

Mr Ford presented a bill to protect the public against nuisances. Referred to the Committee on State Affairs.

Mr. Green introduced the following resolution :

Resolved, That the Speaker is hereby requested to appoint Capt. J. B. McCowan postmaster of the House of Representatives of the Thirteenth Legislature of the State of Texas.

Mr. Allen moved to strike out the name and authorize the Speaker to appoint whoever he deemed proper.

On motion of Mr. Denton, the resolution and amendment were laid on the table.

The special order, being the resolution to ratify the proposed amendment to the Constitution, was then taken up.

Pending the discussion a message was received from the Senate, announcing the passage by that body of House bill No. 341, making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas, with an amendment by that body. Adopted.

Mr. Allen moved to suspend the further consideration of the special order until 11 A. M. to-morrow, and make it the special order for that time. Carried.

House bill, making an appropriation to defray the expenses of the first session of the Thirteenth Legislature, was then taken up, and the Senate amendment thereto read, being as follows: Strike out "\$10,000," and insert "\$20,000." The amendment was adopted, and the bill thus amended passed.

House bill No. 155, for the protection of the farming interests of the State, was taken up. On motion, it was postponed until Friday next at 10 A. M., and made the special order for that time.

Mr. Denton moved to adjourn until 7:30 P. M.

Mr. Mills moved to amend by inserting "until 10 A. M. to-morrow."

Division being called for, resulted as follows: yeas, 39; nays, 34; whereupon the House was declared adjourned.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, March 6, 1873. }

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

Messrs. Michael and Morris were absent.

On motion the reading of the journal was dispensed with.

Petitions and memorials being in order, Mr. Powers offered a memorial of Hon. T. C. Barden, complaining of the action of the joint committee of investigation in regard to taking testimony. Referred to Judiciary Committee No. 1.

Mr. Payne offered a petition of citizens of Bee county in relation to a stock law. Referred to the Committee on Agriculture and Stock Raising.

Mr. Russell offered a petition of B. N. McBride, attorney for McNut and others. Referred to the Committee on Private Land Claims.

Mr. Hollingsworth offered a petition of the County Court of Comanche county. Referred to the Committee on State Affairs.

Mr. Nelson offered a memorial from citizens of Hopkins county. Referred to Judiciary Committee No. 2.

Mr. Bordeaux offered a petition of certain citizens of Cooke county, in relation to fences. Referred to the Committee on Agriculture and Stock Raising.

A message from the Senate announced the passage, by that body, of House bill No. 85, directing the publication of the expenditures, assets and indebtedness of the several counties ; also Senate joint resolution, concerning the debt of Texas.

Reports of committees being taken up, 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. 297, "An act to prevent horse racing in any city, town or village," beg leave to report the same back, and recommend its passage.

IRELAND, Chairman.

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

On motion the order to engross was reconsidered, and Mr. Bewley offered a substitute therefor.

On motion the bill and substitute were recommitted to Judiciary Committee No. 2, by a rising vote of thirty-three to thirty-two.

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. 296, "An act to amend the fourteenth section of an act concerning conveyances, approved February 5, 1840," beg leave to report the same back, with the recommendation that the same do not pass.

IRELAND, Chairman.

Report adopted.

The same committee reported further as follows :

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

SIR: Your committee on Judiciary No. 2, to whom was referred a bill entitled "An act to authorize the county of Marion to audit and fund the debt of said county," have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that it do pass.

W. H. TILSON for Committee.

The reading of the bill being dispensed with it, was ordered engrossed. On motion the rules were suspended, the bill read by caption a third time and passed.

By leave Mr. Mills introduced a bill more clearly defining the duties of the Secretary of State and other State officers. Referred to the Committee on State Affairs.

By leave, Mr. Morris introduced a bill in relation to the disposition of the school lands. Referred to the Committee on State Affairs.

The Committee on Internal Improvements reported as follows :

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

SIR: Your committee to whom was referred House bill No. 66, "An act to amend an act to incorporate the Dallas and Wichita Railroad Company," have considered the same, and instructed me to report the same back to the House with the recommendation that it do pass.

PAYNE, for Committee.

The bill was read a second time, and the report and bill laid on the table, and one hundred copies thereof ordered printed.

The same committee reported further as follows :

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

SIR: The Committee on Internal Improvements, to whom was referred a Senate and House bill, to be entitled, "An act amendatory of and supplemental to an act entitled an act amendatory of and supplemental to act entitled an act to incorporate 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," have carefully and maturely considered the same, section by section, and unanimously instruct me to report the same back to the House, and recommend the passage of the Senate bill as a substitute for the House bill, with the accompanying amendment.

J. H. BROWN, Chairman *pro tem.*

Amendment offered by the committee: Strike out all of section two after the word "company," in the twelfth line of said section, as per Senate bill.

The Senate bill was adopted in lieu of the House bill of same purport.

The amendment offered by the committee was then adopted.

Mr. Mills moved to make it the special order for Thursday next at 11 A. M. Lost.

The bill was then read a second time.

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

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

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

SIR: The Committee on State Affairs herewith return and recommend the passage of bill No. 264, to authorize the Police Court of Ellis county to levy and collect a special tax for the purpose of building a jail.

J. H. BROWN, Chairman.

The bill was read a second time and ordered engrossed.

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

The special order was then taken up as per order of yesterday, said order being the Senate joint resolution ratifying the proposed amendment to the Constitution.

After discussion thereof, the Committee on Enrolled Bills submitted the following reports :

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 157, "An act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 20, 1871;" also House bill No. 341, "An act making an appropriation to defray the contingent expenses of the session of the Thirteenth Legislature of the State of Texas," and find the same correctly enrolled, and have presented the same this day, at one o'clock, to the Governor for his signature.

W. A. SHAW, Chairman.

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 282, "An act to authorize the levy and collection of a special tax in Gonzales county," and find the same correctly enrolled, and have presented the same this day, at one o'clock, to the Governor for his signature.

W. A. SHAW, Chairman.

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 101, "An act granting a charter to Huph P. Clark to create, keep and run a ferry boat at or near the northeast corner of Hugh Neal survey, on Sabine river, in Van Zandt county," also House bill No. 201, "An act to amend and consolidate the several acts incorporating the town of Gonzales," and find the same correctly enrolled, and have presented the same this day, at one o'clock, to the Governor for his signature.

W. A. SHAW, Chairman.

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

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, March 7, 1873. }

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

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

The discussion of the joint resolution ratifying the constitutional amendment was resumed.

Pending the discussion, a message was received from the Senate announcing the passage by that body of House bills, No. 77, "An act permanently establishing the county seat of Kinney county;" and No. 127, "An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river, in the county of Goliad, Texas." Also of Senate bills, No. 21, "Joint resolution awarding Winchester rifles to certain persons;" No. 48, "An act authorizing the patenting of a certain bounty warrant therein named;" No 103, "An act to amend an act entitled an act to reduce into one, and amend the several acts concerning executions, passed January 27, 1842;" No. 130, "An act to incorporate the Excelsior College, in Bastrop county;" No. 131, "An act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose;" No. 102, "An act for the relief of the heirs of Anthony McGee;" No. 22, "An act to incorporate the town of Kaufman, in Kaufman county;" No. 96, "An act to amend an act entitled an act to incorporate the town of Bonham, in Fannin county, approved August 13, 1870;" No. 116, "An act for the relief of Lycurgus E. Griffith."

Mr. Harrison moved to postpone the further consideration of the question for two weeks. Lost.

Mr. Payne moved a call of the House. Carried.

The call being made, it appeared that Mr. Michael was absent.

On motion, the sergeant-at-arms was dispatched for the absent member.

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

The yeas and nays were called for, the question being the passage of the joint resolution to a third reading, and resulted as follows:

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Alli-

son, Anderson of Montgomery, Anderson of McLennan, Berends, Bewley, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Doyle, Ellett, Ford, Gallaway, Gaston, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Rainey, Robb, Roberts, Salter, Sayers, Shaw, Shelton, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Washington, Watts, Wilder, Williams, Winkler and Wood—60.

Nays—Messrs. Armstrong, Denton, Eastland, Ghent, Gillette, Harrison, Ireland, Kemble, Mills, Payne, Prendergast, Rimes, Roseborough, Russell, Scott, Short, Storey, Tom and Westfall—19.

Mr. Veale announced he had paired off with Mr. Bledsoe.

The resolution was declared to have passed to a third reading.

By leave, Mr. Brown of Dallas presented a bill to amend "An act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 20, 1871," which was read and passed to a second reading.

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

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

Mr. Storey introduced a bill to amend "An act to amend section five of an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved January 13, 1862." Referred to Judiciary Committee No. 2.

Mr. Mills introduced a bill amendatory of "An act to re-incorporate the city of Navasota." Read, rules suspended, read a second time and ordered engrossed.

Mr. McDonald offered the following resolution:

Resolved, That the Sergeant-at-Arms be authorized and instructed to procure and have placed in position on the north side of the Capitol, at the northeast and northwest corners of same, two lamps, similar to those in front of the building; also, one beneath the stairway in the basement hall.

Adopted.

Mr. Denton moved the House stand adjourned until 10 A. M. to-morrow. Carried.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 8, 1873. {

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

On motion, Mr. Sayers was excused on special business until Wednesday next.

The journal of yesterday was read and adopted.

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

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

SIR: Your Committee to whom was referred the memorial of T. C. Barden, Judge of the Sixteenth Judicial District, complaining of the action of the joint committee of the Senate and House of Representatives, in regard to the mode proposed by said committee of procuring testimony to be used for and against said Barden, in considering the charges pending against him, beg leave to report that we have had the subject matter of said memorial under consideration, and the committee have unanimously instructed me to report the accompanying joint resolution, and recommend its passage, and that the committee be discharged from the further consideration of the subject.

S. POWERS, For Committee.

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the charges pending before the joint committee of the Legislature of this State against the Hon. T. C. Barden, Judge of the Sixteenth Judicial District, partake of a criminal nature, and in that belief the said Barden is entitled, under the Constitution, to be confronted by the witnesses against him, and to have compulsory process to compel the attendance of witnesses in his favor; provided, that said Barden should be required to state on oath what he expects to prove by each respective witness, of the relevancy of which testimony the committee should judge, and that not more than two witnesses should be allowed to testify to the same fact or circumstance sought to be established.

Mr. Payne moved to table the report and resolution, which was carried.

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. 372, a bill to be entitled "An act to amend an act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 2, 1871," and find the same correctly engrossed.

BOOTY, Chairman.

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

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 212, "An act to authorize Alexander English to erect a toll bridge on Bois d'Arc creek, in the county of Fannin;" also, House bill No. 235, "An act to incorporate the city of Denison," and find the same correctly enrolled, and have presented the same this day at one o'clock to the Governor for his signature.

SHAW, Chairman.

The following message was received from the Senate:

The Senate refuses to agree to the amendment by the House to Senate bill No. 33, supplemental to an act amendatory of and supplemental to an act to incorporate 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," and has appointed Senators Flanagan, Dillard and Shelley a conference committee on the disagreement between the two houses, and ask the appointment of a like committee on the part of the House.

Also, the passage by that body of House bill No. 311, to make legal and validate an election for mayor, aldermen and constable of the town of Lagrange.

On motion of Mr. Payne, House bill 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," was taken up out of its regular order.

Mr. Brown of Dallas offered a substitute therefor, "An act prescribing the manner in which all land certificates granted to railroad or other private corporations, shall be located, surveyed, patented, and alienated, and to protect the rights of the State in connection therewith."

Pending the discussion, a message from the Senate announced the passage by that body of House bill No. 372, a bill to be entitled "An act to amend an act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 20, 1871."

Mr. Booty moved to refer both bill and substitute to Judiciary Committee No. 1, with instructions to report at their earliest convenience. Carried.

On motion of Mr. Anderson of McLennan, the House adjourned until 10 A. M. Monday.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 10, 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. Ellett and Story.

The journal of yesterday was read and adopted.

Petitions and memorials being in order, Mr. Hester offered a petition of J. G. Morris. Referred to the Committee on Private Land Claims.

Also a petition of M. Dockery. Referred to the Committee on Private Land Claims.

On motion of Mr. Anderson, of McLennan, Senate bill repealing certain sections of 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 to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for public defense, approved June 24, 1870, approved April 12, 1871, was taken up out of its regular order.

A substitute offered by Mr. Anderson, of McLennan, under the same caption, was read and adopted.

Mr. Mills offered the following amendment:

Be it enacted by the Legislature of the State of Texas, That section first of the above entitled act be so amended as to read as follows: "That Judges of the Supreme Court, District Courts, Secretary of State, Auditor, Treas-

urer, and Comptroller of the State, clerks of the Supreme and District Courts, justices of the peace, postmasters who have care of the mails of the United States, post-riders, public millers, ferrymen on public roads, teachers and professors in academies, managers and telegraph operators, shall be exempt from military duty except in case of imminent danger, insurrection or invasion."

Adopted.

The bill was ordered engrossed.

On motion, the rule was suspended, the bill read a third time and passed.

Mr. Russell asked leave to present a report from the Committee on Privileges and Elections. Refused.

Mr. Morris offered a communication of J. M. Barton, asking a law for vaccination. Referred to the Committee on State Affairs.

Mr. Tom offered a petition of J. M. Rodriguez, formerly tax collector of Webb county. Referred to the Committee on Claims and Accounts.

Mr. Chambers offered a petition relating to the passage of a liquor law. Referred to Judiciary Committee No. 2.

Mr. Gillette offered a memorial of the citizens of Hill county asking for the removal of the county seat. Referred to Judiciary Committee No. 2.

Also, a protest from the people of Hill county against the removal of the county seat. Referred to Judiciary Committee No. 2.

Mr. Smith of Houston, offered a protest of citizens of Cherokee county against the creation of a proposed new county. Referred to the Committee on Counties and County Boundaries.

Mr. Westfall offered a memorial, asking for a law to enforce vaccination for protecting the citizens of the State from small pox. Referred to the Committee on State Affairs.

Mr. Armstrong offered a remonstrance of citizens of Polk county. Referred to the Committee on Counties and County Boundaries.

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, to-wit:

No. 77, "An act permanently establishing the county

seat of Kinney county ;" No. 10, "An act to legalize and make valid the election in Wilson county ;" No. 85, "An act directing the publication of the expenditures, assets and indebtedness of the several counties ;" also, No. 127, "An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river, in Goliad county, Texas," and find the same correctly enrolled, and have presented the same to the Governor for his approval at 11 o'clock.

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 bill No. 308, "An act to authorize the county of Marion to audit and fund the debt of said county," and find the same correctly engrossed.

BOOTY, Chairman.

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

No. 18, to incorporate the city of Austin.

Joint resolution No. 22, authorizing the Governor to adjudge the matter of the hypothecation of certain bonds with Williams & Guion, in the city of New York.

No. 100, to provide for the merging of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston & Texas Central Railway Company.

No. 142, validating an election held in Brazos county.

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

SIR: The Committee on State Affairs herewith return and recommend the passage of bill No. 339, to authorize the County Court of Dallas county to issue bonds.

J. H. BROWN, Chairman.

The bill was read a second time and ordered engrossed.

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

The Committee on State Affairs reported further as follows :

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

SIR: The Committee on State Affairs have considered

bill No. 222, for the relief of early settlers, and entertain serious apprehensions that its passage would open the door for the validation of claims to land or land certificates not heretofore recognized by the State. They recommend, however, that the bill be referred to Judiciary Committee No. 2.

J. H. BROWN, Chairman.

Report adopted.

Further report from same committee :

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

SIR: The Committee on State Affairs, in accordance with repeated precedents already established by the House, ask to be discharged from the further consideration of the petition of the County Court of Bell county asking the relinquishment of the State taxes for the purpose of building a jail.

J. H. BROWN, Chairman.

Report adopted.

Further report from same committee :

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

SIR: The Committee on State Affairs herewith return and recommend the passage of bill No. 237, to authorize the Governor to appoint a registrar and boards of appeal and revision for certain unorganized counties therein named.

J. H. BROWN, 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: The Committee on State Affairs return the petition of the County Court of Gillespie county in regard to road tax, and ask its reference to the Committee on Roads, Bridges and Ferries. Also, the petition and resolution from Colorado county, in opposition to what is known as the Ohio liquor law, and in favor of holding all drunkards responsible for their own acts, with the recommendation that it be referred to Judiciary Committee No. 2, which has charge of the subject referred to.

J. H. BROWN, Chairman.

Report adopted, and references made according to request.

Further report from same committee :

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

SIR: The Committee on State Affairs, have considered House bill No. 274, "An act to amend an act to reorganize the town of Bryan, and incorporate said town as a city," and instruct me to report it back and recommend its passage.

J. H. BROWN, Chairman.

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

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

Further report from same committee :

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

SIR: The Committee on State Affairs instruct me to report back and recommend the passage of bill No. 250, to authorize Cain and Gee to construct a toll bridge over the Sabine river, with the two accompanying amendments. The committee, however, are of the opinion, as heretofore reported, that such charters ought to be obtained under the general law concerning private corporations, approved December 2, 1871.

J. H. BROWN, Chairman.

First amendment—In fourteenth line of section third strike out the words "in specie."

Second amendment—In fourth line of section four strike out "twenty" and insert "fifteen."

BROWN, for Committee.

The amendments were adopted and the bill ordered engrossed.

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

Further report from same committee :

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

SIR: The Committee on State Affairs, in accordance with the action of the House on various similar cases, herewith return a bill allowing William Eubank, a blind man, to sell goods, wares and merchandise anywhere in the State, without paying any State, county or municipal tax, and recommend that it do not pass.

J. H. BROWN, Chairman.

Report adopted.

Further report from same committee :

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

SIR: The Committee on State Affairs have considered a bill for the relief of assessors and justices of the peace in certain cases, for taking scholastic census, and instruct me to recommend its passage with the accompanying amendment.

J. H. BROWN, Chairman.

Amendment by committee :

Add to the first section the following proviso: "*Provided*, that the proper returns may have been subsequently made in due form.

Amendments adopted.

Mr. Mills moved to amend the bill by striking out "school fund," and inserting "State treasury." Lost.

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

On motion, the rules were 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 :

Your Committee on State Affairs, to whom was referred House bill, supplemental to and amendatory of "An act to incorporate the Odd Fellows' and Building Association of Bryan, Texas," approved December 1, 1871, have carefully examined the same, and I am instructed to report the same back to the House and recommend that it do pass.

J. RUSSELL, for Committee.

The bill was read a second time and ordered engrossed.

Further report from the same committee, as follows :

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

SIR: Your Committee on State Affairs, to whom was referred the petition of John F. Elliot, have had the same under consideration, and herewith report the same back to the House, together with the bill accompanying said petition, and respectfully recommend that it do not pass, as your committee are unanimously of opinion that it is not a proper subject for special legislation or relief.

A. N. DENTON, of Committee.

Further report from same committee :

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

SIR: Your Committee on State Affairs, to whom was referred House bill No. 249, entitled "An act to change the names of certain persons therein named," have considered the same, and instruct me to report the same back and recommend that it do pass.

M. E. KLEBERG, 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.

Further report from same committee :

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

SIR: Your Committee on State Affairs, to whom was referred House bill No. 298, entitled "An act to incorporate the Hempstead Hook and Ladder Company No. 1, of the city of Hempstead," having had the same under consideration, are of the opinion that the objects of said bill may be fully attained under the existing laws of the State. They have, therefore, instructed me to report the same back and recommend that it do not pass.

M. E. KLEBERG, for Committee.

The report was adopted.

Further report from the same committee :

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

SIR: Your Committee on State Affairs, to whom was referred Senate joint resolution No. 7, in reference to the interment of Texas soldiers who fell at the battles of Glocietta and Valverde, and also those who were buried at Socorro, Albuquerque and Santa Fe, in New Mexico, during the late war, having duly examined the same, instruct me to report it back with the recommendation that it do pass.

H. C. GHENT, for Committee.

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

The Finance Committee reported as follows :

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

SIR: Your Committee on Finance, to whom was referred House bill No. 263, entitled "An act making an appropriation to pay the salary of Hon. Lipscomb Nor-

vell, as special Judge of the District Court of Tyler county," have considered the same and instruct me to report said bill back and request that the same be referred to the Committee on Claims and Accounts.

VAN ZANDT, for Committee.

The report was adopted, and the reference made as requested.

Further report from same committee:

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

SIR: Your Committee on Finance, to whom was referred House bill No. 244, entitled "An act to authorize the County Court of Kinney county to levy and collect a special tax for the term of six years, to build court house and jail at the county seat of said county," have considered same, and instruct me to report back the same with the following amendment, and respectfully recommend that said bill, so amended, may pass.

VAN ZANDT, for Committee.

Amendment proposed by the Committee on Finance to House bill No. 244. Insert as section two as follows:

Sec. 2. That said tax, when so collected, shall be paid over to the county treasurer, to be by him paid out upon the orders of the County Court, and for which services he shall receive the same compensation as for like services in other cases; *provided*, that before receiving said funds, the said treasurer shall enter into bond with good and sufficient sureties, in a sum equal to double the amount of the tax so levied and collected, payable to the presiding justice and his successors in office, for the faithful discharge of the duties imposed by this act.

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

Further report from same committee:

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

SIR: Your committee on Finance, to whom was referred a bill to be entitled, "An act to regulate the disbursement of the funds of the county treasurers," beg leave to report that they have carefully considered the same, and instruct me to report the same back, with the unanimous request that it do pass.

W. H. TILSON, for Committee.

The bill was read a second time, and, on motion of Mr. Powers, was referred to Judiciary Committee No. 1.

Further report from the same committee :

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

SIR: The Committee on Finance, to whom was referred the account of the *Galveston News*, for printing done for the Comptroller of Public Accounts, together with the certificate of the Comptroller that the same is correct, and the account, so far as the committee can see, seems reasonable, have instructed me to report the accompanying bill and recommend its passage.

MORRIS, Chairman.

The accompanying account and letter from Comptroller were read.

The bill reported by the committee, "A bill making an appropriation to pay the printing account of Richardson, Belo & Co., for the Comptroller's office," was read.

The rules were suspended, the bill read a second time, and ordered engrossed.

On motion, the rules were further suspended, the bill considered engrossed, read a third time and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of McLennan, Anderson of Montgomery, Armstrong, Bewley, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Michael, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Washington, Watts, Wilder, Williams, Winkler and Wood
—75.

Nays—None.

Further report from the Finance Committee :

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

SIR: Your Committee on Finance, to whom was re-

ferred 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, report the same back to the House, and recommend its reference to the Committee on State Affairs.

MORRIS, Chairman.

The report was adopted, and the bill referred to the Committee on State Affairs.

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 re-committed House bill No. 340, making an appropriation for the payment of public school teachers, report that they have re-examined this bill, and having incorporated the necessary amendments to cover the objections made by members, at whose suggestion the bill was re-committed, do now unanimously recommend its immediate passage.

RAINEY, for Committee.

The bill as amended was adopted, read a second time and ordered engrossed.

Mr. Wood moved to amend by striking out the word "date" in line ten of section three of the printed bill, and inserting the words, "service, and that said warrants be thus paid by the treasurer."

Mr. Ireland moved to recommit the bill to the Committee on Education.

Mr. Mills moved the House go into Committee of the Whole upon the bill. Lost.

Mr. Winkler moved to amend Mr. Ireland's amendment by referring the bill to a special committee of five, of which Mr. Wood should be chairman.

Yeas and nays being called for, resulted as follows :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Bewley, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Mabry, Manning, McDonald, Moore, Morris, Nelson, Phelps, Powers, Prendergast, Robb, Rosborough, Russell, Salter, Scott, Shaw, Smith of Houston, Thurmond, Tilson, Tivy, Tom. Westfall and Winkler—51.

Nays—Messrs. Abbott, Allen, Anderson of Montgomery, Berends, Ellett, Green, Hoffman, Lane, Leyendecker, Michael, Mills, Noeggerath, Payne, Rainey, Rimes, Roberts, Shelton, Smith of Colorado, Trolinger, Van Zandt, Venters, Washington, Watts, Wilder, Williams and Wood—26.

Whereupon the bill was ordered committed to a special committee.

The Speaker appointed the following gentlemen said committee: Mr. Wood, chairman; Ireland, Prendergast, Mills and Rainey.

By leave, Mr. Powers offered the following resolution:

Resolved, That the use of this hall be and is hereby granted, on Wednesday night, the twelfth instant, for an examination of the pupils of the Asylum for the Deaf and Dumb.

Adopted.

On motion of Mr. Mills the house adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, March 11, 1873. }

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

The following gentlemen failed to answer to their names: Messrs. Michael and Noeggerath.

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

On motion, the Committee on Privileges and Elections were granted leave to report:

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

SIR: Your Committee on Privileges and Elections, to whom was referred the contested case of election for Representatives in the Fourteenth Senatorial District, composed of the counties of Harris and Montgomery, wherein Elisha Schmidt, Gustave Cook, of Harris county, and A. S. Lipscomb, of Montgomery county, are the contestants, v. Richard Allen and F. A. Michael, of Harris county, and E. M. Anderson, of Montgomery county, contestants, have had the same under consideration, and I am

instructed by the committee to make the following report and submit it for the consideration of the House :

The testimony clearly convinces your committee that the entire registration of Harris county, from its commencement, has been conducted with the most unscrupulous partisanship, in the interest of the Republican party, and in a manner calculated to admit of the perpetration of great frauds, and to prevent its discovery or certain detection.

The aggregate number of registered voters, as appears by the registration books, is 7443, which, according to the usual method of estimating population, in the ratio of sixteen and two-thirds per cent. voters, would give to Harris county a population of 44,658, which is palpably erroneous when tested by the last census, and the knowledge common to us all. It appears by the evidence, clearly, that the registration of 1871 was conducted for the most part in secret ; that it occurred in numerous instances during registration ; that what were termed appropriately "skips" in the numbers of the registration papers, were made to the extent, as is certainly ascertained, of several hundred. It was done in this manner: Suppose, for instance, that at the closing of registration on the first day, the number on the last certificate issued should be 5000—the first one issued on the next morning would be 5050, thereby leaving a "skip" of fifty, which would be repeated at the noon adjournment, and so on day after day.

How these "skips" were ever filled does not appear, and yet the registration books show a continuous and regular succession of numbers and names, except, perhaps, one or two slight errors. The question naturally arises, what was the purpose of these "skips," and when, where, and by whom were they filled ?

Your committee have drawn their inference, which is by no means favorable to the purposes or party controlling the registration.

Again, the whole vote polled at the election for Congressman in 1871, in the county of Harris, which was an exciting and warmly contested election, amounted to less than 3700, or less than one half of the registration, while in the late election the highest vote claimed by any one to have been polled was 4175. If these votes afford any test, and they certainly comport more nearly with the

known population of the county, it establishes beyond doubt the fact that the registration books are fraudulent and incorrect and furnish the means for the perpetration of frauds which, we feel constrained to say, appear to have controlled the result of the election, which we are now investigating, and but for this contest would have thwarted the will of a majority of the legal voters of the entire district. And it further appears to your committee that in no registration which has been had in the county of Harris, has the spirit of partisanship been more clearly evinced than in that which occurred under the auspices of the board of appeals in the late election. The conduct of the presiding officer seems to have been peculiarly officious and arbitrary. He had been, during the entire ten days of registration, engaged, although a comparative stranger in the city of Houston and Harris county, in the business of bringing up colored men and vouching for them, when, as it most clearly appears, he knew very few, if any of them, frequently asking them their names and residences, and in the next breath vouching for them as citizens and residents, whom he knew to be entitled to vote. It appears that he did this in hundreds of cases, and was so engaged every day during the registration.

Such was the conduct of the man who was to preside, and did preside, at the board of appeals, and as chief officer of the election. During the sitting of the board, his demeanor was arrogant and tyrannical, refusing to allow any question to be asked the colored applicants, whom he registered without regard to qualification or objection made, suggesting to them what to answer to his questions, prompting them by words, gestures and nods, and even where they professed to live out of the district, suggesting to them that they "claimed Houston for their homes," and such like unfair and unlawful methods, procuring them to be registered when he must have known they were not entitled.

He refused to allow them to be asked even the preliminary question, "why they had not appeared before the registrar," and by every means in his power thwarted the efforts of those sitting with him to execute the law and perform their duties.

Where applicants professed to have been out of the county for more than six months, he would suggest, "you

have been temporarily absent," and "you always claimed Houston for your home, didn't you?" And this is the man who acted as presiding officer of the election, controlling, managing and directing it.

What might reasonably be expected from a partisan so unscrupulous, and, as some of the testimony shows, so "incompetent and unfair" in his management of the election, is only too plainly made manifest by the testimony in the case.

One of the first facts to which we call attention is that two hundred and forty-one persons were permitted to vote upon affidavit that they were registered voters of Harris county, and had lost their certificates of registration, three-fourths of whom, by the testimony, appear to have been colored men, and one-fourth white men.

It appears that these persons were allowed to vote, without examination of the registration books to see whether or not they were registered, and without being vouched for otherwise. The contestants, however, introduced the unimpeached testimony of more than one reliable witness to the fact that most, if not all of the white votes cast on affidavit, were those of old and well known citizens of the county. Before this no direct evidence was offered by the contestees as to the colored voters. Upon an examination of the registration books which contained the names of registered voters, and opposite to the names of those who voted, a clerk, who it seems from the evidence was the district clerk, a competent person, at the time of voting marked the letter V in red ink; two witnesses, who seem to be skillful and competent men also, were, two or three weeks after the election, able to find only the names of 3883 persons who had voted as appeared by the mark of the letter V in red ink, although the returns show that 4175 votes or ballots were counted out.

And even if we add the 241 votes cast on affidavit, yet there seems to have been only 4124 votes cast, showing fifty-one more ballots cast than could be accounted for. Besides the testimony introduced by contestees themselves, whose party friends, the officers of election, had been in possession of the books all the time subsequent to the election, admit that twenty-five of the names voting on affidavit were not to be found on the registration books at all. But it appears from the evidence that after the elec-

tion the registration books were being worked upon by some man who said they, the books, were "short," or "behind," and who was, as one witness testified, placing on the books the names of persons who voted on affidavit. And all this by the partisans and friends of the contestees working zealously to secure their election.

And may not this account for the entire filling up of the "skips" which had before that time been made in the registration? Your committee leave that for every fair and candid man to answer for himself, having themselves their own opinions.

It further appears by the testimony of different witnesses who testify to individual cases of illegal voting, that there were of that character of colored voters, whom, we may as well here remark, with the exception of ten or fifteen voted the Republican checkered-back tickets, which contained the names of the contestees, one hundred and fifty-seven distinct, well defined instances, besides an apparently considerable number not accurately pointed out, with the legal certainty which would place it beyond question that the parties actually voted.

It further appears that from fifty to seventy-five colored voters were registered and voted, who confessed, when applying, that they had not lived in Harris county within the six months next preceding, and whose votes were clearly illegal, who must be added to the 157 already stated.

Let us take the smaller number, fifty, and thus far we have two hundred and seven illegal votes cast for the contestees.

It further appears that at least twenty of the colored voters who cast the checkered-back tickets, notwithstanding they had produced, when offering to vote, registration papers from other counties, were allowed by the presiding officer, over all objection, to cast their ballots, which added makes two hundred and twenty-seven illegal votes. To these add fifty or seventy-five presenting registration papers calling for names other than the names given by the applicant to vote, but who were nevertheless allowed to vote by the very obliging presiding officer—take the smallest number, fifty, and we have two hundred and seventy-five illegal votes.

It is further clearly shown that from ninety to one hundred and fifty colored voters who applied to vote without

certificate or affidavit, and who were not identified or known to any one, and were not even sworn, but simply presented a little slip of paper with a number on it, were thus unlawfully permitted to vote, and did cast their votes according to the testimony for the contestees.

Add the smallest number, ninety, to the those heretofore set out, and it establishes three hundred and sixty-seven illegal votes given the contestees.

If it is a question of doubt as to the votes allowed by the presiding officer to be cast upon the affidavit of the party, as hereinbefore alluded to, and whether such votes are admissible at all, especially when they are admitted without even examining the registration list, it is certainly true that those whose names upon examination appear not to be on the list of registered voters, are not entitled.

The testimony shows a searching, patient and industrious examination of the registration list to have been made by skillful and competent men, as soon after the election as the registration books could be procured for the purpose, and yet after this examination and thorough testimony there seems to have been seventy persons who voted on affidavits whose names did not appear on the list.

It is very true that subsequently the names of all but twenty-five are found on those lists, but upon a thorough examination and careful weighing of the testimony, taking into consideration the suspicious working on those books by a man who is not pretended to be produced or examined by the parties whose interest and duty it was to explain the circumstances, we feel constrained to say that our conclusion is that the seventy names were not upon the registration books until subsequent to the election.

Allowing this 70 to be added, we have 437 illegal votes, which were cast and counted for the contestees. But this is not all. I we now add to the 3883 votes marked voted with the letter V in red ink, the 241 affidavit votes, less the 70 not on the registration books, which leaves 171 to be added, we have only 4054 votes polled at that election, while there were counted 4175 ballots from the box, which leaves 121 votes counted out that clearly could not have been lawfully placed in the ballot box. And how are we to explain this, and against whom do all the circum-

stances indicate that this evident fraud should be counted?

It is proved by more than one witness, though flatly denied by the presiding officer of the election, that this same presiding officer, Sheridan, proposed to secure the election of his party friends by stuffing the ballot box.

This was at a time when, from the count, it appeared that his friends were probably defeated. The person to whom he made the proposition, a supervisor by Federal appointment and representing the party supporting contestees, testifies that he refused to enter into the plan of Sheridan, and all the witnesses concur in stating that they knew nothing of any effort by Sheridan to execute his scheme, yet there are circumstances otherwise inexplicable, with reference to the appearance and assortment of the tickets when the ballot box was opened, which, taken in connection with the fact that an excess of tickets are counted out of the ballot boxes, go far, indeed, to authorize the belief that it is but a part of the wide spread system of fraud which seems to have pervaded the registration books and the whole machinery of registration, board of appeals, and elections in Harris county, where so much fraud and conspiracy to carry the election has been so clearly shown. We believe that we are fully authorized in concluding that this excess of one hundred and twelve ballots is a part of it. Some effort to impeach the testimony of some of the witnesses for the contestants has been made, but was directed chiefly against those who had been zealous supporters of the contestees in the election, and appear to be the result of vindictiveness against them, for the developments they have made, rather than for any real grounds of discredit, for the efforts appear puny and the results insignificant. It appears to the committee that a large proportion of these illegal voters are brought from the surrounding counties, where they seem to reside in convenient distance to be rapidly herded by certain lively whippers-in, who are maintained at the public expense, under guise of official positions, which seem to have been dispensed as rewards for that particular grade of patriotism.

There is a cloud of testimony, which, though general in character and not so specific as to be put down in figures in this report, is so significant as to justify us in the belief that we have not been able to compass by any

means the extent of the frauds committed in the county of Harris, at the election in November last.

If, however, we are correct in our estimates as far as attempted, and we feel not the slightest hesitancy in asserting the utmost confidence in the conclusions we have reached, it is manifest that at least five hundred and fifty-eight illegal and fraudulent votes were cast for the sitting members, contestees; and it appearing that by deducting that number from the votes of the sitting members, contestees, respectively, they would have, Richard Allen 2169 votes, E. M. Anderson 2183 votes, and F. Michael 2237 votes; and the contestants having received, E. F. Schmidt 2570 votes, Gustave Cooke 2554 votes, and A. S. Lipscomb 2510 votes, which are not denied to them, your committee beg leave to offer the following resolutions:

1. *Resolved*, That the sitting members in this House from the Fourteenth Senatorial District, composed of the counties of Harris and Montgomery, are not entitled to retain their seats in this House as Representatives of said district.

2. *Resolved*, That E. F. Schmidt, Gustave Cooke and A. S. Lipscomb having received the highest number of legal votes cast in said Fourteenth District, are entitled to seats in this House.

J. RUSSELL, Chairman *pro tem.*
 A. M. DENTON,
 D. M. PRENDERGAST,
 C. C. GALLAWAY,
 A. S. BROADDUS,
 H. O. GILPIN,
 A. S. THURMOND,
 O. N. HOLLINGSWORTH,
 Committee.

The undersigned, not hearing the evidence in this case, does not give in the above report.

D. M. SHORT,
 Chairman Committee on Privileges and Elections.

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

SIR: The minority of the Committee on Privileges and Elections respectfully present the following report:

In the contest of Gustave Cooke *et al.* v. Richard

Allen *et al.*, from the Fourteenth Senatorial District, it was decided by the committee to rest this contest upon the sworn testimony taken before the Senate committee in the case of Stewart v. Tracy, involving the same facts and eliminating the same testimony.

For the past few days this committee has been engaged in hearing aforesaid testimony read, and from that evidence there is no possible reason to doubt that the election returning the contestees, who are now the sitting members from the Fourteenth Senatorial District in the House of Representatives of the Thirteenth Legislature of the State of Texas, was a fair, honest and impartial one ; that there was no violation of law in conducting it ; no intimidation on the part of Republicans ; no fraud or violence perpetrated, either by the sitting members or their political friends, and nothing to justify the contestants for appearing before this committee, or to excuse them for presenting so groundless a claim.

Nothing can be found in the evidence from beginning to end (if the testimony of Dupree is excluded) that does not go to show that the sitting members were fairly, honestly, and legally elected.

The evidence of Dupree is of itself not a denial of this fact, even if it were entitled to credit. From the official returns obtained from the office of the Secretary of State, the average majority of the sitting members was two hundred and sixteen (216), and no testimony has been adduced to set aside even the one-half of this decided majority, admitting all that has been sworn to in the case to be true.

But an examination of the testimony of Dupree discovers internal evidences of its falsity. It exhibits him as a purchased and suborned witness ; and if this internal evidence were wanting, the positive testimony of impartial, disinterested men, subsequently produced, clearly discloses that he was a paid pensioner of the contestant, who had promised him, in the event of his obtaining the seat he was contesting, the sum of five hundred dollars (\$500), and two dollars a day for wages for this hired service. The very men sworn to by this perjured witness as illegal voters, were in many instances subsequently produced, and proved his perjury ; and this evidence clearly brought out the facts that Col. Stewart, the contestant for Senator Tracy's seat, was at the bottom of all

the attempted frauds, intimidation and violence that was sought to be perpetrated, and was guilty of all the bribery and corruption that has been exposed.

No evidence stands upon the record that votes were imported. No evidence has been adduced to sustain a single charge in the memorial of contest; and from the voluminous mass of testimony only three votes are discovered that are even subject to suspicion. These three are believed to have been cast by minors.

Grounds for sustaining a contest are governed and limited by law, and there is no law that will set aside an election, unless the actual number of votes that secured the election of the contestant is clearly set forth and proven. In this case there is no positive testimony to more than three illegal votes, and it is not shown that these three illegal votes were cast for the sitting members. Mere allegations, that a large number of illegal votes had been cast, are not evidence. The hearsay and suspicion of witnesses have no weight. The plain hard facts must be shown that A and B and C voted or did not vote, as has been charged, before the will of the people is ignored, and their election set aside. Irregularities of form, the law distinctly says, cannot vitiate an election. The will of the people is not to be derided or denied by the incompetency or corruption of election clerks and officers, else there would be no security that such officers might not at pleasure prevent any election, and the law and all precedent have determined the exact way in which popular elections are to be set aside. With this law, and according to these precedents, there has, in this case, been no compliance, and the minority of this committee is willing to submit the decision of this case upon the law and the evidence.

An arbitrary report can only present the views of the gentlemen making it. It is the evidence alone that presents the facts material to the formation of a just verdict. This evidence the members of the House of Representatives have not had, and cannot have an opportunity to examine, unless it be printed and submitted to them for inspection.

The minority of this committee has been informed from the analogous committee of the Senate, that the testimony upon which this case will be decided will be printed in a few days, and it is respectfully suggested that the vote of

the House, involving the seats of three members and disfranchising their whole constituency, be delayed until all the evidence is printed and laid before the members of the House. In this way only can members vote understandingly, and avoid the suspicion that votes are cast at the behest of party and in violation of law and justice.

C. L. ABBOTT, Minority Report.

Mr. Abbott moved that the further consideration of the matter be postponed and make the special order on Saturday next, at 11 A. M. Carried.

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. 309, "An act to repeal the third, twenty-sixth and twenty-seventh sections, and to amend the first and eight sections 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 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," and find the same correctly engrossed.

BOOTY, Chairman.

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 survey of the land certificates of railroad and other private corporations, and declaring the law touching the sections reserved;" and also the substitute offered by the member from Dallas, have considered the same, and have directed me to report a bill as a substitute for them both, and that the same be adopted and passed.

SMITH, Chairman.

Substitute for House bill No. 283, "An act to set apart one-half of the public domain for the support and maintenance of public schools."

The substitute was read and adopted and 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, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bewley, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gaston, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Story, Thurmond, Tilson, Tivy, Tom, Trolinger, Veal, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—77.

Nays—None.

The bill was declared to have passed.

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

No. 57, "An act to prohibit the sale or giving away of intoxicating or spirituous liquors within one mile of the institution of learning situated at Caledonia, in Rusk county, Texas."

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

No. 255, "An act to prohibit the sale or gift of intoxicating or spirituous liquors within two miles of Leesburg Institute, in Upshur county, Texas."

Petitions and memorials being in order, Mr. Gillette offered a petition for a joint stock company for the purpose of building a court house and jail in Hill county. Referred to Judiciary Committee No. 2.

Mr. Anderson of McLennan presented a petition of citizens of Freestone and others for a new county. Referred to the Committee on Counties and County Boundaries.

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

No. 120, "An act amendatory of an act entitled an act to incorporate the Rio Grande Railroad Company, approved August 13, 1870."

No. 133, supplemental to an act entitled "An act to incorporate the Western Narrow Gauge Railway."

Reports of committees being in order, the Committee on Education reported as follows :

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

SIR: Your Committee on Education recommend the passage of the following bills: Nos. 230, 229, and three others, prohibiting the sale of liquors at the following places: Jonesboro, Coryell county; Bluffton, Llano county; and Fairview, Williamson county.

RAINEY, for Committee.

House bill No. 329, "An act prohibiting the sale or disposal of intoxicating liquors within five miles of the academy in the town of Clifton, Bosque county," was read a second time and ordered engrossed.

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

House bill No. 330, "An act prohibiting the sale of intoxicating liquors within two miles of Valley Mills Academy, in Bosque county," was read and ordered engrossed.

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

House bill No. 378, "An act to prohibit the sale of all intoxicating liquors within three miles of Fairview Academy, Williamson county," was read a second time and ordered engrossed.

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

House bill No. 377, "An act to prohibit the sale of all intoxicating liquors within three miles of Bluffton School, Llano county," was read a second time and ordered engrossed.

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

House bill No. 348, "An act to prohibit the sale of intoxicating liquors within certain limits of Jonesboro School, in Coryell county," was read a second time and ordered engrossed.

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

The Committee on Public Lands and Land Office reported as follows :

m. 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. 24, entitled "An act for the better protection of the archives and files in the General Land Office," respectfully report that said committee have had the subject under consideration, and have instructed us to report a substitute for said bill and recommend its passage.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

The substitute, being a bill for the better protection of the archives and files in the General Land Office, was adopted, and one hundred copies ordered to be printed.

On motion of Mr. Winkler, the chairman of Judiciary Committee No. 2 was granted leave to report :

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

SIR: Your committee to whom was referred House bill No. 35 and substitute, beg leave to report same back and recommend the passage of the substitute.

IRELAND, Chairman.

The substitute, being "An act to authorize parties in certain cases to sue in the district courts for headright certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants," was adopted and ordered engrossed.

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

Further report from the Committee on Public Lands and Land Office, 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. 51, entitled "An act to amend the first section of an act entitled and act supplemental and in relation to the location, survey and return of genuine land certificates, passed April 25, 1871, approved November 29, 1871," respectfully report that said committee have had the subject matter of the said bill under consideration, and have instructed us to report that the ends sought to be attained by the bill in question, are amply and properly provided for in the substitute

reported by us for House bill No. 24, entitled "An act for the better protection of the archives and files of the General Land Office." The committee therefore recommend that said bill No. 51 lie upon the table, and that the joint committee be discharged from its further consideration.

A. J. BALL,
Chairman Senate Committee.
S. POWERS,
Chairman House Committee.

The report was adopted.

Further report from same committee :

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 Senate joint resolution No. 10, entitled "A joint resolution requiring Jacob Keuchler, Commissioner of General Land Office, to cause to be published certain land certificates, found in the office when he took possession of same," respectfully report that said committee have had the subject matter of said joint resolution under consideration, and have instructed us to report that the same be amended as follows : Amend first section by inserting in sixth line from bottom, after the word "claims," the words, "and all other certificates of a miscellaneous character, remaining unclaimed in said Land Office and not hitherto called for." Strike out of first section, after the word "claims," in sixth line from bottom, all down to the last word in line fourth from the bottom ; and that, amended as thus proposed, the committee recommend the passage of said joint resolution.

A. J. BALL,
Chairman Senate Committee.
S. POWERS,
Chairman House Committee.

The amendments were adopted, the joint resolution read second time and passed to a third reading. On motion the rules were suspended, the joint resolution read a third time and passed.

Further report from the same committee :

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

SIR: Your Committee on Public Lands and Land

Office, to whom was referred House bill No. 265, entitled, "An act to authorize the Commissioner of the General Land Office to issue patents to J. S. Fairley and others," have had the same under consideration, and find that said Fairley and others, have settled on a league of the school lands of Milam county, located in the county of Hood, on the Brazos river, and claim rights as pre-emptors, on the ground that the portion of the league settled on by them is not embraced in the field notes set out in the survey of the land on the ground itself; but the committee find that, while this may be the case, yet the said league was located on the Brazos river as its front, with a general call for the meanders of the river, and therefore consider that the general rule of law prevails in this case, that a call for a natural object, as the Brazos river must and does, controls calls for course and distance; and the committee therefore unanimously instruct me to report the bill back to the House, with the recommendation that it do not pass.

S. POWERS, Chairman.

The report was adopted.

Further report from same committee:

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

SIR: The Committee on Public Lands and Land Office, to whom was referred House bill No. 356, entitled "An act authorizing cancellation of titled lands in conflict, and issuance of certificates therefor," have had the same under consideration, and find that in the judgment of the committee it would be unwise and impolitic to engraft the provisions of this bill on the land system of this State, and therefore instruct me unanimously to report the bill back to the House with the recommendation that it do not pass.

S. POWERS, Chairman.

Report adopted.

Further report from same committee:

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

SIR: The Committee on Public Lands and Land Office, to whom was referred House bill No. 369, entitled "An act for the relief of the heirs of Thomas A. Culton," have had the same under consideration, and have instructed me to report the said bill back to the House and recommend its passage with the accompanying amendments.

S. POWERS, Chairman.

Amend, first, by striking out the words "twelve hundred and eighty," in first section, and insert in lieu thereof the words "three hundred and twenty."

Amend, second, by adding to first section the following proviso: "*provided*, that the said heirs file with the Commissioner of the General Land Office the evidence of the services and discharge therefrom of the said Culton."

The amendments were adopted, the bill 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.

Further report from the same committee:

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

SIR: The Committee on Public Lands and Land Office, to whom was referred a resolution of this House, instructing them to inquire 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, have had the subject matter of said resolution under consideration, and have instructed me to report that the Commissioner of the General Land Office in explanation of said inquiry has furnished the accompanying reply, a letter from the Attorney General, and that we are satisfied that the exposition of the law contained in the letter of the Attorney General is correct, and that former law permitting the affidavits in question to be made before surveyors has been repealed. The committee therefore ask to be discharged from the further consideration of the subject.

POWERS, Chairman.

The report was adopted and the committee discharged as per request.

Further report from the same committee:

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

SIR: The Committee on Public Lands and Land Office, to whom was referred Senate bill No. 28, entitled "An act to regulate the disposal of the public lands of the State of Texas," have had the same under consideration, and find that said bill proposes to change the policy of the State in regard to the disposal of the public lands to

actual settlers, in effect dispensing with the present requirement of three years occupation to entitle the settler to a patent. In this view of the case, the committee unanimously instruct me to report the bill back to the House with the recommendation that it do not pass.

POWERS, Chairman.

The report was adopted.

The Committee on Agriculture and Stock Raising reported as follows:

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

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred substitute bill No. 93, entitled "An act to better provide for the protection of agricultural interests," have examined the same, and unanimously recommend its adoption with the following amendment, to-wit: Insert in the second section of the bill after the word "shall," in second line, the words "open and." With this amendment I am instructed to report said substitute bill back to the House, with the recommendation that it do pass.

THURMOND, Chairman.

The bill was read a second time and ordered engrossed.

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

Further report from same committee:

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

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred petition of sundry citizens of Medina county, having carefully examined the same, find their prayer fully answered in a bill already reported and recommended by your committee, the same being No. 155, entitled "An act for the protection of the farming interest of the State of Texas," and therefore instruct me to report said petition back, asking to be relieved from its further consideration.

THURMOND, Chairman.

The report was adopted.

Further report from same committee:

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

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 240, to be en-

titled "An act to incorporate the Grayson County Agricultural and Mechanical Association," having duly considered its objects, unanimously instruct me to report the same back and recommend that it do pass.

THURMOND, Chairman.

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.

Further report from same committee:

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

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 167, entitled "An act providing for the organization of enclosed or open pasture districts," have duly considered the same, and find its objects fully embodied in bill No. 273, entitled "An act to provide for the enclosure of commons for the pasturage of stock," and therefore instruct me to report back, asking that they be relieved from its further consideration, etc.

A. S. THURMOND, Chairman.

The report was adopted, and the committee discharged as per request.

Further report from same committee :

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

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred a resolution of the House instructing them to report at their earliest convenience the propriety of giving effect, in all the country 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," have duly considered the same, and instruct me to report the same back to the House with the assurance that your committee hope at an early day, from the various bills before them, to prepare and report such a bill as will harmonize every seeming conflict of interest, and promote the general interest of the stock raisers of the State.

THURMOND, Chairman.

Report adopted.

Further report from same committee.

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

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred bill No. 273, to be entitled "An

act to provide for the enclosure of commons for the pasturage of stock," have had the same under consideration, and instruct me to report the same back, recommending that it do pass.

THURMOND, Chairman.

The bill was read a second time and one hundred copies ordered printed.

The Committee on Counties and County Boundaries reported as follows :

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 152, and the memorial of the Police Court of Hays county, have had the same under consideration, and have instructed me to report the bill back and recommend that it do pass.

NELSON, of Committee.

The bill, authorizing the County Court to levy and collect a special tax, was read a second time.

Mr. Hollingsworth moved to amend by inserting the figures "50" in place of the figures "75" wherever the latter occur. Adopted.

The bill was then ordered engrossed.

On motion, the rules were suspended, the 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 on Engrossed Bills have carefully examined House bill No. 283, "An act to set apart one-half of the public domain for the support and maintenance of public free schools," and find the same correctly engrossed.

L. J. STORY, for Committee.

Further report from same committee:

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred sundry petitions, together with House bill No. 23, have had the same under consideration, and a majority of the committee have instructed me to report the bill back to this House, with the following amendments, and recommend that it do pass.

NELSON, for Committee.

Amendments offered by the committee :

1. Amend by striking out all after the word "county" in the tenth line of the first section, to the word "thence" in the sixteenth line of the same section, and insert, "thence northwardly in a direct line to a point one mile due west of the centre of Hallville; thence north in a direct line to the mouth of Page creek, on Little Cypress bayou."

2. Strike out "Roanoke," wherever it occurs in the bill, and insert "Gregg."

3. And that the following be inserted as section two of said bill: "That the citizens of Harrison, Rusk and Upshur counties, who may become citizens of the new county of Gregg, by reason of the organization of said county of Gregg, shall not be released from any railroad debts or subsidies that may exist, and for which said citizens are now liable, but that they shall be bound and liable for their *pro rata* share of said debts or subsidies, to all intents and purposes, as though they had remained attached to the said counties of Harrison, Rusk and Upshur."

The amendments were adopted and the bill read a second time.

The following minority report was submitted:

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

SIR: The undersigned, a minority of the Committee on Counties and County Boundaries, beg leave to submit the following as reasons for not concurring in the report of the majority of the committee recommending a new county to be formed of portions of Upshur, Harrison and Rusk counties, to be called Gregg, with Longview as the county site: Believing it a duty we owe to our constituents to represent their interests here, and there being large petitions and strong remonstrances from citizens of Rusk and Harrison counties—not only from citizens of these counties generally, but from many of their citizens included in the portions proposed to be cut off into the new county—we believe it our duty to protest against the same.

THOS. G. ALLISON.

P. R. SCOTT.

On motion of Mr. Story, the business before the House was suspended, and Senate bill No. 133, supplemental to an act entitled "An act to incorporate the Western Narrow Gauge Railway," was taken up, read and passed to a second reading.

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

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

On motion, Mr. Van Zandt was excused for twelve days.

On motion of Mr. Bewley, the house adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, March 12, 1873. }

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

The reading of the journal was dispensed with.

Invitations to the House, to be present at an examination of the pupils of the Deaf and Dumb Asylum on Wednesday night, and also to be present at the laying of the corner stone of the new Presbyterian Church, on the fifteenth instant, were read from the clerk's desk.

By special leave the Committee on Town and City Corporations reported as follows:

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

SIR: The Committee on Town and City Corporations, to whom was referred House bill No. 299, to reincorporate the town of Liberty, in Liberty county, after a careful examination of the same, direct me to report the same back to the House and recommend that the same do pass.

W. D. WOOD, Chairman.

The bill was read, by caption, 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.

By special leave a second report from the same committee was submitted:

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

SIR: Your Committee on Town and City Corporations, to whom was referred Senate bill No. 17, "An act to incorporate Rusk Masonic Institute, located at Rusk, Cherokee county, Texas," have considered the same, and recommend that the same pass. All of which is respectfully submitted.

WOOD, Chairman.

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.

By special leave a third report was submitted from the same committee :

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

SIR : Your Committee on Town and City Corporations, to whom was referred "An act to incorporate the town of Quitman, in Wood county," have examined the same, and instruct me to report the same back to the House, and recommend that the same do pass.

WOOD, Chairman.

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.

By leave Mr. Prendergast offered the following resolution :

Resolved, That the Superintendent of Public Instruction be, and he is hereby required to furnish to this House, within the next ten days, a full and complete statement of the amount of money collected in each county in this State, respectively, to "provide the necessary school houses in each district, and insure the education of all the scholastic inhabitants of the several districts," over and above the tax allowed by the eighth section of the tax law of April 22, 1871, or in other words, a full and complete statement of the amount collected of what is commonly known as the one per cent. school house tax, showing in such statement, in detail, the disposition made of such funds, and specifying particularly when, to whom, by whom and for what service paid out.

Adopted.

By leave, Mr. Mills called up House bill No. 374, "An act amendatory of an act to re-incorporate the city of Navasota," on its third reading.

The bill was read a third time and passed.

On motion of Mr. Brown of Dallas, the bill incorporating the Dallas and Wichita Railway Company was taken from the table and referred to the Committee on Internal Improvements.

On motion of Mr. Harrison, Senate joint resolution No. 22, authorizing the Governor to adjust the matter of the hypothecation of certain bonds with Williams & Guion,

in the city of New York, was taken up, read and passed to a second reading.

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

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

By special leave, 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. 169, have considered the same, and instruct me to report the same back to the House, with the recommendation that it do pass.

WOOD, Chairman.

The bill, being an act incorporating the town of Willis, in Montgomery county, Texas, 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.

By special leave, Mr. Trolinger introduced a bill to authorize James P. Dumas, and such other persons as he may associate with him, and their successors, to construct, own and keep a toll bridge on, over and across Choctaw Bayou, in Grayson county, Texas. Referred to the Committee on Roads, Bridges and Ferries.

By leave, Mr. Morris introduced a bill authorizing the Comptroller of Public Accounts to employ additional clerks. Read and referred to the Committee on Comptroller's and Treasurer's Offices.

On motion of Mr. Killough, Senate bill No. 130, "An act to incorporate the Excelsior College, in Bastrop county," was taken up, read, and passed to a second reading.

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

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

Mr. Mills moved to take up all Senate bills on first reading. Lost.

On motion of Mr. Killough, 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 then taken up, read, and passed to a second reading.

By leave, Mr. Bewley offered the following resolution :

Resolved, That in order to expedite the business of this House and prevent confusion, no more bills, resolutions or other papers be presented out of their regular order, and that this resolution remain in force until rescinded by a majority of nine-tenths of this House.

Read and laid over under the rules.

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 examined the following bills: No. 311, "An act to make legal and valid an election for mayor, aldermen and constable of the town of La Grange;" also, No. 372, "An act to amend an act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 20, 1871," and find them correctly enrolled, and have this day presented the same to the Governor for his signature, at 11 o'clock A. M.

W. A. SHAW, Chairman.

On motion of Mr. Mills, the rules were suspended ten minutes to allow the introduction of bills and resolutions.

Mr. Nelson introduced a bill to incorporate the South Sulphur Bridge and Turnpike Company. Read by caption and referred to the Committee on Roads, Bridges and Ferries.

Mr. Cunningham presented a bill to incorporate the town of Ladonia, in Fannin county. Read by caption and referred to the Committee on Town and City Corporations.

Mr. Rimes presented a bill to repeal "An act to legalize an ordinance adopted by the convention of the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad in Falls and McLennan counties," approved June 18, 1870. Read and referred to Judiciary Committee No. 2.

Mr. Kemble introduced a bill to incorporate the Beaumont, Corsicana and Fort Worth Railway Company. Read and referred to the Committee on Internal Improvements.

Mr. Hester introduced a bill entitled "An act to authorize the County Court of Lavaca county to levy a

special tax for the purpose of building a court house, and appropriating money for that purpose." Read and referred to Judiciary Committee No. 1.

Mr. Gallaway offered the following resolution :

Resolved, That Judiciary Committee No. 1 be and it is hereby directed to take into consideration the propriety of passing "An act to secure to married women and minor children the proceeds derived from life assurance policies on the lives of husbands and fathers, free from administration and the debt of the assured," and to report by bill or otherwise at its earliest convenience.

Mr. Wood introduced a bill entitled "An act concerning the receiving, shipment and transportation of freight by common carriers in this State." Read and referred to Judiciary Committee No. 2.

Mr. Prendergast introduced a bill to be entitled "An act to validate a certain land certificate therein named." Read and referred to the Committee on Private Land Claims.

Mr. Gillette introduced a bill entitled "An act to incorporate the Public Building Company of Hill county." Read and referred to Judiciary Committee No. 2.

Mr. Gillette presented a second bill, entitled "An act to permanently locate the county seat of Hill county." Read and referred to Judiciary Committee No. 2.

Mr. Gillette presented a third bill, entitled "An act to repeal an act entitled an act authorizing the Governor to order an election to be held in Hill county for the permanent location of their county seat, approved August 12, 1870." Read and referred to Judiciary Committee No. 2.

Mr. Gaston presented a bill, to be entitled "An act to change the name Lelia Jane Price." Read and referred to Judiciary Committee No. 2.

Mr. Gaston presented a second bill to be entitled "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary in Smith county, Texas." Read and referred to the Committee on Education.

Mr. Gaston presented a third bill, to be entitled "An act to incorporate the Garden Valley Seminary, in Smith county, Texas." Read and referred to the Committee on Education.

Mr. Hollingsworth presented a bill to be entitled "An act providing for the establishment of the Texas Military

Institute and State Normal Academy." Read and referred to the Committee on Education.

Mr. Brown of Dallas presented a bill to be entitled "An act for the relief of Thomas F. and Anna G. McKinney." Read and referred to the Committee on Public Debt.

Mr. Brown of Dallas presented a second bill, to be entitled "An act amendatory of and supplemental to an act concerning private corporations, approved December 2, 1871." Read and referred to the Committee on Town and City Corporations.

Mr. Anderson of McLennan presented a bill granting H. M. Matthis, principal, and Col. L. D. DeLyon, Miss Mollie E. B. Beaver, Miss Fannie Bradford and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, Texas, the privilege of granting diplomas to students who complete the course of study established by the principal and faculty of the institution. Referred to the Committee on Education.

Mr. Anderson of McLennan presented a second bill, supplementary to an act entitled "An act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, southern branch," passed August 2, 1870. Read and referred to Judiciary Committee No. 2.

Mr. Tilson introduced a bill to regulate and control Fire, Marine, Inland and Life Insurance Companies in the State of Texas. Read and referred to Judiciary Committee No. 1.

Mr. Ireland presented bill to provide for the registration of births. Read and referred to Judiciary Committee No. 2.

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

On motion of Mr. Payne, Mr. Armstrong was added to the Committee on Finance.

Mr. Ghent presented "An act to incorporate the Milan Real Estate and Emigration Association." Read and referred to the Committee on Town and City Corporations."

Mr. Tivy presented a bill to be entitled "An act for the relief of the heirs of John Short, deceased." Read and referred to the Committee on Private Land Claims.

Mr. Storey presented a bill to be entitled "An act for the relief of Thomas Williams." Read and referred to the Committee on Private Land Claims.

Mr. Salter presented a bill to be entitled "An act to amend an act approved August 13, 1870, incorporating the town of Bremond, approved December 1, 1871." Read and referred to the Committee on Town and City Corporations.

Mr. Kleberg presented a bill to be entitled "An act to provide for the payment of damages done by dogs." Read and referred to Judiciary Committee No. 2.

Mr. Rosborough presented a bill to be entitled "An act to incorporate the Central Texas Agricultural and Mechanical Fair Association." Read and referred to the Committee on Agriculture and Stock Raising.

Mr. Westfall presented a bill to be entitled "An act for the encouragement of irrigation." Read and referred to the Committee on Agriculture and Stock Raising.

Mr. Doyle introduced a bill to be entitled "An act to change the names of certain persons therein named." Read and referred to the Committee on State Affairs.

Mr. Joseph introduced a bill to be entitled "An act to amend an act to incorporate the Magnolia Grove Association, approved June 20, 1870." Read and referred to the Committee on Town and City Corporations.

Mr. Ireland presented a bill to be entitled "An act authorizing the Commissioner of the General Land Office to issue land certificates to E. B. Thomas." Read and referred to Committee on Private Land Claims.

Mr. Sayers offered the following resolution:

Resolved, That Judiciary Committee No. 2 be requested to inquire into the propriety of allowing insurance companies of all the States to be sued in Texas, and in any county where there is an agent of the company, and that service on them shall be sufficient, and report by bill or otherwise.

Adopted.

Mr. Berends offered the following resolution:

Resolved, That the Committee on Finance be and are hereby requested to inquire into and consider the expediency and necessity to amend "An act to give effect to the several provisions of the Constitution concerning taxes," approved April 22, 1871, in the following way, to-wit:

Section six, lines eleven and twelve, after the words "used for profit," instead of "two hundred dollars" insert "fifty dollars."

Lines thirteen and fourteen, after the words "used for profit," instead of "one hundred dollars" insert "seventy-five dollars."

Line sixty-four, after the words "less than \$25,000," add "and more than \$12,000."

Line six, instead of the words "in quantities less than a quart," insert "by the drink."

Line six, after the words "one hundred and fifty dollars," and before the word "provided," insert "for selling wine or beer by the bottle or beer by the glass, fifty dollars."

Line thirty-six (hotels), after the words "inhabitants or more," add "of the first class, one hundred dollars; of the second class, fifty dollars; of the third class, twenty-five dollars. A first class hotel is such which keeps twenty or more rooms for the accommodation of travelers; a second class hotel is such which keeps less than twenty and more than ten rooms; a third class hotel is such which keeps less than ten rooms."

Line forty-nine, after the words "five dollars," add "for every feed stable, five dollars."

Line seventy-seven, after the words "five thousand in population," strike out the words "two hundred and fifty dollars," and insert "if of first class, an annual tax of three hundred dollars; if of second class, two hundred dollars; if of third class, one hundred and fifty dollars. Such persons or firms whose average annual deposits are more than \$200,000 shall be considered of first class, and whose average annual deposits are less than \$200,000 and more than \$100,000 shall be of second class, and such whose average annual deposits are less than \$100,000 shall be of third class."

Line ninety, after the word "exists," add "from every intelligence office, an annual tax of ten dollars; from every transportation or supply contractor or firm, an annual tax of fifty dollars; from every building contractor, an annual tax of fifty dollars."

Section ten, in lines two, three and four, strike out the words "except the county occupation tax, which shall be collected by the county treasurer."

Section thirty, line seven, after the words "State tax,

(if not already repealed by an act supplemental to an act approved November 29, 1871),” add “*provided*, that the justices of the peace or their deputies, when assessing such taxes, shall not be allowed to charge any separate fee for administering the oath prescribed.”

The House proceeded to the unfinished business of yesterday, being the consideration of an act to create and provide for the organization of the county of Gregg, the question being on the motion of Mr. Morris to postpone indefinitely.

After discussion, Mr. Brown moved the previous question, which being seconded, was put and carried, and the bill ordered engrossed.

A message from the Senate announced the passage by that body of Senate bill No. 132, an act confirming the outstanding debt of the State of Texas, and providing for the settlement and payment of the same, as a substitute for House bill No. 181, “An act for the sale of State bonds to meet the liabilities due from the State of Texas.”

The following message from His Excellency the Governor was read :

EXECUTIVE OFFICE,
STATE OF TEXAS, AUSTIN, March 12, 1873. (

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

SIR : I have the honor to return to your House, where it originated, the act entitled “An act to legalize and make valid the recent election in Wilson county.” and ask that the same be reconsidered.

I ask the attention of the House to the provision of the Constitution contained in Article III, Section VI, “All elections for State, district and county officers shall be held at the county seats of the several counties.”

It was made known to the satisfaction of the board of returning officers that the election proposed to be validated by this act, was not held at the county seat of Wilson county, but at another place outside of the limits of the county seat.

If that election was legal, the courts, and only the courts, have the power and are the proper authority so to declare ; but if it was not legal, it is obvious that no subsequent act of the Legislature can make it so.

This act, then, proposes to compel the Secretary of

State and Governor to revise the action which, as they understood the Constitution, they felt bound to take regarding that election.

I will state that in order, as far as possible, to carry out the wishes of the people as expressed in the attempted election in Wilson county, the officers returned as having received the highest number of votes were appointed and commissioned by me to their respective positions before the repeal of the act of June 28, 1870, commonly called the "enabling act."

Perhaps the Legislature might, by such an act as this, ordain that the term of office of those so appointed shall continue for the full period allowed by the Constitution and laws to such officers.

Very respectfully,

(Signed) EDMUND J. DAVIS, Governor.

On motion of Mr. Denton, the message was read, and the bill being put on its passage, the vote stood as follows :

Yeas—Messrs. Speaker, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bewley, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carrol, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Michael, Morris, Moore, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Veale, Venters, Watts, Westfall, Williams, Winkler and Wood—79.

Nays—Messrs. Abbott, Moore, Washington and Wilder—4.

Whereupon the bill having received a four-fifths majority, was declared to have passed over the veto of the Governor.

The following message was received from His Excellency the Governor :

EXECUTIVE OFFICE, AUSTIN, March 10, 1873.

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

GENTLEMEN: I have the honor to inform you that the

following named acts and resolutions have been received by me and approved, to-wit:

Senate bill No. 9, An act making an appropriation for the mileage and per diem pay of the members, and the per diem pay of the officers and employés of the Thirteenth Legislature, approved January 27, 1873.

House bill No. 18, An act to amend the first section of article two of title two, of an act to incorporate the city of Galveston, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city, which may be in force by virtue of any existing charter, approved May 16, 1871, approved January 30, 1873.

House bill No. 71, An act to be entitled an act to authorize the Comptroller of Public Accounts to receive from the Secretary of the Treasury of the United States the balance remaining of the fund appropriated by the acts of September the ninth, 1850, and February the twenty-eighth, 1855, for the payment of the creditors of the late Republic of Texas, approved January 30, 1873.

House bill No. 44, An act to incorporate the city of Brenham, and to grant a new charter to said city, approved February 4, 1873.

Senate bill No. 23, An act to amend an act entitled an act to incorporate the city of Tyler, and to provide for the administration of its municipal affairs, approved April 26, 1871, approved February 7, 1873.

House bill No. 59, An act to amend an act entitled an act to reincorporate the city of Navasota, Grimes county, and to grant a new charter to said city, and to repeal an act approved October 27, 1866, incorporating the city of Navasota, approved February 8, 1873.

Senate bill No. 40, An act to renew and continue in force an act entitled an act to charter the Nacogdoches University, approved February 3, 1845, approved February 11, 1873.

House bill No. 198, An act requiring the next term of the District Court of Trinity county to be held at the town of Trinity, approved February 13, 1873.

House bill No. 186, An act to incorporate the town of Gainesville, in Cooke county, approved February 17, 1873.

House bill No. 106, An act to provide for the public printing, approved February 17, 1873.

House bill No. 22, An act to incorporate the city of

Fort Worth, in the county of Tarrant, approved February 17, 1873.

House bill No. 187, An act to amend section (7) seven of an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State, approved August 10, 1870, approved February 17, 1873.

Senate joint resolution No. 5, Joint resolution to require the payment of Treasury warrants, without regard to date or number, approved February 19, 1873.

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, approved February 22, 1873.

House bill No. 194, An act to incorporate the town of Pine Hill, in Rusk county, approved February 22, 1873.

Senate bill No. 37, An act to create the county of Rockwall, approved March 1, 1873.

House bill No. 8, An act to incorporate the city of Sulphur Springs, in the county of Hopkins, approved March 4, 1873.

Senate joint resolution No. 17, Joint resolution instructing and requesting our Congressional delegation to urge upon Congress the survey and construction of a ship canal across the peninsula of Florida, approved March 4, 1873.

Senate bill No. 69, An act to expedite the decision of criminal cases by the Supreme Court, approved March 4, 1873.

Senate joint resolution No. 18, Joint resolution authorizing the Governor to offer a reward of \$5000 for the apprehension and conviction of the murderer of the Hon. Louis Frankee, and making an appropriation therefor, approved March 4, 1873.

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, approved March 4, 1873.

House bill No. 101, An act granting a charter to Hugh P. Clark, to create and keep and run a ferry boat at or near the northeast corner of the Hugh Neal survey, on Sabine river, in Van Zandt county, approved March 6, 1873.

House bill No. 201, An act to amend and consolidate

the several acts incorporating the town of Gonzales, approved March 6, 1873.

House bill No. 282, An act to authorize the levy and collection of a special tax in Gonzales county, approved March 6, 1873.

House bill No. 285, An act to incorporate the city of Denison, approved March 7, 1873.

House bill No. 157, An act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 20, 1871, approved March 8, 1873.

House bill No. 85, An act directing the publication of the expenditures, assets and indebtedness of the several counties, approved March 8, 1873.

House bill No. 77, An act to establish the county seat of Kinney county, approved March 8, 1873.

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

An act to repeal an act entitled an act to provide for the appointment by the Governor of certain officers to fill vacancies, approved June 28, 1870.

Joint resolution authorizing the Comptroller and Treasurer each to employ two additional clerks.

Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Mr. Mills, the special committee on the bill for payment of teachers of public free schools was granted leave to report, upon which they submitted the following:

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

SIR: Your special committee, to whom was referred House bill No. 340, entitled "An act making an appropriation for the payment of the teachers of the public free schools of this State," have carefully considered the same and report the same back to the House, with the recommendation that the same do pass, with the accompanying amendments.

WOOD, Chairman.

The lines here referred to are those in the printed bill :

1. Amend caption as follows: "An act to ascertain the amounts due the teachers of the public free schools of this State, prior to the first day of March, A. D. 1873, and to provide for the payment of the same."

2. In the second line of section one, strike out "five" and insert "four." In same section strike out all after the word "approved" in the eighth line, and insert instead thereof "as hereinafter prescribed."

3. After the word "instruction," in section second, line four, insert, "whose duty it shall be to furnish such list in ten days after the passage of this act." In same section, fifth line, strike out "\$500,000," and insert "\$400,000." Same section, strike out all after the word "Comptroller," in the twelfth line.

4. In third section, strike out all in sixth line after the figures "1873," and all of the seventh line. Also in same section strike out all after the word "teacher," in the tenth line, and insert, "specifying the month of service, which shall be paid by the Treasurer according to seniority of service; *provided*, warrants may be paid at any time if sufficient funds be reserved to pay warrants for prior service."

5. Strike out section four, and insert in lieu thereof :
Sec. 4. That the teacher of any public free school in this State to whom money may be due for such service rendered prior to the first day of March, A. D. 1873, shall make out his account, showing the number of days and the average number of children taught in each month, which account shall be verified by the affidavit of such teacher, and the affidavit of at least two respectable patrons of the school, to the correctness of such account; and the teacher shall further swear that he has not been paid for the service claimed, or any part thereof, except as may be shown by said account; and the officer before whom such affidavits are made shall certify to the credibility of such parties, and append his official seal thereto; and any person swearing falsely concerning any matter or fact required by this section shall be deemed guilty of perjury, and upon conviction shall be confined in the penitentiary for a period of two years. Upon the presentation of the account verified as required in the preceding part of this section to the Comptroller, he shall audit the same and draw his warrant on the Treasurer in favor of the teacher for such amount as shall be due for such service under the law and regulations governing the payment of teachers.

6. Strike out section five and insert instead thereof :
Sec. 5. That it shall be the duty of the Superinten-

dent of Public Instruction immediately after the passage of this act, to furnish the Comptroller with a tabular statement showing all payments to teachers made without warrants previously issued therefor by the Comptroller, specifying the amounts, for what services and the person to whom paid; and it is also hereby made the duty of the treasurers of all county school boards who may have had in their hands any school fund to immediately forward to the Superintendent of Public Instruction, and also to the Comptroller of Public Accounts, a statement of the amount of school funds received by them, showing all payments made by them to teachers, with the amounts, date of payment, the persons to whom paid, and for what service, which statement shall be verified by the affidavit of the party making it before the clerk of the District Court. It is hereby further made the duty of the Superintendent of Public Instruction immediately on the passage of this act to notify the treasurers of the several school boards in the State of the requirements of this section; and should any party whose duty it is to furnish the statement required by this section fail to do so as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty and not more than one thousand dollars.

The amendments were adopted, and the bill 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, Berends, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Michael, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—80.

Nays—none.

On motion of Mr. Brown of Dallas, the Senate bill supplemental to an "Act amendatory of and supplemental to an act to incorporate 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 taken up.

The House refused to recede from its amendments thereto, and the Speaker appointed Messrs. Brown of Dallas, Bewley and Armstrong a committee of free conference to meet a like committee appointed by the Senate.

Mr. Nelson moved to suspend the rules and take up the bill creating the county of Gregg.

House refused to suspend.

Mr. Storey moved to make House bill No. 55, to protect the farming interests of the State, the special order for 10 o'clock A. M. to-morrow. Lost.

On motion, the House then adjourned until 9:30 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, {
AUSTIN, TEXAS, March 13, 1873. }

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

Absent—Mr. Michael.

On motion the reading of the journal of yesterday was suspended.

On motion of Mr. Broaddus, Senate bill No. 142, "An act validating an election held in Brazos county," was taken up, read first time and passed to a second reading.

On motion, the rules were suspended, the bill read a second time, and on motion referred to Judiciary Committee No. 1.

On motion, Mr. Scott was excused for fourteen days, and the leave of absence of Mr. Bledsoe extended until Monday next.

Mr. Bewley offered a petition for a new county to be formed of parts of San Augustine and Nacogdoches counties. Referred to Committee on Counties and County Boundaries.

Mr. Payne offered a petition of citizens of Goliad county

in relation to a fence law. Referred to Committee on Agriculture and Stock Raising.

Mr. Gaston offered a petition of citizens of Smith county, asking relief for certain persons therein named. Referred to Judiciary Committee No. 2.

Mr. Story offered a petition of two hundred and thirty-one citizens of Caldwell county, asking the passage of what is known as the Ohio liquor law. Referred to Judiciary Committee No. 2.

Mr. Carroll offered a petition of citizens of Davilla, Milam county, praying for the prohibition of the sale of liquor within six miles of Davilla Institute, in Milam county. Referred to Committee on Education.

Mr. Winkler offered a letter of L. H. Durham of Navarro county, relating to the encouragement of fruit growing. Referred to Committee on State Affairs.

Mr. Kemble offered a petition of citizens of Ellis county. Referred to Committee on State Affairs.

Mr. Smith of Colorado offered a petition relative to the discovery of J. G. G. Garrett concerning the destruction of the cotton worm. Referred to Committee on Agriculture and Stock Raising.

Mr. Salter offered a petition from the citizens of Bremond. Referred to Committee on Town and City Corporations.

Mr. Ireland offered a memorial. Referred to Committee on Finance.

Mr. Anderson of McLennan offered a petition relative to the levying of a special tax in McLennan county. Referred to Judiciary Committee No. 2.

On motion of Mr. Tom, the following report from the Committee on Counties and County Boundaries was taken up:

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

SIR: Your committee to whom was referred the petition of citizens of Medina and Bexar counties, asking for the extension of the boundary line of Medina county, together with House bill No. 314, beg leave to report that they have had the same under consideration, and instruct me to offer the accompanying substitute, and recommend its passage.

TROLINGER, Chairman.

The bill, being an act to enlarge the county of Medina,

was read, and a substitute of same caption submitted by the committee read and adopted. The bill was then ordered engrossed.

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

On motion, Mr. Gallaway was excused for two weeks.

A message from the Senate announced the passage by that body of Senate bill No. 145, "An act to amend an act entitled an act for the relief of the Eastern Texas Railroad Company, passed the twentieth day of March, A. D. 1871."

Mr. Morris moved to take up the bill just received from the Senate. House refused.

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 thoroughly examined the following House bills:

No. 329, 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."

No. 152, a bill authorizing the County Court of Hays county to levy and collect a special tax.

No. 93, a bill entitled "An act to better provide for the protection of agricultural interests."

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

No. 240, a bill to be entitled "An act to incorporate the Grayson County Agricultural and Mechanical Association."

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

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

No. 275, a 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."

No. 142, "An act to enlarge the area of Menard county."

No. 174, "An act to amend and supplemental to an act

to provide for the incorporation of towns and cities, approved January 27, 1858."

No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert, in Robertson county, approved April 12, 1871."

No. 238, "An act to authorize the levy of writs of executive attachment and sequestration on neat cattle as they run in the range."

No. 244, "An act 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."

No. 35, A bill to be entitled "An act to authorize parties in certain cases to sue in the District Courts for head-right certificates and bounty and donation warrants, and to provide for the issuance of such certificates and warrants."

No. 361, a bill to prevent the sale or disposal of spirituous liquors within three miles of Leesburg in Gonzales county.

No. 360, joint resolution concerning the summoning of male witnesses before the several committees of the two houses of the Legislature.

No. 337, "An act for the relief of the Hon. Nat. M. Burford."

No. 264, "An act to authorize the Police Court of Ellis county to levy and collect a special tax for the purpose of building a jail."

No. 287, "An act authorizing the County Court of Bosque county to levy a tax for the purpose of building a court house and jail."

No. 267, "An act to amend Articles 412 and 418 of the Penal Code, as amended by act passed May 11, 1871."

No. 250, A bill to be entitled "An act to authorize Thomas M. Cain and W. J. Ayce to construct a toll bridge across Sabine river."

No. 227, "An act for the relief of assessors and justices of the peace in certain cases, for taking scholastic census."

No. 274, A 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."

No. 348. A bill to be entitled "An act to prohibit the

sale of intoxicating liquors within certain limits of Jonesborough School, in Coryell county."

No. 249, A bill to be entitled "An act to change the names of certain persons herein named."

No. 237, "An act to authorize the Governor to appoint a registrar and boards of appeal and revision in certain unorganized counties therein named."

No. 376, "A bill making an appropriation to pay the printing account of Richardson, Belo & Co., for the Comptroller's office."

No. 339, A bill to be entitled "An act to authorize the county of Dallas to issue bonds."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Green moved to take up the bill creating the county of Hempstead. Carried.

The following report from the Committee on Counties and County Boundaries relative thereto was read.

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

SIR: Your Committee on Counties and County Boundaries, to whom was recommitted petitions from citizens of Grimes, Harris and Austin counties, praying for the creation of a new county, together with protests from citizens of said counties, and House Bill No. —, beg leave to report that they have had the same under consideration, and a majority of the committee instruct me to return the same, and recommend the striking out of the amendment in relation to Grimes county, and the passage of the original bill.

TROLINGER, Chairman.

The recommendation of the committee striking out the amendment referred to was adopted by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson of Montgomery, Anderson of McLennan, Bewley, Booty, Brown of Dallas, Brown of Upshur, Carroll, Cunningham, Davenport, Denton, Eastland, Ellett, Gaston, Gillette, Gilpin, Green, Harrison, Hoffman, Kemble, Killough, Mabry, Manning, McDonald, Nelson, Phelps, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Smith of Houston, Thurmond, Tivy, Tom, Trolinger, Venters, Wilder, Williams and Wood—46.

Nays—Messrs. Allison, Armstrong, Berends, Bordeaux, Broaddus, Doyle, Hester, Joseph, Kleberg, Leyendecker, Mills, Moore, Morris, Noeggerath, Payne, Powers, Roberts, Smith, of Colorado, Storey, Washington, Westfall and Williams—22.

Mr. Mills offered the following amendment: Strike out "Beason Creek" and insert "on a straight line east and west from Reed's store."

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

The question on the amendment was then put, and the amendment failed to carry.

Mr. Wood offered the following amendment: "*Provided*, the county seat of said new county shall be established within two miles of the geographical center of the territory of said county."

Mr. Killough offered the following substitute: Amend by striking out "Hempstead," and provide for the people to select their own county seat.

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

The bill was then ordered engrossed by the following vote:

Yeas—Messrs. Speaker, Abbott, Allen, Anderson of McLennan, Bewley, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Day, Ellett, Ford, Gallaway, Gaston, Gilpin, Green, Hoffman, Kemble, Killough, Lane, Mabry, Manning, McDonald, Nelson, Phelps, Powers, Robb, Salter, Smith of Houston, Thurmond, Tilson, Tivy, Trolinger, Venters, Watts, Westfall, Wilder and Winkler—38.

Nays—Messrs. Adriance, Allison, Armstrong, Berends, Booty, Broaddus, Denton, Doyle, Eastland, Gillette, Harrison, Hester, Ireland, Joseph, Kleberg, Leyendecker, Mills, Moore, Morris, Noeggerath, Payne, Prendergast, Rainey, Rimes, Roberts, Russell, Sayers, Scott, Shelton, Smith of Colorado, Storey, Washington, Williams and Wood—34.

On motion of Mr. Smith of Colorado, Judiciary Committee was granted leave to report upon House bill No. 224, which they did as follows:

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

SIR: The Judiciary Committee to whom was referred House bill No. 224, to incorporate the State Bank of

Texas, have had the same under consideration, and have instructed me to report the bill back, with an amendment, and to recommend its passage with the said amendment, accompanying the report.

GEO. W. SMITH, Chairman.

Amendment to House bill No. 224:

“SECTION 6. That before the election of the officers and organization of the company, as directed in section four, the amount that may be unpaid by each subscriber to the capital stock of the company shall be secured by his promissory note, executed to the company, with two or more good and sufficient securities, approved by the commissioners, or a majority of them, and made payable on the call of the board of directors of the company; and when the company shall have been organized, the said commissioners will turn over to its officers the amounts received by them in money and notes for stock subscribed as aforesaid.”

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

On motion, the rules were suspended for fifteen minutes to allow the introduction of bills and resolutions.

Mr. Bewley introduced a bill to incorporate the Sabine Pass and Red River Railway Company. Referred to the Committee on Internal Improvements.

Mr. Carroll presented a bill to prohibit the sale of spirituous liquors within six miles of Davilla Institute, Milam county, except for medical or sacramental purposes. Referred to the Committee on Education.

Mr. McDonald presented a bill to be entitled “An act to authorize the several county courts in this State to offer a premium for wolf scalps. Referred to the Committee on Agriculture and Stock Raising.

Mr. Wood presented a bill to change the name of Harriet E. Wallace, to Benton. Referred to the Committee on State Affairs.

Mr. Armstrong presented a bill to be entitled “An act to provide for the better designation of certain county boundaries.” Referred to the Committee on Counties and County Boundaries.

Mr. Chambers presented a bill for the relief of G. W. Patterson and son.

Mr. Broaddus presented a bill to amend “An act entitled an act prescribing the times of holding the district courts

in the several judicial districts in the State," approved August 10, 1870. Referred to Judiciary Committee No. 1.

Mr. Mills presented a bill for the relief of Jacob Fifer. Referred to the Committee on Private Land Claims.

Mr. Rainey presented a bill to amend article two thousand and thirty of the criminal code. Referred to Judiciary Committee No. 1.

Mr. Booty presented a bill for the relief of the heirs of James N. Sheel, deceased. Referred to the Committee on Private Land Claims.

Mr. Westfall presented a bill to be entitled "An act for the relief of the heirs of William Garnett." Referred to the Committee on Private Land Claims.

Mr. Ford presented a bill to be entitled "An act to amend section one of an act concerning private corporations, approved December 2, 1871." Referred to Judiciary Committee No. 2.

Mr. Storey presented a bill to be entitled "An act to require justices of the peace when they issue citations in civil suits to furnish the officer to whom the writ is directed, a certified copy of the same to be served upon each defendant." Referred to Judiciary Committee No. 2.

Mr. Thurmond offered the following resolution :

Resolved, That Judiciary Committee No. 2, be instructed to prepare and report a bill to suppress the swindling of ignorant and unsuspecting persons under the disguise of what are commonly called gift enterprises, now prevalent in many towns in this State.

Adopted.

Mr. Killough offered the following resolution :

Resolved, That His Excellency E. J. Davis be requested to inform this House whether a State geologist has been appointed as provided by the act entitled "An act providing for a geological survey of the State of Texas," approved August 13, 1870, and if so, what he is doing.

Adopted.

Mr. Russell offered the following concurrent resolution :

Resolved by the House of Representatives the Senate concurring, That the present session of the Thirteenth Legislature will adjourn *sine die* on Tuesday the tenth day of April next.

Laid over, under the rules.

Mr. Rainey offered the following resolution :

WHEREAS, Since the God of battles has created every Texan a lord of his own domicile, and imagined lord of all he surveys, and filled his bosom with the desire to have the limits of his homestead designated as a county boundary; therefore be it

Resolved, That this spirit of individualism and aggrandizement shall be checked by declaration that hereafter this House will not vote for the creation of any new county with less area than nine hundred square miles.

Mr. Gaston moved to lay the resolution upon the table.

Division of the question being called, the vote was taken upon the resolution proper and resulted in laying it on the table by the following vote:

Yeas—Messrs. Speaker, Adriance, Allen, Allison, Anderson of McLennan, Armstrong, Booty, Broaddus, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Ellett, Gallaway, Gaston, Gillette, Green, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, Nelson, Noeggerath, Phelps, Robb, Rosborough, Russell, Salter, Shelton, Thurmond, Tilson, Westfall, Williams and Winkler—43.

Nays—Messrs. Anderson of Montgomery, Bordeaux, Gilpin, Hester, Leyendecker, Mills, Moore, Morris, Payne, Powers, Prendergast, Rainey, Roberts, Scott, Smith of Colorado, Smith of Houston, Veale, Venters, Washington, Watts, Wilder and Wood—22.

The preamble was then laid on the table.

On motion, Judiciary Committee No. 2 was granted leave to report, which they did as follows:

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

SIR: Your Committee to whom was referred Senate bill No. 18, "An act to incorporate the city of Austin," beg leave to report the same back and recommend its passage.

IRELAND, Chairman.

The bill was read a second time and laid on the table.

The Committee on Roads, Bridges and Ferries, by special leave, 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 Senate bill No. 81, "An act to es-

tablish a bridge across Choctaw Bayou, in Grayson county," have had the same under consideration and recommend that it do not pass, and the committee have instructed me to prepare the accompanying substitute and recommend its passage.

HARRISON, Chairman.

The substitute of same caption offered by the committee was adopted and ordered engrossed.

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

Second report from same committee :

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

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled "An act granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spivey crossing on Trinity river in Henderson county and Navarro county," have had the same under consideration. The committee have instructed me to report the bill back to the House and recommend its passage.

HARRISON, Chairman.

The bill was read a second time 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 : Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to incorporate the Leon River Bridge Company, have had the same under consideration, and have adopted the accompanying amendments, and ask their adoption, and recommend the passage of the bill.

J. M. HARRISON, Chairman.

The bill was read a second time and ordered engrossed.

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

On motion of Mr. Armstrong, Senate bill No. 145, "An act to amend an act entitled an act for the relief of the Eastern Texas Railroad Company, passed March 20, 1871," was taken up and referred to the Committee on Internal Improvements.

On motion of Mr. Powers, Senate bill No. 120, "An

act amendatory of an act entitled an act to incorporate the Rio Grande Railway Company, approved August 13, 1870," was taken up and referred to the Committee on Internal Improvements.

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 granting a charter to James A. Mitcham and H. L. Gilmore to create, keep and run a ferry boat at Brazete Landing, or crossing, on the Trinity river, in Henderson county and Navaro county," 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.

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

Further report from same committee :

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 granting a charter to J. W. McCowen, of Milam county, to keep and run a ferry boat across Little River," have had the same under consideration, and have instructed me to prepare the accompanying substitute and recommend its adoption and passage.

HARRISON, Chairman.

The substitute of same caption offered by the committee was read, adopted and ordered engrossed.

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

Further report from the 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 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," have had the same under consideration, and have in-

structed me to report it back to the House and recommend its passage.

HARRISON, Chairman.

The bill was read a second time and ordered engrossed.

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

Further report from same committee :

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

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 214, to be entitled "An act to establish a ferry across Big Cypress on the county line between the counties of Marion and Harrison," have had the same under consideration, and have instructed me to report the bill back to the House and recommend its passage.

HARRISON, Chairman.

The bill was read a second time and ordered engrossed.

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

On motion of Mr. Killough, Senate bill No. 131, "An act reimbursing Bastrop county and appropriating the sum of two hundred and twenty-five dollars for that purpose," was taken up and read; the rules suspended, read a second time; the rules further suspended, the bill read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bewley, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Sayers, Scott, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tivy, Tom, Veale, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—70.

Nays—none.

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. 255, "An act to prohibit the sale or gift of intoxicating or spirituous liquors within two miles of Leesburg Institute, in Upshur county, Texas," also House bill No. 57, "An act to prohibit the sale of intoxicating or spirituous liquors within one mile of the institution of learning situated at Caledonia, in Rusk county, Texas," and find the same correctly enrolled, and have presented the same this day at eleven o'clock to the Governor for his signature.

SHAW, Chairman.

Mr. Washington moved to adjourn until 9:30 A. M. tomorrow. Lost.

By leave, the special committee on House bill No. 50 submitted the following report:

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

SIR: Your special committee, to whom was referred House bill No. 50, to be entitled "An act concerning the practice of medicine," have maturely considered the same, and heartily approving the objects of said bill, and believing it a matter of vital importance to the people of the whole State, beg leave to report the accompanying substitute, and recommend its passage.

FORD, Chairman,
GHENT,
TROLINGER,
RUSSELL,
TIVY,
DOYLE,
DENTON.

The bill having been read, the substitute offered by the committee was read and adopted; read a second time, and one hundred copies ordered printed for the use of the House.

On motion of Mr. Brown of Dallas, the House proceeded to take up Senate bills and messages.

House bill No. 185, "An act defining the duties of the Comptroller," was taken up and referred, with the amendments offered thereto by the Senate, to Judiciary Committee No. 1.

House bill No. 181. "An act for the sale of State bonds

to meet the liabilities due from the State of Texas," was taken up and referred, with Senate bill No. 132, offered as a substitute therefor, to the Finance Committee.

House bill No. 233, "An act regulating elections," was then taken up, with the amendments offered thereto by the Senate. The amendments having been read, the House refused to concur therein.

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. 23, "An act to create and provide for the organization of the county of Gregg;" No. 369, "An act for the relief of the heirs at law of Thomas E. Culton," and find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Hollingsworth, House bill for the protection of the farming interests and regulating enclosures, was made a special order for Friday next, at 10 A. M.

On motion of Mr. Denton, the House adjourned until 9:30 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, March 14, 1873.)

House met pursuant to adjournment. Prayer by Rev. Dr. Palmer, of New Orleans, Louisiana. Roll called; quorum present.

On motion, Mr. Rives, assistant sergeant-at-arms, was excused for six days, and Mr. Arbuckle, doorkeeper, for eight days.

The reading of the journal of yesterday was dispensed with.

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

Mr. Ireland offered a memorial from citizens of Guadalupe county, asking the impeachment of Henry Maney, judge of the Twenty-second Judicial District. Read and referred to the Committee on Judicial Districts.

Mr. Payne presented a bill to abolish the Twenty-

second Judicial District, and to attach the counties composing it to other districts. Read and passed to second reading. On motion the rules were suspended, the bill read a second time and ordered engrossed. On motion the rules were further suspended, the bill read a third time and passed.

Mr. Chambers offered a petition for a new county off of east Collin county. Referred to a special committee, consisting of Messrs. Booty, chairman; Carroll, Davenport, Gilpin and Westfall.

Mr. Booty offered a memorial from Panola Council, No. 253, I. O. O. F. Referred to Judiciary Committee No. 2.

Mr. Ireland offered a petition from Guadalupe county. Referred to Judiciary Committee No. 2.

Mr. Smith of Houston offered a protest of citizens of Cherokee county. Referred to the Committee on Counties and County Boundaries.

Mr. Watts offered a protest of Walker county against proposed dismemberment. Referred to the Committee on Counties and County Boundaries.

On motion Mr. Ireland was added to the Committee on Internal Improvements.

On motion of Mr. Ireland the regular order of business was suspended, and business on the Speaker's table was taken up.

The resolution of Mr. Bewley, changing the order of business, was read.

Mr. Mills moved to refer to the Committee on Rules.

Mr. Bewley moved to lay that motion on the table. Lost.

The resolution was then referred to the Special Committee on Rules.

The resolution of Mr. Russell to adjourn *sine die* on Tuesday, April 15, was taken up.

Mr. Manning offered the following amendment:

Provided, all necessary legislation for the general relief of the people from the obnoxious laws, under which they have been governed, has been accomplished.

On motion the resolution and amendment were postponed until April 1, 1873.

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," was taken up, read a second time and referred to Judiciary Committee No. 2.

Senate concurrent resolution for the appointment of a joint committee to consider the propriety and necessity of establishing two additional lunatic asylums, was then read.

Mr. Brown of Dallas offered an amendment striking out that portion referring to the proposed situation of the additional asylums. Adopted.

The resolution thus amended passed.

Senate bill No. 48, "An act authorizing the patenting of a certain bounty warrant therein named, was read and referred to the Committee on Private Land Claims.

Senate joint resolution No. 21, awarding Winchester rifles to certain persons, was read, the rules suspended and read a second time.

Mr. Bordeaux offered the following amendment: Insert the names of George Stephens, of Wise county, and Creed Roberts, of Montague county. Adopted.

Mr. Winkler moved to amend by inserting the name of Col. J. B. Barry, of Bosque county. Adopted.

The joint resolution thus amended was passed to a third reading.

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, was read a second time and referred to the Committee on the Comptroller's and Treasurer's Offices.

Senate joint resolution No. 19, concerning the debt of Texas, was read and laid on the table.

By leave, Mr. Smith of Colorado introduced a bill to authorize the Governor to settle with Messrs. Williams & Guion, of New York City, for their claims against the State. Read, the rules suspended and read a second time.

Mr. Smith of Colorado offered the following amendment: That this act shall not include the forty-three bonds said to have been taken from Raymond & Whitis, or either of them. Adopted.

The bill was then ordered engrossed.

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

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 Twelfth Legislature of the State of Texas, passed May 17, 1871, was taken up.

Pending the discussion, the hour for the special order arrived, and it was taken up, being "An act for the protection of the farming interests of the State."

On motion, the House went into committee of the whole. Mr. Payne in the chair.

Pending the discussion, the committee rose to receive the following report:

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

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 427, "A bill to authorize the Governor to settle with Messrs. Williams & Guion, of New York City, for their claim against the State, and find the same correctly engrossed.

A. J. BOOTY, Chairman.

The discussion in the committee of the whole was then resumed.

After further discussion, the committee arose and reported no progress to the House, and recommended the reference of the bill to a special committee of five, which report was adopted by the House.

The Speaker appointed Messrs. Storey, chairman, Anderson of McLennan, Chambers, Killough and Robb, said committee.

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: Substitute for House bills No. 314, "An act to enlarge the county of Medina;" No. 340, "An act to ascertain the amounts due the teachers of the public free schools of the State prior to the first day of March, A. D. 1873, and to provide for the payment of the same;" No. 426, "An act to abolish the Twenty-second Judicial District and to attach the counties composing said district to other districts," and find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Harrison, the House adjourned until 9:30 o'clock, A. M., to-morrow.

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

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

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

By leave, Mr. Rainey introduced out of the regular order, a bill to change the judicial relations of Houston county, which was read and passed to a second reading.

On motion, the rules were suspended, the bill read a second time and referred to Judiciary Committee No. 2.

The resolution ratifying the Constitutional amendment was taken up. The question being the motion to postpone its further consideration until Thursday next, at 11 A. M., the House refused to postpone by a rising vote of 36 nays to 35 yeas.

Mr. Brown of Dallas moved to postpone its further consideration until Wednesday next, at 11 A. M. Carried.

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

Senate bill No. 99, "An act to provide for the change of venue in civil cases in the District Courts of this State."

Senate bill No. 119, "An act authorizing the Commissioner of the General Land Office to employ additional draughtsmen and clerks."

Senate bill No. 13, "An act to consolidate the Houston, Tap and Brazoria Railway, the Huntsville Branch Railway, and the Victoria and Columbia Railroad with the Houston and Great Northern Railroad."

House bill No. 361, a bill to prevent the sale or disposal of spirituous liquors within three miles of Leesburg, in Gonzales county.

On motion, Mr. Smith of Colorado was added to the House conference committee on the Texas and New Orleans Railway.

The following communication was received from His Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,)
 AUSTIN, M^orch 14, 1873.)

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

SIR: In reply to the resolution of the House of Representatives of the thirteenth instant, requesting to be informed whether a State Geologist has been appointed, as provided for by "An act providing for a geological survey of the State of Texas," approved August 13, 1870, etc., I would state that no State Geologist has as yet been appointed.

Very respectfully,

EDMUND J. DAVIS, Governor.

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

SIR: Your Committee on Engrossed Bills have examined the following engrossed bills: No. 347, a bill to incorporate Leon River Bridge Company; No. 169, a bill incorporating the town of Willis, in Montgomery county, Texas; No. 224, "An act to incorporate the State Bank of Texas, Galveston;" No. 200, a bill to be entitled "An act granting a charter to James A. Mitcham and H. L. Gilmore to create, keep and run a ferry boat at New Bazette landing or crossing, on the Trinity river, in Henderson county and Navarro county;" No. 299, a bill to be entitled "An act reincorporating the town of Liberty;" No. 214, a bill to be entitled "An act to establish a ferry across Big Cypress;" No. 259, "An act 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;" No. 425, substitute for Senate bill No 81, a bill to establish a bridge across Choctaw Bayou, in Grayson county;" No. 243, a bill to be entitled "An act granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spivey crossing on Trinity river, in Henderson and Navarro counties;" No. 336, a bill granting a charter to J. W. McCown, jr., to keep and run a ferry boat across Little river;" No 338, "An act to incorporate the town of Quitman, in Wood county," and find the same correctly engrossed.

BOOTY, Chairman.

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 bill: No. 361, "An act to prohibit the sale or disposition of spirituous, vinous or other intoxicating liquors within three miles of the town of Leesburg, in Gonzales county," and find the same correctly enrolled, and have presented the same to the Governor at 12 o'clock to-day for his approval.

SHAW, Chairman.

The following communication was received from the Superintendent of Public Instruction :

DEPARTMENT OF EDUCATION,
STATE OF TEXAS, AUSTIN, March 13, 1873.

To the Honorable House of Representatives of the State of Texas :

GENTLEMEN: In answer to a resolution passed by your body on the twelfth instant, calling on me for certain information regarding the collection and disbursement of the one per cent. school tax, I have the honor to call your attention to Exhibits F, I, J, and N, of my second annual report for the fiscal year ending August 31, 1872.

To give the additional information asked, or "to furnish this House with a full and complete statement of the amount of money collected in each county in this State respectively," * * * showing in said statement in "detail the disposition made of such funds, and specifying particularly whom, to whom, by whom, and for what service paid out," would require the additional employment of at least four clerks; and as a large part of this information would have to be procured from the different counties, it would take about two months to furnish it.

If the Legislature will authorize the employment of these additional clerks I will begin the work at once.

Very respectfully, your obedient servant,

J. C. DE GRESS,

Superintendent of Public Instruction.

Mr. Ireland moved to reject the communication.

The hour for the special order having arrived, on motion it was postponed for fifteen minutes.

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

The motion to reject was then put and carried.

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

Also a petition of heirs of M. Ruter. Referred to the Committee on Private Land Claims.

By leave Mr. Kleberg introduced a bill to authorize H. B. Boston, A. Hamilton and R. B. Boston to erect a pontoon bridge over the Guadalupe river at the town of Clinton, in DeWitt county, Texas. Referred to the Committee on Roads, Bridges and Ferries.

By leave Mr. Denton presented a bill to define the limits of Floresville, Wilson county. Referred to the Committee on State Affairs.

Mr. Manning offered a petition to incorporate Cotton Gin Seminary. Referred to the Committee on Education.

Mr. Hoffman offered a petition of E. Schramm. Referred to the Finance Committee.

Mr. Sayers offered a petition of the heirs of W. H. Lioning. Referred to the Committee on Private Land Claims.

Also, an act for the relief of Pedro Hernandez. Referred to the Committee on Private Land Claims.

Mr. Mills by leave presented a bill for the relief of Antonio Samario. Referred to the Committee on Private Land Claims.

By leave Mr. Prendergast introduced a bill to be entitled "An act regulating the salary and fees of district attorneys." Referred to Judiciary Committee No. 2.

Mr. Brown of Dallas offered a petition of citizens of Dallas county, against dismemberment. Referred to the Committee on Counties and County Boundaries.

By leave Mr. Hollingsworth presented a bill for the relief of Richard O. Hanlon. Referred to the Committee on Private Land Claims.

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

Mr. Denton offered the following resolution:

WHEREAS, It is well known that in some of the several departments of this government, persons have been appointed as clerks and other employments, who are foreigners and strangers in this State, and whose interests are in no wise identified with that of the people of this State, and

Whereas, It is contrary to established usage in this State, as well as sound public policy, to employ such persons to take charge of important interests involving the interest and welfare of the people; therefore,

Resolved, That Judiciary Committee No. 2 be instructed to inquire into the expediency and propriety of framing a bill, and reporting the same to this House, prohibiting the heads of departments of this government from employing any person or persons as clerks, or in any other capacity, who have not the qualifications of citizenship, which would entitle them to hold other subordinate official positions in this State; and until such persons shall have executed a bond to the State, with sufficient securities commensurate with the importance of the trust confided to them, and conditioned for the faithful performance of their duties as such employes.

Adopted.

The special order, being the report of the Committee on Privileges and Elections in the contested election case of Messrs. Allen, Michael and Anderson, of Montgomery, was taken up.

Mr. Mills moved to postpone its further consideration until Thursday next, at 11 A. M.

Mr. Denton moved to lay the motion on the table. The yeas and nays being ordered, resulted as follows:

Yeas—Messrs. Armstrong, Bordeaux, Carroll, Denton, Doyle, Eastland, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Kemble, Leyendecker, Mabry, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Russell, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom and Veale—32.

Nays—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bewley, Booty, Broaddus, Brown of Dallas, Brown of Upshur, Chambers, Cunningham, Davenport, Ellett, Ford, Green, Ireland, Joseph, Killough, Kleberg, Lane, Manning, McDonald, Michael, Mills, Moore, Morris, Nelson, Phelps, Roberts, Rosborough, Salter, Sayers, Shaw, Shelton, Trolinger, Venters, Washington, Watts, Westfall, Williams, Winkler and Wood—46.

Whereupon the motion was declared lost.

The motion to postpone then carried.

On motion of Mr. Ireland, the use of the Representa-

tive Hall was granted to Rev. Dr. Palmer, of New Orleans, on Sunday and at night during his stay in the city, for divine services.

On motion of Mr. Killough the House adjourned until 10 o'clock A. M. Monday.

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

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

The reading of the journal of Saturday was dispensed with.

By leave, Mr. Kemble introduced the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That all public school teachers, and all supervisors, and all inspectors, and all principals of the free schools of this State, be and they are hereby notified and requested to adjourn their labors on the first day of April next, until the first day of September next, or until the Legislature can agree on a better, and less complicated, and less expensive plan, with school funds better secured; and that teachers rely on private schools until there can be a general settlement, and until further notice be given.

Resolved further, That this Legislature will not cease its labors in endeavoring to agree on the best and most practicable plan of a public free school system, in keeping with the State Constitution and wants of the people.

Referred to the Committee on Education.

By leave the Committee on Internal Improvements reported, through Mr. Winkler, as follows:

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

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 145, entitled, "An act to amend an act entitled an act for the relief of the Eastern Texas Railroad Company, passed the twentieth day of March, A. D. 1871," have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

C. M. WINKLER, Chairman.

Mr. Anderson of McLennan offered the following amendments: Strike out all of section one after the word "road," in line eighteen. Change section three to section four. Insert in section three as follows: That the State reserves the right at all times to regulate and control the charges on the said road for freight and passage, and to regulate the manner in which said road shall be conducted and run.

Mr. Smith of Colorado offered the following amendment:

That the company shall build and continue from the opening of their road for business, suitable freight and passenger depots within one mile of the court house in each town to which it is required to construct its road; and if any town has no court house within its limits, then within one mile of the center of the business part of the town.

The power is reserved to the State at any time to amend, alter, repeal or annul the charter of this company, and recall the franchises and privileges thereof, by an act of the Legislature, passed by two-thirds of the Senate and House of Representatives, on condition, nevertheless, that no such act shall annul or invalidate the contracts made by or with the corporation, so far as to collect and recover and dispose of their estate, real and personal, pay off their debts, and divide the surplus among those entitled to the same.

A message from the Senate announced that that body adheres to its amendment to House Bill No. 233, "An act regulating elections, and had appointed Senators Shelley, Henry, Dillard, Tendick and Saylor a committee of conference on the disagreement between the two Houses, and asked the appointment of a like committee on the part of the House.

Also, of the passage by that body of a joint resolution fixing the rate of compensation of two accountants, employed by the joint committee of investigation of the Treasurer's and Comptroller's departments.

On motion of Mr. Winkler, the joint resolution was taken up, read and passed to a second reading.

On motion the rules were suspended, the joint resolution read a second time.

Mr. Mills offered the following amendment:

Strike out "five hundred dollars" and insert "two hundred and forty dollars" per month.

Mr. Hoffman moved the previous question, which being seconded was put with the following result :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of Montgomery, Anderson of McLennan, Bewley, Bordeaux, Brown of Dallas, Carrol, Davenport, Gaston, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Lane, McDonald, Michael, Morris, Payne, Powers, Roberts, Salter, Short, Thurmond, Tivy, Veale, Venters, Watts, Westfall, Williams, Winkler and Wood—36.

Nays—Messrs. Armstrong, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Chambers, Cunningham, Day, Denton, Doyle, Eastland, Ellett, Ford, Ghent, Gillette, Green, Harrison, Ireland, Kemble, Leyendecker, Manning, Mills, Moore, Nelson, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Shaw, Shelton, Storey, Tilson, Tom, Trolinger, and Washington—38.

Whereupon it was declared the House refused to order the main question.

Mr. Rainey moved to reconsider the vote just taken.

Mr. Denton moved to lay the joint resolution, amendment and motion to reconsider on the table.

Yeas and nays being called for resulted as follows :

Yeas—Messrs. Abbott, Anderson of Montgomery, Armstrong, Berends, Broaddus, Denton, Ellett, Ghent, Harrison, Ireland, Manning, McDonald, Moore, Prendergast, Robb, Russell, Smith of Colorado, Storey, Tilson, Tom and Williams—21

Nays—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Bewley, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Doyle, Eastland, Ford, Gaston, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Michael, Mills, Morris, Nelson, Payne, Phelps, Powers, Rainey, Rimes, Roberts, Rosborough, Salter, Sayers, Shaw, Shelton, Short, Thurmond, Tivy, Trolinger, Venters, Washington, Watts, Westfall, Winkler and Wood—56.

Whereupon the House refused to table the matter.

Mr. Bewley moved to lay the amendment upon the table.

The yeas and nays being called for resulted as follows :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson

of McLennan, Bewley, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Davenport, Ford, Gaston, Gillette, Gilpin, Hester, Hoffman, Joseph, Killough, Kleberg, Lane, Michael, Morris, Payne, Phelps, Powers, Prendergast, Rainey, Roberts, Rosborough, Salter, Shaw, Short, Smith of Houston, Thurmond, Tivy, Tom, Veale, Venters, Watts, Westfall, Winkler and Wood—44.

Nays—Messrs. Abbott, Anderson of Montgomery, Armstrong, Berends, Bledsoe, Broaddus, Cunningham, Day, Denton, Doyle, Eastland, Ellett, Ghent, Green, Harrison, Hollingsworth, Ireland, Kemble, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Nelson, Rimes, Robb, Russell, Sayers, Shelton, Smith of Colorado, Storey, Tilson, Trolinger, Washington and Williams—36.

Whereupon the motion to table was declared to have carried.

Mr. Nelson offered the following amendment :

Strick out “\$500 ” and insert “\$250.”

Mr. Payne moved the previous question, which being seconded was put, with the following result :

Yeas—Messrs. Adriance, Allison, Anderson of McLennan, Bewley, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Davenport, Ford, Gaston, Gillette, Hester, Joseph, Killough, Kleberg, Lane, Michael, Morris, Payne, Phelps, Powers, Rainey, Roberts, Rosborough, Salter, Shaw, Short, Smith of Houston, Tivy, Tom, Veale, Watts, Westfall, Winkler and Wood—37.

Nays—Messrs. Abbott, Anderson of Montgomery, Armstrong, Berends, Bledsoe, Broaddus, Brown of Upshur, Cunningham, Day, Denton, Doyle, Eastland, Ellett, Ghent, Green, Harrison, Hollingsworth, Ireland, Kemble, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Nelson, Prendergast, Rimes, Robb, Russell, Smith of Colorado, Storey, Tilson, Trolinger, Washington and Williams—36.

Whereupon the main question was ordered and the joint resolution passed to the third reading.

Mr. Mills moved to suspend the rules and put the joint resolution upon its third and final reading. Lost.

A message from the Senate announced the passage by that body of Senate bill No. 51, “An act for the relief of sureties upon official bonds.”

And House bill No. 283, “An act to set apart one-half

of the public domain for the support and maintenance of public schools.”

The discussion upon the act for the relief of the Eastern Texas Railway Company was then resumed.

On motion of Mr. Anderson, of McLennan, the House adjourned until 9:30 A. M., to-morrow.

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

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

On motion, Mr. Shaw was excused for twelve days.

On motion, Mr. Manning had leave to call up House bill No. 267, “An act to amend articles 412 and 418 of the Penal Code, as amended by act passed May 11, 1871.” The bill was read a third time and passed.

By special leave the Committee on Privileges and Elections submitted the following report:

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

SIR: The Committee on Privileges and Elections, to whom was referred the contested election from the Fifteenth Senatorial District, wherein M. Elmore *et al.* were the contestants, and J. H. Washington *et al.* were the contestees, have had the same under consideration, and a majority of said committee, composed of the members whose names are hereto subscribed, make the following report:

The said district is composed of the counties of Grimes, Walker and Madison. The county of San Jacinto is a new county, formed by the Legislature since the election districts were laid off; and formed of parts of the territory of Walker, Polk and Liberty counties, only a very small portion of the territory being taken from Walker county—say one-twentieth—the remaining and much larger portion of said San Jacinto county being taken from the counties of Polk and Liberty, which last named counties formed a part of the First Senatorial District. Sometime before the last general election, the Governor, by proclamation, ordered the voters in said San Jacinto county to vote with and in

the Fifteenth Senatorial District, and the voters of said county did so vote. Under the Constitution of the State the Governor had no such power, but, on the contrary, we regard the act as in direct violation of an express provision of the Constitution (see section twenty-four, article twelve of the Constitution). Under this view, the committee determined not to count the vote of San Jacinto county in this contest.

It appears from the evidence, that at the close of the polls in Grimes county, and upon the counting out the ballots, there were in the ballot box eighty-three more ballots than there were names of voters on the poll book. This state of things, if true, would have shown conclusively that the ballot box had been stuffed, and would have been sufficient evidence of fraud to have vitiated and vacated the election in that county; but the original poll book was produced before the committee and identified by the clerk of the election who kept it; and it was clearly ascertained, by counting the names of voters upon the poll book, that the apparent discrepancy grew out of the mistakes made by the clerk in numbering the names. The committee counted the names on the poll book, one by one, disregarding the numbers placed opposite the name by the clerk of the election, and found that the number of names on the poll book only lacked three of agreeing with the number of ballots found in the ballot box. This fact, or mode of explaining the apparent discrepancy in numbers between the ballot box and poll book, had not, it seems, been ascertained by either, the judges of the election or by either party in this contest. The judges of the election and returning officers, it seems had been governed, so far as the poll book was concerned by the number placed by the clerk against the name of the last voter, and the ballot box, when counted, showing eighty-three more ballots than the number placed by the clerk against the name of the last voter on the poll book. It was, in this view of the matter, unmistakable evidence of fraud and ballot box stuffing; and it was, so far as Grimes county is concerned, mainly on this ground that H. M. Elmore, *et al.*, placed the contest. There was, it is true, some irregularities and improper conduct in connection with the election in Grimes county, but, in the opinion of the majority of this committee, not sufficient to vacate the election. The majority for the sitting members in Grimes county was 432.

As to the election held in Madison county, it was proved that on the first day of the election the judges appointed by the Governor did not appear to open the polls for the election, but a board was organized by the sheriff, clerk and others present, and voting commenced. The proof showed that on that day, the first day of the election, with a board of judges thus organized, one hundred and fifty votes were cast, all of which votes, so far as could be ascertained from the color of the tickets, were cast for the contestants. The next day, early in the morning, the regular board of managers presented themselves and proposed to conduct the election from that time on, provided that it was agreed on all hands that the voting on the day before should not be counted; or in other words, they were to begin anew. This was agreed to by all present, and the polls were opened and the election progressed to its close. It was clearly proved that all those who voted on the first day returned and voted again, except thirty-seven who did not return to vote; so that one hundred and thirteen of those voting on the first day came back and voted afterwards, and their ballots were, as a matter of course, counted at the close of the election. The majority for the contestants in Madison county was 160. Add to that number the 37 who did not return after voting the first day, and the contestants' majority would be 197.

In Walker county it was proved that seventy-four men registered during the election and voted. Fourteen were for contestants, and sixty for contestees. It was further proved that six ex convicts voted, four of whom voted the Republican ticket, the other two voting the Democratic ticket. The majority for the contestees in Walker county was one hundred and sixty-eight. Take from the seventy-four who registered during the election the fourteen who cast their votes for the contestants, and it leaves an excess of illegal votes to be deducted from the Republican majority of sixty votes. Now, that number from one hundred and ninety-eight, the official majority for contestees in Walker, and it leaves 138; and then deduct the four votes of the ex-convicts who voted for the contestees, and we have the true majority—one hundred and thirty-four.

Irregularities and wrongs, it is true, were shown, other than those referred to above, in connection with the election both in Walker and Madison counties; but, in

the main, the testimony fails to show, according to our judgment, a sufficient amount of wrong and fraud to vacate the election.

The matter, in our judgment, stands thus :

Majority for the contestees in Grimes county, 434 ; Walker county 134. Total 366.

Majority for contestants in Madison county, 197 ; showing a majority in the district for contestees to be 369.

A majority, therefore, of your committee are constrained to say that, in our opinion, the sitting members J. H. Washington, R. Williams and J. S. Mills, are legally entitled to retain their seats in this House as the Representatives of the Fifteenth Senatorial District.

A. S. BROADDUS,

Chairman *pro tem.*

J. RUSSELL,

D. M. PRENDERGAST.

C. L. ABBOTT,

C. C. GALLAWAY,

O. N. HOLLINGSWORTH.

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

The undersigned, chairman of the Committee on Privileges and Elections, having heard the testimony in the case, fully concurs with the majority. He was prevented by the sickness of his son in making it out as ordered the committee, and the gentleman from Brazos kind consented to act in his stead.

D. M. SHORT,

Chairman Committee on Privileges and Elections

The following minority report was also submitted :

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

SIR: The undersigned, a minority of your committee on Privileges and Elections, which has for the past weeks had under consideration the contested election from the Fifteenth Senatorial District, dissenting from majority of the committee, beg leave to submit their views of the case to the House of Representatives, and country; the case being one of extraordinary importance involving the right of three members now occupying s

sic

in the House, to do so, as lawful representatives of the people.

It has received the patient attention of the committee, and we are proud to say has been considered in the light of truth and justice, wholly divested of party prejudice.

We respectfully submit:

1. That the entire vote of the county of San Jacinto was cast in the Fifteenth Senatorial District, while in fact that county was created since the constitutional apportionment, and nineteen-twentieths of which was taken from the territory of the First Senatorial District and was never attached by any law to the Fifteenth District; in fact, it could not be until a new apportionment, as such would be in violation of the Constitution. By this single wrong the contestants in this case, Messrs. Elmore, Innham and Goree, were defrauded to the extent of one hundred and three votes. So much for San Jacinto county.

2. Walker county shows, by the testimony of B. W. Walker, Federal supervisor, an unimpeachable witness, that, in contravention of law, registration was continued in Walker county during the election, and that (76) seventy-six persons registered during said election, sixty of whom have been proved to have voted for the sitting members, together with six persons from the penitentiary. The witness states that he kept a memoranda of names, dates and color, from which he testified.

Col. A. F. McKinney testifies to twenty other ex-convicts voting, footing up (79) seventy-nine illegal votes. (See article 6, section 1, of the Constitution of Texas.)

Judge J. M. Maxey's testimony is, that intimidation existed, and had existed for the last several years in Walker county, and to such an extent that colored men were afraid to exercise the elective franchise for any others than the Republican candidates, believing mobocracy to be fatal to colored Democracy.

Mr. M. H. Goddin, a witness for contestee, a resident of Huntsville, swears that intimidation prevailed for three months before, and up to the last election.

Col. A. T. McKinney of Huntsville further swears, that on the day of election there was intimidation, and that the armed police did take Democratic tickets out of the hands of colored men who desired to vote them, tear them up and give them Republican tickets, and vote them, in

violation of the Constitution and general election laws of the State of Texas. (See official returns sitting aside Presidio and El Paso counties; also Webb and others.)

3. In Madison county, contestants show by the testimony of M. Y. Randolph, Federal supervisor of the election board for Madison county, that the regularly appointed board of officers of election for that county did, all save one, absent themselves, and positively fail and refuse to open the polls for election in the town of Madisonville, in Madison county, on the first day of the general election, and that a new board was chosen and appointed by the district clerk, sheriff, and the remaining number of the old board; who did, about noon, proceed to open the polls and receive votes, and that day one hundred and fifty votes were polled for the contestants; and that they telegraphed the Governor of the refusal of the regularly appointed board to serve, and the Governor responded back that his appointees should hold the election. On Wednesday, the second day of the election, they did return and open the polls, throwing out all the votes cast on the previous day, which was one hundred and fifty; some of whom did return and vote again, though many did not, thereby being deprived of the right of suffrage. Whereupon the undersigned minority, being of opinion that said election was not held in conformity with either the spirit or intent of the law, and should be, in behalf of the people, declared void and remanded back.

4. In the county of Grimes contestants have shown; by the testimony of Mr. W. R. Thomas, Federal supervisor, and Mr. L. McDaniel, inspector, and Mr. E. A. Cabeen, presiding officer of the election, that the whole ballots of the county were spread out upon a table, and the red check-back tickets separated from the whites and counted, in violation of the protest of said Thomas and Cabeen, saying they did it to gratify the curiosity of the masses who were clamoring for the result of the vote, and it was said the probable result could be arrived at by separating and counting the numbers belonging to each color, as the two political parties voted different colored tickets, after which the tickets were again put back in the box, and the regular counting resumed, and upon finishing the count it was ascertained that there were eighty-three more ballots counted from the box than there were names on the clerk's rolls or poll books; and that, after trying to re-

concile the difference, and failing to do so, Mr. E. W. Bradey, the registrar, proposed to lock the box up in the clerk's office, and meet at 8 P. M., and renew their efforts to correct the discrepancy. Mr. Cabeen went at the appointed hour, but no one met him. He waited a reasonable time, and, no one coming, he went home.

The next morning, Tuesday, after the election, Mr. Cabeen returned to the court house at the usual hour, where he found the registrar, Mr. Bradey, Orange Smith, one of the judges, Mr. Shaw, one of the clerks, and Mr. Rodey, who held no official position, counting the ballots, whereupon, he, Cabeen, presiding officer of the election, protested against such proceedings, declaring that he would retire from the election board; and did so, going home. He was asked to sign the returns, but refused to do so, saying he would not be a party to such a fraud, and that he would not have anything more to do with the election.

He took a memoranda of the votes cast and properly counted, for a portion of the county and district candidates, and, from this memoranda in his own handwriting, Mr. Inham, one of the contestants, had received (1137) eleven hundred and thirty-seven votes, while we find the published list from the Secretary of the State to be only (1077) ten hundred and seventy-seven; and we find 1137 votes for Inham corroborated by Mr. Bradey's report, immediately after the first and only official count, published in the *Navasota Tablet*, a newspaper, published in the town of Navasota. He further shows, by his memoranda book, that while the printed report decreases the vote of the contestants, it increases the vote of the contestees at equal and even ratio rate.

5. We further find, upon our investigation, that the reputed election returns upon which members claim their seats, does not appear or purport to have been made at the county seat of Grimes county, as is required by law; but it purports to have been manufactured at a railroad depot called Navasota, on the Central Railroad. In fact, the undersigned minority of your committee could not be satisfied from all the record testimony that they have seen, outside of Cabeen's memoranda book, that there had ever been an election held in Grimes county. The roll of names presented as being the poll list of Grimes county, is without place, date, caption, signature or certificate, and so persistently urged upon your committee

as a proper poll book of Grimes county, was but an insult to the intelligence of the undersigned minority making this report; and since it has been amply proven to your committee that a majority of the clerks and judges of said election board were good, efficient business men it is suspiciously strange that there should be but one reputed signature, which was a cross mark authenticating the legality and validity of over 2500 voters; though it is in proof that Mr. Bradey called on Mr. Cabeen the second time to sign the returns, thereby showing that he (Mr. Bradey) knew the law required it. But Mr. Cabeen again refused, saying that he would not be a party to such a fraud. With these facts before our eyes, and sustained by the twelfth and thirty-third sections of the general election law, we, like Mr. Cabeen, will not be a party to such a fraud.

In conclusion, we say, in view of the multiplicity of irregularities, informalities and illegalities in the whole premises, and being of the opinion that while our statutes are ignored by legal authorities, legislation is an abortion and but a by-word. Though in dissenting from a majority of your committee, we do so without prejudice, but believing that, with the examples set by our Governor, Attorney General and Secretary of State, in their strict adherence to the letter of the law, in their compiled returns of the late general election, it would be dereliction of duty were we to treat the importance of this subject lightly; and in further consideration of the injustice that might be done by the seating or unseating of either party; and with the mountain of fraud and corruption that envelopes the entire premises, the whole of which we beg leave to submit, and recommend that the elections throughout the Fifteenth Senatorial District, for Representatives to the Thirteenth Legislature, was illegal and void, and that the same be so declared, and remanded back to the people. All of which is respectfully submitted.

A. S. THURMOND,
H. A. GILPIN,
ASHLEY N. DENTON.

Resolved by the House of Representatives of the Thirteenth Legislature of the State of Texas, That there being no lawfully elected Representatives from the Fifteenth Senatorial District, composed of the counties of Grimes

Walker and Madison, the seats from said district are hereby declared to be vacant, subject to be filled by a special election, to be held according to law.

On motion, the further consideration of the reports was postponed until the matter upon which the House adjourned on yesterday should be disposed of.

By special leave, Mr. Killough offered the accounts for the funeral and burial expenses of Hon. Louis Frankee. Referred to the Committee on Claims and Accounts.

A communication from the Superintendent of Public Instruction, J. C. DeGress, was received and read.

On motion of Mr. Taylor, Mr. Booty being in the chair, Judiciary Committee No. 1 was granted leave to report, and submitted the following :

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

Sir: Judiciary Committee No. 1, to whom was referred House bill No. 15, 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 instruct me to report a substitute for the bill and recommend its passage.

SMITH, Chairman.

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

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

On motion of Mr. Sayers, Judiciary Committee No. 1 was granted leave to report, and submitted the following :

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

Sir: Judiciary Committee No. 1, to whom was referred the petition of the citizens of Gonzales county, have considered the same, and have instructed me to report a bill entitled "An act to authorize the county of Gonzales to build a bridge across the Guadalupe river at or near the town of Gonzales," and to recommend that the same do pass.

SMITH, Chairman.

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

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

The discussion of the bill for the relief of the East Texas Railway Company was then resumed.

Mr. Hollingsworth moved the previous question, which being seconded was put and carried by a rising vote of 37 to 31.

The main question was then put and passed to a third reading.

On motion of Mr. Brown of Dallas, the Senate message announcing its adhering to its amendment to the House election bill, and the raising of a conference committee upon the question, was taken up, and the Speaker requested, by vote of the House, to appoint a like committee on the part of the House.

The Speaker appointed Messrs. Brown of Dallas, Smith of Colorado, Armstrong, Powers and Green.

Mr. Manning offered the following resolution :

Resolved, That the House of Representatives, after regular session, meet again at half-past three, for the purpose of disposing of bills on the Speaker's table.

Laid over under the rules.

On motion of Mr. Anderson of McLennan, the vote on passing the bill for the relief of the East Texas Railway Company, was reconsidered.

The question then being upon the adoption of the first amendment of Mr. Smith of Colorado, to the amendment offered by Mr. Anderson of McLennan, the first amendment was adopted.

sic

The second amendment offered by Mr. Smith of Colorado, was then put with the following result :

Yeas—Messrs. Abbott, Bledsoe, Broaddus, Carr, Davenport, Denton, Doyle, Eastland, Ghent, Gille Harrison, Hester, Ireland, Kemble, Kleberg, Leyendeck, Prendergast, Rainey, Rimes, Rosborough, Russ Sayers, Smith of Colorado, Storey, Tom, Westfall : Wood—27.

Nays—Messrs. Speaker, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bewley, Booty, Bordeaux, Brown, Upshur, Brown of Dallas, Chambers, Cunningham, Ford, Gaston, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Killough, Lane, Mabry, Manning, McDonald, Michael, Moore, Nelson, Payne, Phelps, Powers, Roberts, Salter, Shelton, Short, Smith of Houston, Tommond, Tilson, Tivy, Trolinger, Veale, Washington, Williams and Winkler—50.

The amendment was declared lost.

Mr. Anderson of McLennan offered the following amendment to his amendment offered yesterday :

As provided by the general laws regulating and controlling the railroads of the State.

The Committee on Engrossed Bills submitted the following report :

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

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 15, to be entitled "An act to authorize the building of a free bridge across Big Cypress, in the corporate limits of the city of Jefferson," and find the same correctly engrossed.

BOOTY, Chairman.

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. 283, "An act to set apart one-half of the public domain for the support and maintenance of public schools," and find the same correctly enrolled, and have presented the same this day, at 10:30 o'clock, to the Governor for his signature.

WOOD, for Committee.

Mr. Ghent moved to adjourn until 9:30 A. M., which was carried by a rising vote of thirty-seven to thirty-six ; Mr. Speaker casting the decisive vote.

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

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

The following gentlemen were absent: Bledsoe, Ellett and Veale.

On motion the reading of the journal was dispensed with.

Special leave being granted, Mr. Ireland offered the following concurrent resolution :

WHEREAS, the committee charged with the duty of investigating the books and accounts of the Comptroller's and Treasurer's offices have an onerous duty to perform,

and it being important that said committee should employ good accountants, and men whose work will carry with it the conviction of correctness; therefore,

Resolved, That the Senate and House of Representatives reposing full faith in the judgment of the committee, will endorse any action of theirs in employing the required assistance.

Adopted.

Special leave having been granted, Mr. Winkler, chairman Committee on Internal Improvements, reported back with amendments House Bill No. 47, a bill to be entitled "An act to amend the second and thirteenth sections of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, approved November 11, A. D. 1871," and recommended its passage.

Also a response to the House resolution of inquiry in regard to the sale of the Houston Tap and Brazoria Railway, transmitting communications received from the Governor relating to that matter.

Also the report of that committee recommending the passage, with amendments, of Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railway Company," all of which reports were, on motion, passed to the order of the day.

On motion of Mr. Anderson of McLennan the bill for the relief of the East Texas Railway Company was laid on the table.

Leave being granted for that purpose, Mr. Smith of Colorado introduced a bill for the relief of the Eastern Texas Railway Company, which was read and passed to the second reading.

On motion the rules were suspended and the bill ordered engrossed.

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

By special leave Judiciary Committee No. 2 reported as follows:

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

SIR: Judiciary Committee No. 2, having considered an act entitled "An act to authorize the County Court of McLennan county to levy a special tax for the purpose of building a court house and jail, and to provide for the

safe keeping and disbursement of the revenue arising therefrom," instruct me to report the same back and recommend the adoption of the substitute accompanying this report.

J. M. ANDERSON, Chairman *pro tem*.

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

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

Mr. Mills moved to take up all bills on their third reading on the Speaker's table. Carried.

House bill 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," was taken up, read a third time and passed.

House bill No. 23, "An act to create and provide for the organization of the county of Gregg," was taken up.

The third reading of the bill having been dispensed with, Mr. Morris moved to recommit the bill to Judiciary Committee No. 1.

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

The bill being put on its final passage, was lost by the following vote :

Yeas—Messrs. Speaker, Adriance, Anderson of McLennan, Bewley, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Day, Denton, Doyle, Gaston, Ghent, Gillette, Green, Hoffman, Hollingsworth, Joseph, Kemble, Layne, Leyendecker, Mabry, Manning, McDonald, Michael, Nelson, Phelps, Robb, Russell, Salter, Storey, Thurmond, Tilson, Tivy, Tom, Walker and Winkler—38.

Nays—Messrs. Allison, Anderson of Montgomery, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Davenport, Eastland, Gilpin, Hester, Ireland, Killough, Kleberg, Mills, Moore, Morris, Payne, Powers, Prendergast, Rainey, Roberts, Rosborough, Sayers, Shelton, Smith of Colorado, Smith of Houston, Trolinger, Watts, Westfall, Wilder, Williams and Wood—33.

House bill No. 79, "An act for the relief of the assignee of Antonio Manchaca," was read a third time and passed.

House bill No. 142, "An act to enlarge the area of Menard county," was read a third time and passed.

House bill No. 149, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841," was read a third time and passed.

House bill No. 156, "An act to validate the survey of John B. Dillard, and authorize patent to issue on the same," was read a third time and laid on the table.

House bill No. 203, "An act to establish a ferry across the Trinity river at Prewitt's old mill," was read a third time and passed.

House bill No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert, in Robertson county, approved April 12, 1871," was read third time and passed.

A message from the Senate announced the passage by that body of House bill No. 436, for the relief of the Eastern Texas Railway company.

House bill No. 309, "An act to repeal the third, twenty-sixth and twenty-seventh sections, and to amend the first and eighth sections 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 to provide for the enrollment of the militia, the organization and discipline of the State guards, and for public defense, approved June 24, 1870, approved April 12, 1871."

House bill No. 299, a bill to be entitled "An act re-incorporating the town of Liberty."

House bill No. 374, an act to be entitled "An act amendatory of an act to re-incorporate the city of Navasota," with amendment by the Senate.

Senate bill No. 191, "An act making an appropriation for the per diem pay of the members, and the per diem pay of the officers and employés of the Thirteenth Legislature of the State of Texas."

House bill No. 220, "An act to regulate the compensation of county treasurers," was taken up and read a third time.

Mr. Mills moved to strike out "\$600," and insert "\$1200."

Mr. Ireland moved to re-refer the bill to Judiciary Committee No. 1.

Mr. Mills moved to re-commit the bill to a special com-

mittee of five to be appointed by the Speaker, which carried.

The Speaker appointed the following gentlemen on said committee: Messrs. Ireland, chairman; Mills, Brown of Dallas, Prendergast and Bordeaux.

On motion Messrs. Smith of Colorado, and Green were added to the committee.

House bill No. 224, "An act to incorporate the State Bank of Texas, Galveston," was read a third time and passed.

House bill No. 237, "An act to authorize the Governor to appoint a registrar and boards of appeal and revision in certain unorganized counties therein named," was read a third time and passed.

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," was read a third time and passed.

House bill No. 244, "An act 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," was read a third time and passed.

House bill No. 287, "An act authorizing the County Court of Bosque county to levy a tax for the purpose of building a court house and jail," was read a third time and passed.

House bill No. 275, a 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," was read a third time and passed.

House bill No. 337, "An act for the relief of the Hon. Nat. M. Burford," was read a third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of McLennan, Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrisoh, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Payne, Phelps, Powers, Prendergast,

Rainey, Rimes, Roberts, Rosborough, Russell, Salter, Sayers, Shelton, Smith of Colorado, Smith of Houston, Storey, Tilson, Tivy, Tom, Trolinger, Veale, Venters, Walker, Washington, Watts, Westfall, Wilder, Williams and Winkler—73.

Nay—Mr. Anderson of Montgomery.

The Committee on Enrolled Bills submitted the following report :

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

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, No. 436, "An act for the relief of the Eastern Texas Railroad Company," and find the same correctly enrolled, and have presented the same to the Governor, at 11:25 o'clock A. M. to-day, for his approval.

WOOD, Chairman.

The special order, being the joint resolution 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, was taken up and read a third time.

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

The following gentlemen were absent: Allen, Berends and Michael.

The sergeant-at-arms was dispatched for the absent members.

On motion the call of the House was suspended.

A message was received from his Excellency the Governor, announcing his approval of House bill No. 283, "An act setting apart one-half of the public domain for the maintenance and support of public schools."

The call being renewed the absent members were reported to have come in.

The yeas and nays being called, the joint resolution passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allen, Allison, Anderson of Montgomery, Anderson of McLennan, Berends, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Day, Eastland, Ellett, Ford, Gaston, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Michael,

Mills, Moore, Morris, Nelson, Phelps, Powers, Rainey, Robb, Roberts, Salter, Sayers, Shelton, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Trolinger, Venters, Walker, Washington, Watts, Wilder, Williams, Winkler and Wood—60.

Nays—Messrs. Armstrong, Davenport, Denton, Doyle, Ghent, Gillette, Hester, Ireland, Kemble, Leyendecker, Payne, Prendergast, Rimes, Rosborough, Russell, Storey, Tom, Veale and Westfall—19.

Mr. Bordeaux announced he and Mr. Van Zandt had paired off with Mr. Short.

Mr. Carroll announced he had paired with Mr. Shaw.

By special leave the Committee on Roads, Bridges and Ferries submitted the following report :

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

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 379, to be entitled "An act to authorize James P. Dumas and such other persons as he may associate with him, and their successors, to construct, own and keep a toll bridge on, over, and across Choctaw Bayou, in Grayson county, Texas," have had the bill under consideration, and have instructed me to report it back to the House and recommend its passage.

J. M. HARRISON, Chairman.

The bill having been read a second time, Mr. Ireland moved to strike out that clause which relates to the erection of another bridge within a given distance.

Mr. Bordeaux moved to lay that motion on the table. Carried.

The bill was then ordered engrossed.

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

Further report from same committee :

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 County Court of Gillespie county to levy a tax for repairing roads in said county," have had the same under consideration, and the committee have instructed me to report the bill back to the House and recommend its passage.

HARRISON, Chairman.

The bill was read the first time; the rules suspended, read a second time, and ordered to be engrossed.

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

Further report from same committee :

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

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 380, to be entitled "An act to incorporate the South Sulphur Bridge and Turnpike Company," have had the same under consideration, and the committee have instructed me to report the same back to the House with the accompanying amendments and ask their adoption and recommend the passage of the bill.

HARRISON, Chairman.

Amendment for section six :

That no bridge or ferry for toll shall be established within three miles above or three miles below said bridge and turnpike without the consent of the corporate body herein named; *provided*, however, that this act shall not be so construed as to prohibit neighborhood crossings within three miles of said bridge and turnpike.

Amend section eight by striking out "twenty" and inserting "fifteen" years.

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

Mr. Mills moved to suspend the rules and take up Senate bills and House bills on their second reading, on the Speaker's table.

The House refused to suspend the rules.

On motion of Mr. Prendergast, the Committee on Town and City Corporations were granted leave to report, and submitted the following :

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

SIR: Your Committee on Town and City Corporations, to whom was referred a memorial for an act to incorporate the town of Mexia, in the county of Limestone, beg leave to report to the House the accompanying bill incorporating the town of Mexia, and recommend that the same do pass.

WOOD, Chairman.

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

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

Mr. Mills moved to adjourn until 10 A. M., to-morrow. Lost.

On motion of Mr. Hester, Judiciary Committee No. 1 was granted leave to report, and submitted the following: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 384, to levy a special tax in Lavaca county to build a court house, have considered the same, and have instructed me to report the bill back, with amendments, and to recommend that the bill pass, with the said amendments, herewith reported.

GEO. W. SMITH, Chairman.

The bill, being a bill to be entitled "An act to authorize the County Court of Lavaca county to levy a special tax for the purpose of building a court house, and appropriating money for that purpose," was read the second time.

The following amendments offered by the committee were adopted:

First—Insert at the beginning of the bill as follows, to-wit: "An act to levy and collect a special tax in Lavaca county to build a court house for said county."

Second—Strike out the tenth line and insert in lieu thereof as follows, to-wit: "and a poll tax of fifty cents on each male person."

The bill was then ordered engrossed.

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

A message from the Senate announced the passage, by that body, of Senate bill No. 158, "An act amendatory of an act entitled an act incorporating the city of San Antonio, and other towns therein named, approved December 14, 1837, and also amendatory of an act entitled an act to amend an act incorporating the town of Bastrop, approved February 1, 1845."

Also, of Senate bill No. 179, "An act making appropriation for the payment of the expenses of the several contested election cases and special investigations before the present Legislature."

On motion of Mr. Storey, the special committee, to whom was referred the bill for the protection of the farm-