale or disposition of spiritous, vinous or other intoxicating liquors within three miles of Mount Calm Masonic Institute." Referred to the Committee on State Affairs.

Mr. Venters introduced a bill to amend an act entitled "An act to incorporate the town of Pilot Point, Denton county," passed October 8, 1866. Referred to the Committee on Town and City Corporations.

Mr. Venters introduced a bill to be entitled "An act to re-incorporate the town of Denton, in the county of Denton, State of Texas." Referred to the Committee on Town and City Corporations.

Mr. Tivy introduced a bill to authorize the County Court of Kerr county to issue bonds for the building of a court house in said county. Referred to the Committee on State Affairs.

Mr. Allison offered the following resolution :

Resolved, That Judiciary Committee No. 1 be requested to draft and present a bill making the act of borrowing property, or any valuable thing, and not returning the same as promised or agreed upon, but converting it to their own use, theft.

Adopted.

Mr. Kleberg presented the following concurrent resolution :

WHEREAS, The Superintendent of Immigration has caused the coming to Texas of Messrs. Bernhard Wankentine and J. B. Schmidt, a delegation of Menonites from the Crimea, in Russia, who visit America with the view of finding suitable lands to migrate to and settle about 40,000 souls; and,

Whereas, The said delegation represents a class of people well known for their industry, intelligence and moral worth, who seek a home in the land of freedom, in which they may enjoy religious and civil liberty, and to escape from the iron heel of their present ruler; and,

Whereas, Their coming to Texas will not only add largely to our population, but produce the cultivation of our soil, the development of the resources of our State, and thus enhance our material wealth; and,

Whereas, These people have expressed a desire to come to our State in preference to any other State in the Union; *provided*, that the Legislature of this State will

offer them such inducements as would justify their coming to this country; therefore,

Be it resolved by the House of Representatives, the Senate concurring, That we extend a cordial invitation to the people in the preamble above mentioned to migrate to our country, and promise to offer them every inducement to come to our State that lies within our power, and which is not inconsistent with the best interests of our State.

Pending the discussion, the hour for the special order arrived, but, on motion, it was deferred for an hour.

After further discussion, Mr. Russell offered the following amendment: "*Provided*, said immigrants will perform all duties required of other citizens of Texas."

Mr. Killough moved the previous question, which, being seconded, was put and carried.

The resolution was then adopted.

Mr. Trolinger moved to take up the bill incorporating the town of Denison, with the Senate amendments thereto. Carried.

The amendments were then read as follows: Sixth section, third line, strike out "December" and insert "June."

In line twenty-three, second page, strike out the name of H. C. Taylor, and insert the name of F. P. Baker.

On motion the amendments were adopted, and the bill, thus amended, passed.

The Senate concurrent resolution, granting the committee to investigate the charges against Judge T. C. Bardeen a clerk, was taken up and passed.

On motion of Mr. Broaddus, the bill relating to the Agricultural and Mechanical College of the State of Texas, was made the special order for Thursday next at 11 A. M.

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

SIR: Your Committee on Enrolled Bills, have carefully examined House bill No. 112, "An act to amend an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870; approved October 13, 1871," and find the same correctly enrolled, and have presented the same this day to the Governor for his signature.

SHAW, Chairman.

Further report from same committee :

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 8, "An act to incorporate the city of Sulphur Springs, in the county of Hopkins," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

SHAW, Chairman.

Further report from same committee :

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 202, "An act for the relief of Wm. J. Russell," and find the same correctly enrolled, and have presented the same this day to the Governor for his signature.

SHAW, Chairman.

The Committee on Engrossed Bills reported as follows :

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

SIR: Your Committee on Engrossed Bills have carefully examined House bills, as follows :

No. 85, "An act directing the publication of the expenditures, assets and indebtedness of the several counties."

No. 141, "An act to amend article seven hundred and seventy-three, b, of the penal code of the State of Texas."

No. 166, "An act to amend chapter six, title ten, of the penal code."

No. 188, "An act supplementary to and amendatory of an act to regulate the disposal of the public lands of the State of Texas, approved August 12, 1870."

No. 269, "An act to authorize Howard Keys and his associates to construct a toll bridge across the Sabine river, at Crockett's Bluff."

No. 283, "An act regulating the survey of the land certificates of railroads and other private corporations, and declaring the law touching the sections reserved."

No. 290, "Joint resolution concerning the debt of Texas."

No. 311, "An act to make legal and valid an election

for mayor, aldermen and constable of the town of La Grange," and find the same correctly engrossed.

BOOTY, Chairman.

By special leave, Mr. Ireland introduced a bill making an appropriation to pay the salaries of supreme and district judges, and district attorneys. Referred to the Committee on Finance.

Also bill supplementary to and amendatory of the several acts concerning injunctions. Referred to Judiciary Committee No. 2.

On motion of Mr. Morris, the rules were suspended and the Finance bill taken up and read a third time.

Mr. Anderson of McLennan offered the following amendment to section four:

"Provided, that the payment of the interest that may fall due on the bonds sold, and the setting aside of the amount to be set aside for the sinking fund, shall be first provided for out of the general revenue of the State, and the Governor, Comptroller and Treasurer of the State shall pay the interest on the bonds as it falls due."

Adopted.

The bill was then put upon its final passage, and the yeas and nays being called, resulted as follows:

Yeas—Messrs. Speaker, Abbot, Adriance, Allen, Allison, Anderson of McLennan, Berends, Bewley, Bledsoe, Booty, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Doyle, Eastland, Ellett, Ford, Gallaway, Gillette, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, McDonald, Michael, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Phelps, Roberts, Rosborough, Salter, Shaw, Shelton, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Williams, and Winkler—59.

Nays—Messrs. Ghent, Ireland, Prendergast, Rainey, Rimes, Russell, Scott, Short, Smith of Colorado, Storey, Tom and Westfall—12.

Whereupon the bill was declared passed.

Mr. Brown of Dallas moved to take up the bill in relation to fences in certain counties. Carried.

Mr. Bordeaux moved to amend by adding Clay and Grayson counties.

Mr. Green moved to amend by adding Austin, Fort Bend and Wharton counties.

Mr. Anderson of McLennan moved the previous question, which was seconded, put and carried. The bill was then ordered engrossed.

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

On motion of Mr. Rainey, the bill for the protection of the farming interests of the State was taken up and read.

A substitute therefor, submitted by the Committee on Agriculture and Stock Raising, was then read and adopted.

On motion of Mr. Nelson, the bill was made the special order for 11 A. M. Wednesday next, and one hundred copies ordered printed.

On motion of Mr. Brown of Dallas, one hundred copies of the bill regulating the keeping and bearing of arms were ordered printed.

By special leave, Mr. Hollingsworth introduced a bill amending the twenty-fifth section of an act entitled "An act to encourage stock raising and for the protection of stock raisers," approved May 22, 1871. Referred to the Committee on Agriculture and Stock Raising.

Mr. Killough introduced a bill granting a pension to Jessie Burnham, a veteran of the revolution which separated Texas from Mexico. Referred to to the Committee on State Affairs.

Mr. Ghent introduced a bill authorizing J. W. McCullough to establish a ferry across Little River, Milam county. Referred to the Committee on Roads, Bridges and Ferries.

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

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 3, 1873.

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

The following gentlemen failed to answer to their names:
Messrs. Ellett, Walker and Wilder.

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

General John B. Gordon, member of Congress from Georgia, was invited to a seat within the bar and the freedom of the House was tendered him.

Memorials and petitions being in order, Mr. Bledsoe presented a memorial of citizens of Bosque county, asking for a special election to permanently locate the county seat. Referred to the Committee on Counties and County Boundaries.

Mr. Smith of Colorado presented a memorial asking the incorporation of the town of Nelsonville. Referred to the Committee on Towns and City Corporations. By special leave, Mr. Ghent offered the following resolution:

Resolved, That the Speaker appoint a committee of three to wait upon Gen. John B. Gordon, United States Senator elect from Georgia, and invite him to address the Legislature and citizens in this hall on such evening as may suit his convenience.

Adopted.

Messrs. Ghent, Bordeaux and Wood were appointed on the committee.

Hon. J. F. Duncan, member of the House of Representatives of the State of Iowa, was invited to a seat within the bar, and the freedom of the House tendered him.

Reports of Committees being in order, Judiciary Committee No. 1 reported as follows:

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

SIR: Judiciary Committee No. 1, to whom was referred the Memorial of Judge Nat. M. Burford, have had the same under consideration and have instructed me to state that we are not satisfied that his claim to an increase of salary, as the Judge of the Sixteenth District to which he was elected in 1856, can be allowed by law, but to report a bill to authorize him to sue the State and let the matter be determined by the courts, whether he was entitled to it or not, and I do herewith report such a bill and recommend its passage.

GEO. W. SMITH, Chairman.

The bill, being a bill entitled "An act for the relief of the Hon. Nat. M. Burford," was read, read second time under suspension of the rules and ordered engrossed.

Second report from same committee:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 142, and the petition of certain citizens of

Menard county, and the bill reported by the Committee on Counties and County Boundaries, have considered the same, and instruct me to report a bill as a substitute for them both and to recommend its adoption and passage.

GEO. W. SMITH, Chairman.

The substitute, being a bill to enlarge the area of Menard county, was read and adopted, and ordered engrossed. On motion the rules were suspended, the bill read a third time and passed.

Third report from same committee :

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

SIR: Judiciary Committee No. 1, to whom was referred Senate bill No. 34, entitled "An act to amend section second of an act entitled an act further regulating proceedings in the several courts of the State of Texas, approved May 19, 1871," have had the same under consideration, and have instructed me to report the bill, with the engrossed rider, to the House and request that it do not pass.

GEO. W. SMITH, Chairman.

The report was adopted.

Judiciary Committee No. 2 reported as follows :

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

SIR: Your committee to whom was referred House bill No. 267, amending penal code, beg leave to report said bill back with the recommendation that said bill do pass.

IRELAND, Chairman.

The bill, being an act to amend Articles 412 and 418 of the penal code, as amended by act passed May 11, 1871, was read a second time and ordered engrossed.

The same committee reported further as follows ;

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

SIR: Your committee to whom was referred House bill No. 272, to authorize Mrs. L. A. Davenport to keep and run a ferry and erect a toll bridge over the Lake Fork of Sabine river, in Wood county, beg leave to report said bill back to the House with the recommendation that the same do pass.

IRELAND, Chairman.

Mr. Russell offered the following amendment :

“*Provided*, this act shall not be so construed as to interfere with the rights of Wood county in keeping up and running a free bridge already built by said county, at or near the place where the said ferry, bridge and toll-gate is to be erected, but nothing in this proviso shall be so construed as to prohibit the courts from settling the question as to the right of Wood county to said bridge.”

On motion, the bill and amendment were re-committed to Judiciary Committee No. 1.

The same committee reported further as follows :

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

SIR: Your committee, to whom was referred House bill No. 238, an act to authorize the levy of writs of execution, attachment and sequestration on neat cattle as they run in the range, beg leave to report the same back and recommend its passage.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed.

The same committee reported further as follows :

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

SIR: Your committee to whom was referred House bill No. 286, being a bill to be entitled “An act to suppress gambling,” beg leave to report the same back with the recommendation that the same do pass.

IRELAND, Chairman.

On motion, the bill was laid on the table and one hundred copies ordered printed.

The same committee reported further as follows :

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

SIR: Your committee to whom was referred House bill No. 263, a bill to prohibit the establishment or use of ten pin alleys within three miles of any town or village in Montgomery county, beg leave to report the said bill back with the remark that the subject matter of said bill is covered by the provisions of a bill general in its character, on the same subject, and the committee therefore recommend that said bill do not pass. (See House bill No. 267.)

IRELAND, Chairman.

The report was adopted.

The same committee reported further as follows:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 287, being a bill authorizing the County Court of Bosque county to levy a tax for the purpose of building a court house and jail, beg leave to report the same back with the recommendation that the same do pass.

IRELAND, Chairman.

The bill was read a second time and ordered engrossed. By special leave, Mr. Russell introduced a bill to incorporate the town of Quitman, in Wood county. Referred to the Committee on Town and City Corporations.

Mr. Mills introduced a bill making an appropriation for the payment of the teachers of the public free schools of this State. Referred to the Committee on Education.

Mr. Brown of Dallas introduced a bill to authorize the county of Dallas to issue bonds. Referred to the Committee on State Affairs.

The special order, being a "Joint resolution ratifying a proposed amendment to the Constitution," was then taken up and read a second time.

Pending the discussion of the measure, the secretary of the Senate announced the passage by that body of the following House bills: No. 101, "An act granting a charter to Hugh P. Clark to create and keep and run a ferry-boat at or near the north-east corner of the Hugh Neal survey, on Sabnie river, in Van Zandt county;" No. 157, "An act amendatory of and supplementary to an act to incorporate the city of Dallas, in Dallas county, approved April 20, 1871;" No. 201, "An act to amend and consolidate the several acts incorporating the town of Gonzales;" No. 160, "An act to incorporate the town of Greenville, Hunt county."

On motion, Mr. Broaddus was excused one week on account of sickness in his family.

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

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

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

The following gentlemen failed to answer to their names:

Messrs. Gaston, Hester, and Leyendecker.

Mr. Short was, on motion, excused for the day on account of sickness in his family.

Mr. Killough was indefinitely excused for same reason.

Mr. Rainey was excused for the day on account of sickness.

Mr. Bledsoe was excused for eight days.

By special leave Mr. Broaddus introduced the following bill:

A bill to be entitled "An act making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature."

The bill having been read, the rules were suspended and the bill read a second time.

Mr. Mills moved to refer the bill to the Committee on Finance. Lost.

Mr. Sayers moved to amend the bill by inserting "the first session." Adopted.

The bill was then ordered engrossed.

On motion, the rules were suspended, the bill read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Ghent, Gillette, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Mabry, Manning, McDonald, Michael, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood

—75.

Nay—Mr. Mills—1.

By leave the special committee to wait upon General John B. Gordon reported as follows :

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

SIR : Your committee to whom was assigned the duty of inviting Gen. Gordon to address the Legislature and citizens, respectfully report the following correspondence :

H. C. GHENT,
R. H. BORDEAUX, } Committee.
W. D. WOOD.

HOUSE OF REPRESENTATIVES, }
AUSTIN, March 3, 1873. }

Hon. John B. Gordon :

DEAR SIR : By resolution of the House of Representatives, we were appointed a committee to invite you to address the Legislature and citizens on any evening which may suit your convenience. Please designate a day when you will comply with the unanimous wish of our House.

H. C. GHENT,
R. H. BORDEAUX, } Committee.
W. D. WOOD.

AUSTIN, March 3, 1873.

Messrs. H. C. Ghent, R. H. Bordeaux, W. D. Wood, Committee :

GENTLEMEN : I have your note of this date, in which you notify me of the passage of a resolution by your body, inviting me to address the Legislature and citizens, and asking me to designate a day when it will be convenient for me to comply with this request.

This invitation is so flattering, that I regret my inability to comply at once. I am compelled to leave the city this afternoon. It is my purpose, however, to return to Texas within the next few weeks, when it will give me pleasure to address the Legislature upon some subject of general interest—the time then to be indicated.

With the expression of my thanks for the compliment paid me, I am, gentlemen,

Very respectfully, yours,
J. B. GORDON.

The committee on newspapers reported as follows :

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

SIR: The special committee to whom was referred the resolution and substitute, providing for taking newspapers for the information of the people, after mature consideration, respectfully report back the accompanying resolutions as a substitute, and recommend their adoption.

J. H. BROWN, Chairman.

JNO. IRELAND.

A. S. BROADDUS.

Resolved, That each member of the House, who may desire to do so, shall be entitled to take, through the sergeant-at-arms, ten copies of the daily *Statesman*, a newspaper published in the city of Austin, for the purpose of sending regularly one copy each to the district clerks and justices of the peace within his district, so far as practicable, to be by such officer kept for the perusal of the people; *provided,* however, that said newspaper shall regularly publish in full the journals of the House of Representatives.

Resolved, That members of the House, not wishing to take said daily paper as aforesaid, shall have the right, as aforesaid, to take ten copies of any other paper, whether daily or weekly, which may publish a full and fair synopsis of the proceedings of the House of Representatives; said papers to be distributed in like manner as provided in the preceding resolution.

Resolved, That the sergeant-at-arms shall, within . . . days, make out a list of all papers ordered as aforesaid, and that said papers shall be paid for out of the contingent fund of the House; *provided,* that the cost of said papers shall not exceed the regular published rates of subscription of such newspapers.

Mr. Bordeaux moved to strike out "ten" where it occurs and insert "twenty."

Mr. Brown of Dallas, moved to lay that motion on the table. Carried.

Mr. Morris moved to amend by inserting "five" in place of "ten."

Mr. Harrison moved to amend by striking out the words "district clerks and justices of the peace," and insert "constituents."

Mr. Brown of Dallas moved to lay that motion on the table. Lost.

Mr. Booty offered the following substitute: Amend by striking out all that portion of the resolution that directs in what manner these papers shall be distributed. Adopted.

The resolution was then adopted.

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

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

No. 16, "An act to amend the first section of an act entitled an act to amend the seventy-first and ninety-second sections of an act to regulate proceedings in the district court, approved May 13, 1846."

No. 29, "An act in relation to fences in certain counties."

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

No. 149, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841."

No. 181, "An act for the sale of State bonds to meet the liabilities due from the State of Texas."

No. 315, "An act to authorize the County Court of Goliad county to levy and collect a special tax, for the purpose of building a court house," and find the same correctly engrossed.

BOOTY, Chairman.

The Speaker then announced the unfinished business of yesterday, being the Senate resolution ratifying the proposed amendment to the Constitution, was in order.

The resolution was discussed until half past twelve, when, on motion, its further discussion was postponed until 10:30 A. M. to-morrow, and made the special order for that time.

By leave, Mr. Bordeaux introduced a bill to be entitled "An act to provide for the sale and settlement of the public school lands of the State." Referred to a special committee composed of the following gentlemen: Nelson, Chairman; Anderson of McLennan, Doyle, Chambers, Bordeaux, Westfall and Kleberg.

On motion, the rules were suspended for fifteen minutes, to allow the introduction of bills.

Mr. Ireland introduced an act making an appropriation in favor of B. Radky. Referred to the Committee on Claims and Accounts.

Also, an act validating a certain land warrant. Referred to the Committee on Private Land Claims.

Also, an act to provide for the pay of witnesses in certain State cases. Referred to Judiciary Committee No. 2.

Mr. Davenport introduced a bill to incorporate Leon River Bridge Company. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Westfall introduced a bill to be entitled "An act for the relief of Henry C. Davis, assignee of William S. Williamson and John Steel." Referred to the Committee on Public Lands.

Mr. Davenport introduced a bill to be entitled "An act to prohibit the sale of intoxicating liquors within certain limits of Jonesborough School, in Coryelle county." Referred to the Committee on Education.

Mr. Ireland introduced a bill to make provision for the better security of funds in the treasury of the State. Laid on the table and one hundred copies ordered printed.

Mr. Watts introduced a joint resolution concerning the surveyor's office of Liberty county. Referred to the Committee on State Affairs.

Also a bill to be entitled "An act to amend section ninety of an act entitled an act to regulate proceedings in the district court, approved May 13, 1846." Referred to Judiciary Committee No. 2.

Mr. Kemble introduced a bill to be entitled "An act regulating the disposition of fines and forfeitures in the Mayor's Court of Waxahachie." Referred to Judiciary Committee No. 2.

Mr. Ellett introduced a bill to require railroad companies to renew their securities to the State for moneys borrowed from the State. Referred to Committee on Internal Improvements.

Mr. Brown of Dallas introduced a bill for the relief of the heirs of Joseph Daniels. Referred to Committee on Private Land Claims.

Mr. Salter introduced a bill legalizing the acts of T. A. Menifee, justice of the peace, Robertson county. Referred to Judiciary Committee No. 1.

Also, a bill authorizing the cancellation of titles of lands in conflict, and the issuance of certificate therefor.

Mr. Smith of Colorado introduced a bill to regulate the fees of office. Referred to Judiciary Committee No. 1.

Mr. Westfall introduced a bill for the relief of the heirs

of Eli Kirk, deceased. Referred to Committee on Claims and Accounts.

Mr. Salter introduced a bill to incorporate Owensville High School. Referred to Committee on Town and City Corporations.

Mr. Short introduced a bill to amend the third section 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." Referred to the Committee on Finance.

Mr. Ellett offered the following resolution :

Resolved, That a committee of five be appointed to examine the books of the General Land Office and ascertain the number of railroad certificates that have been issued and for what amount; and if any company or corporation has received certificates they were not entitled to, and report by bill or otherwise.

Adopted.

The following gentlemen were appointed the committee provided for: Messrs. Ellett, chairman; Booty, Kemble, Tilson and Tivy.

Petitions and memorials being in order, Mr. Ireland offered a petition of citizens of Helena, Karnes county, against the sale of liquors in certain limits. Referred to Committee on Town and City Corporations.

Mr. offered a remonstrance of E. W. Bush against the formation of the county of Dillard out of the territory of the county of Cherokee. Referred to Committee on Counties and County Boundaries.

Mr. Robb offered a petition of citizens of Angelina county, asking for release of State tax; also, the power to collect a special tax to build a court house. Referred to Committee on State Affairs.

Mr. Westfall offered a petition of citizens of Bluffton, asking the passage of an act prohibiting the sale of intoxicating liquors within three miles of Bluffton school. Referred to the Committee on Education.

Mr. Harrison offered a petition of citizens of Van Zandt county, for relief of Wyatt. Referred to the Committee on State Affairs.

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

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

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

The following gentlemen failed to answer to their names:

Messrs. Short and Walker.

On motion, Messrs. Gaston, Hester and Leyendecker were excused for an indefinite period.

A message was received from the Senate announcing the passage by that body of the following House bills:

No. 212, "An act to authorize Alexander English to erect a toll bridge on Bois d'Arc creek, in the county of Fannin."

No. 10, "An act to legalize and make valid the recent election in Wilson county."

No. 282, "An act to authorize the levy and collection of a special tax in Gonzales county."

No. 233, "An act regulating elections," with the amendments made to the last named bill.

On motion the reading of the journal of yesterday was dispensed with.

By special leave, Mr. Powers introduced a joint resolution concerning the summoning of witnesses before the several committees of the two houses of the Legislature.

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

The rules were then further suspended, the bill read a third time and passed.

By leave, the Committee on Education reported as follows:

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

SIR: Your Committee on Education, to whom was referred memorial from the citizens of Leesburg, Gonzales county, ask leave to present to the House, a bill providing for the prohibition of the sale of liquors, and recommend its passage,

RAINEY, for Committee.

The bill to prevent the sale or disposal of spirituous liquors at Leesburg, Gonzales county, was read; the rules suspended, read second time and ordered engrossed.

The rules were then further suspended, the bill read a third time and passed.

Further report from same committee, as follows :

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

Sir: Your Committee on Education, to whom was referred House bill No. 340, which makes an appropriation for the payment of teachers of the public schools, have carefully examined this bill, and unanimously recommend its passage.

RAINEY, for Committee.

The bill making an appropriation for the payment of the teachers of the public free schools of this State, was read a second time and ordered engrossed :

On motion, the bill was recommitted to the Committee on Education.

Mr. Winkler introduced a bill to provide for the revision of the Constitution of the State of Texas. Read and referred to the Committee on Constitutional Amendments.

The following message was received from his Excellency the Governor :

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

GENTLEMEN: In my annual message to your body, I mentioned the condition in which I had found the State Treasury, when vacated by the late Treasurer, Mr. Honey. I recall to your attention, and repeat what I then stated in that regard. I further invited "a close scrutiny of the accounts and disbursements of all State officers."

The Comptroller's and Treasurer's offices, because they regulate the finances of the State, and disburse the taxes drawn from the people, require especially a rigid examination; but so far, I believe, no progress in that direction has been made by you, owing, probably, to the pressure of other business.

To the end that the Legislature and the public may fully understand the condition of the Treasury, and the management of that and the Comptroller's office, I have concluded to request the appointment of a joint committee of both houses, with authority in the committee to appoint good accountants for the purpose of a thorough examination, and with plenary power to send for persons

and papers, and I suggest that an adequate appropriation therefor be made.

I have to recommend that the committee be directed and empowered to inquire :

1. Whether there was any deficiency of funds in the Treasury when Mr. Honey vacated the office, and the amount thereof.

2. Whether or not the Treasury has been used for shaving the State warrants, and the extent of its use in that way.

3. Whether the accounts of the Treasurer have been regularly balanced by the Comptroller at the end of each quarter, as required by law. (Article 5432, Paschal's Digest.)

4. 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.

5. 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.

6. Whether the Comptroller has duly paid into the Treasury all monies received by him from taxes and other sources, and belonging to the State.

7. Whether the Comptroller has drawn money from the Treasury, and permitted the same to be used for other purpose than as directed by law.

8. 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.

Very respectfully,

EDMUND J. DAVIS, Governor.

Mr. Wood offered the following resolution :

Resolved, That a committee of three be appointed by the Speaker to investigate the Treasurer's and Comptroller's offices of this State, in response to the message of His Excellency the Governor on this subject, and to act in conjunction with a like committee on the part of the Senate, and that said committee be authorized to send for persons and papers, and to compel the attendance of witnesses and the production of books and papers, and to adopt such rules to effectuate the same, and to employ the necessary accountants to aid the committee in their labors.

Adopted.

The Speaker appointed the following gentlemen on the committee :

Messrs. Wood, Adriance and Van Zandt.

On motion, the rules were suspended for ten minutes to allow the introduction of bills, resolutions, etc.

Mr. Allison presented a bill to amend "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. Referred to Judiciary Committee No. 1.

Mr. Kemble offered memorials relating to the traffic in intoxicating liquors by citizens of the following counties : Bosque, Bee, Brazos, Cass, Calhoun, Denton, DeWitt, Dallas, Ellis, Fannin, Freestone, Guadalupe, Galveston, Hood, Jackson, Limestone, Lamar, Leon, Milam, Navarro, Palo Pinto, Smith, Sabine, Tarrant, Travis, Titus, Upshur, Victoria, Williamson, Wilson, Grayson, McLennan, Hays and Cooke. Referred to Judiciary Committee No. 2.

Mr. Morris presented an account of the Galveston *News*. Referred to the Committee on Finance.

Mr. Smith, of Colorado, presented a bill to validate the quadruplicate certificate for one league and one labor, issued April 4, 1872, to the heirs of Nathan Nixon, deceased. Referred to Judiciary Committee No. 1.

Mr. Brown, of Upshur, offered the following resolution :

Resolved, That the committee raised to inspect the Lunatic Asylum be and the same are hereby instructed to take into consideration the Blind, and Deaf and Dumb Asylums also.

Adopted.

Mr. Wood presented a bill for the relief of the heirs-at-law of Thos. A. Culton. Referred to the Committee on Public Lands and Land Office.

Mr. Rimes presented a bill to provide compensation to citizens living at a county site, from which the court house may hereafter be removed. Referred to Judiciary Committee No. 1.

Mr. Kemble introduced a bill to incorporate Marvin college. Referred to the Committee on State Affairs.

Mr. Westfall presented a bill making an appropriation to pay Lieut. J. A. Wright's company of minute men for extra services. Referred to the Committee on Military affairs.