

ing interests of the State, was granted leave to report, and submitted the following:

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

SIR: Your special committee, to whom was referred printed House bill No. 155, entitled "An act for the protection of the farming interests of the State," beg leave to report that they have carefully examined the same, and I am instructed by a unanimous vote of the committee to report and recommend the adoption of the following amendments, and that the bill so amended do pass.

L. J. STOREY, Chairman.

First—Amend first section by striking out all after the enacting clause, and inserting the following: "That hereafter every person within the State of Texas who shall make a fence around his lands, at least five feet high and sufficiently close and strong to prevent all domestic animals, except sheep, goats and hogs, from passing through the same, the bottom rail or plank of which shall not be more than two feet from the ground, and no crack above the bottom rail or plank to be not more than twelve inches wide, shall be held and deemed to have a sufficient and lawful fence.

Second—Amend section second, by inserting after the word "crops," in third line, the words "so fenced."

Third—Amend section third, by striking out the words "ox or other," in third line and "colt" in fourth line.

Fourth—Amend section fourth, by inserting between fourteenth and fifteenth lines the following: "notifying all persons, that at a time and place to be stated in said advertisement, not less than ten days thereafter, that such stock will be sold."

Fifth—Amend section fifth, by striking out the words "such reasonable compensation as shall," in tenth and eleventh lines, and inserting the words "the actual value of the food or pasturage consumed by said sheep, goats or hogs to;" and insert after the word "farmers" the words "or freeholders," in twelfth line.

In twelfth and thirteenth lines strike out the words "pay over" and insert the words "and deliver."

In eighteenth line strike out the words "two years" and insert "one year."

In twenty-first line insert after the word "years" the words "and not thereafter."

In twenty-fifth line strike out the words "is hereby authorized to" and insert the word "shall."

Sixth—Amend section seven—In first line strike out the word "any" and insert the word "the."

In third line strike out the word "voters" and insert the word "freeholders."

Seventh—Amend section eight by striking out the word "which" in nineteenth line and inserting the word "and."

The bill having been read, Mr. Mills moved to take up the amendments, *seriatim*, which carried.

First amendment being under consideration, Mr. Wilder moved to lay the bill and amendments on the table, and have one hundred copies printed for the use of the House. Lost.

The first amendment was then adopted.

The second amendment was then taken up and adopted.

The third amendment being under consideration, Mr. Wood offered the following amendment: In line sixth, section fourth, after the word "the," insert "cultivated or enclosed." Adopted.

The amendment thus amended was adopted.

The fifth amendment was then adopted.

The sixth amendment being under consideration, Mr. Mills moved to strike out "freeholders," and insert "one hundred householders."

Mr. Kleberg moved the House adjourn until 9:30 o'clock A. M. to-morrow, which carried.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 20, 1873. }

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

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

On motion, the unfinished business of yesterday was postponed temporarily, and Mr. Chambers was granted leave to introduce the following bill:

"An act to authorize the Police Court of the county of Collin to levy and collect a special tax for the purpose of building a court house and jail in said county."

The bill was read the first time; 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.

A message from the Senate announced the passage by that body of Senate bill No. 198, "An act making appropriation to defray the expense of distributing blank forms from the Comptroller's office for the assessment of taxes."

Also House bill No. 143, "An act to incorporate the Teutonia Association of Fayette county."

Mr. Booty moved to reconsider the vote by which the House on yesterday refused to pass the bill creating the county of Gregg.

Yeas and nays being called the vote was reconsidered by the following vote:

Yeas—Messrs. Speaker, Abbott, Allen, Allison, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Day, Denton, Doyle, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Nelson, Noeggerath, Phelps, Rainey, Robb, Russell, Salter, Shelton, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Walker, Watts, Westfall, Williams and Winkler—54.

Nays—Messrs. Anderson of Montgomery, Armstrong, Berends, Bordeaux, Davenport, Eastland, Ellett, Ford, Hester, Moore, Morris, Payne, Powers, Prendergast, Rimes, Roberts, Rosborough, Sayers, Short, Smith of Colorado, Smith of Houston, Venters, Washington, Wilder and Wood—25.

Mr. Morris called up Senate bill No. 198, "An act making appropriations to defray the expenses of distributing blank forms from the Comptroller's office for the assessment of taxes," which was read first time; rules suspended, read a second time, and ordered engrossed.

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

Yeas—Messrs. Speaker, Abbott, Allison, Anderson of Montgomery, Anderson of McLennan, Armstrong, Berends, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford,

Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Wilder, Williams, Winkler and Wood—74.

Nay—Mr. Moore—1.

By leave Mr. Brown of Dallas introduced a bill to be entitled "An act to incorporate the Texas Mineral, Land and Mining Company." Read and referred to the Committee on Commerce and Manufactures.

By special leave the Finance Committee submitted the following report :

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

SIR: The Committee on Finance beg leave to submit the accompanying bill making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for the years 1870, 1871 and 1872.

Owing to the failure of the last Legislature to make the usual appropriations for the support of the State government, much inconvenience and want is felt by many of the officers and employés of the State. Your committee have embraced the earliest moment, after the receipt of the Comptroller's report containing the estimates of the necessary appropriations, to bring forward the bill herewith submitted, and for the reasons above stated unani- mously recommend its passage without delay.

W. W. MORRIS, Chairman.

The bill was read by caption, laid on the table, and one hundred copies ordered printed.

Mr. Hollingsworth moved to take up Senate bill No. 18, "An act to incorporate the city of Austin."

The House refused to take it up.

Mr. Thurmond moved to suspend the rules, and that he have leave to introduce a bill out of its regular order.

The House refused to suspend.

The Committee on Engrossed Bills submitted the following report :

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

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

No. 138, "An act to amend an act to dispense with the use of scrolls and seals in certain cases."

No. 411, a bill to be entitled "An act to create the county of Hempstead."

No. 435, a bill entitled "An act to authorize the county of Gonzales to build a bridge across the Gaudalupe river at or near the town of Gonzales."

No. 436, bill for the relief of the Eastern Texas Railroad Company, 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 and compared 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 the public defense, approved June 24, 1870, approved April 12, 1871," and find the same correctly enrolled, and have this day, nineteenth of March, at one o'clock P. M., presented the same to the Governor for his signature.

WOOD, for Committee.

The unfinished business of yesterday, being the bill for the protection of the farming interests of the State, was then resumed.

Mr. Mills withdrew his amendment to the sixth amendment offered by the committee.

The amendment was then adopted.

The seventh amendment was adopted.

Mr. Wood offered the following amendment to the bill: In tenth line of eighth section strike out the word "majority" and insert instead thereof the words "three-fifths." Adopted.

Mr. Booty offered the following amendment:

Amend by adding at the end of section nine as follows: *Provided*, that the following named counties shall be excluded from the operations of this law: Chambers, Jefferson, Orange, Liberty, Hardin, Newton, Jasper, Tyler, Polk, San Jacinto, Trinity, Angelina, San Augustine, Sabine, Shelby, Nacogdoches, Cherokee, Houston, Anderson, Henderson, Smith, Rusk, Panola, Harrison, Marion, Upshur, Wood, Raines, Van Zandt, Hopkins, Delta, Lamar, Titus, Red River, Bowie and Cass.

Mr. Phelps moved to add the county of Fort Bend. Lost.

Mr. Robb offered the following amendment:

“Unless by a vote of two-thirds of all the votes polled of any one of the above counties on a petition of one hundred freeholders and registered voters of the county proposing to adopt the law.”

The further consideration of the matter pending was cut off by the announcement of the hour for the special order.

The following message was received from the Governor:

EXECUTIVE OFFICE,)

STATE OF TEXAS, AUSTIN, March 19, 1873. }

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

GENTLEMEN: I have the honor to inform you that on yesterday I approved the act entitled “An act to set apart one-half of the public domain for the support and maintenance of public schools.”

Very respectfully,

EDMUND J. DAVIS, Governor.

The report of the Committee on Privileges and Elections in the contested election case from the Fourteenth Senatorial District, was taken up.

Mr. Ellett moved to have the report and evidence in the case read.

Mr. Bordeaux objected.

The objection was sustained.

Pending the discussion a message from the Senate announced the passage by that body of House bill No. 435, 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.

The question was then upon the adoption of the following resolution offered by the committee:

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. T. Schmidt, Gustave Cook and A. S. Lipscomb having received the highest number of legal votes cast in said Fourteenth District, are entitled to seats in this House.

Mr. Booty offered the following resolution :

Resolved, That the argument in the contested election case of Gustave Cook *et al.* v. Richard Allen *et al.*, now pending in this House, shall be conducted as follows : The contestants in person, or by attorney, shall open the argument, the contestees in person, or by attorney, shall answer, and the contestants in person, or by attorney, shall close the argument.

Adopted.

In accordance with the above resolution Col. Gustave Cook opened the case by argument in his own behalf and that of contestants.

Mr. Ireland moved to adjourn until 3 P. M.

Mr. Abbott moved to adjourn until 9:30 A. M. to-morrow. Lost.

Mr. Ireland's motion then carried.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called quorum present.

The following gentlemen were absent :

Messrs. Ellett and Mills.

On motion, Mr. Brown, of Upshur, was excused for seven days from to-morrow, and Mr. Broaddus for seven days.

The unfinished business of the morning session was resumed.

Mr. Allen took the floor and made an argument in behalf of himself and colleagues.

Mr. Washington then moved to adjourn until 9:30 A. M. to-morrow. Lost.

Mr. Anderson, of Montgomery, then addressed the House.

Pending his argument, with his consent, Mr. Sayers moved to adjourn until 10 A. M. to-morrow, which carried.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, March 21, 1873. }

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

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

By leave, Mr. Payne offered the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That a committee of three from each house of the Legislature be appointed to examine into the accounts of contingent expenses of this Legislature, and report the result of their investigation to each house of this Legislature, at the earliest practicable moment.

Adopted.

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

On motion, the bill to incorporate the city of Austin was taken up and made the special order for Monday next at 11 A. M.

By leave, Mr. Booty offered a petition of citizens of Panola and Harrison counties, asking the creation of a new county. Referred to the Committee on Counties and County Boundaries.

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

On motion of Mr. Thurmond, the rules were further suspended to allow the introduction of the following report:

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

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 234, to be entitled "An act to encourage stock raising, and for the protection of stock raisers," have for some time had the subject under consideration, and after much deliberation, for the harmony of the various and diversified interests of the State, have unanimously instructed me to report the same back, with the several amendments thereunto attached, and recommend that it do pass.

THURMOND, Chairman.

The bill and amendments submitted by the committee

were laid on the table and one hundred copies ordered printed.

Mr. Mills presented "An act to incorporate the Nava-sota River Bridge Company." Read and referred to the Committee on Roads, Bridges and Ferries.

Also, a joint resolution concerning the receipt of the public revenue by the Comptroller. Read by caption and referred to the Committee on Finance.

Mr. Westfall presented a bill to incorporate the Austin Trust Company. Read by caption and referred to the Committee on State Affairs.

Also, a bill to authorize the Police Court of Burnet county to issue coupon interest-bearing bonds, for the building of a court house for said county, and to levy a tax for the same. Read by caption and referred to Judiciary Committee No. 2.

Also, a bill making an appropriation for the payment of D. W. C. Baker for services rendered as inspector of the counties of Travis and Hays, in the Eighth Educational District. Read by caption and referred to the Committee on Claims and Accounts.

Mr. Bewley presented a bill to regulate the terms of the District Court. Read by caption and referred to Judiciary Committee No. 2.

Also, a bill further regulating the trial of criminal cases before mayors and recorders of towns and cities. Read by caption and referred to Judiciary Committee No. 2.

Mr. Armstrong presented a bill regulating taxation. Read by caption and referred to the Finance Committee.

Also, a bill amending "An act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870." Read by caption and referred to Judiciary Committee No. 2.

Mr. Wood presented a bill to prescribe the number of clerks to be employed in the Adjutant General's office. Read by caption and referred to Judiciary Committee No. 1.

Also, a bill to prescribe the number of clerks in the employ of the Superintendent of Public Instruction, and their compensation. Read by caption and referred to the Committee on Education.

Also, a bill to repeal section seven of "An act to organize a Bureau of Immigration." Read by caption and referred to the Committee on State Affairs.

Mr. Kleberg presented a bill to incorporate the town of Cuero, DeWitt county. Read by caption and referred to the Committee on Town and City Corporations.

Also, a bill to provide for the payment of John W. Harris for legal services rendered the State of Texas. Read by caption and referred to the Committee on State Affairs.

Mr. Storey presented a bill for the relief of Michael B. Bateham. Read by caption and referred to the Committee on Private Land Claims.

Mr. Thurmond presented a bill for the relief of the heirs of George W. Miller. Read by caption and referred to the Committee on Private Land Claims.

Mr. Winkler presented a bill to incorporate the Navasota Real Estate and Building Association of Texas. Read by caption and referred to the Committee on State Affairs.

Also, a bill to authorize the Commissioner of the General Land Office to issue certificates of unlocated balance in cases of confliction of Spanish claims, the same as in English records. Read by caption and referred to Judiciary Committee No. 2.

Mr. Hollingsworth presented a bill to prohibit the sale of intoxicating liquors within three miles of "Parson's Female Seminary." Referred to Committee on Education.

Mr. Walker offered a reply of Rev. J. K. Street to the protest of Edwin Bush *et al.* in relation to the creation of a new county out of Rusk and other counties. Referred to the Committee on Counties and County Boundaries.

Mr. Rosborough presented a bill to authorize the county of Bell to issue interest bearing bonds. Referred to Judiciary Committee No. 1.

Mr. Rimes presented a bill amendatory of "An act relating to railroads," passed February 4, 1854. Referred to Judiciary Committee No. 1.

Mr. Veale presented a bill for the relief of J. Lancaster. Referred to Committee on Private Land Claims.

Mr. Joseph presented a bill to incorporate the Farmers' Cotton Press Company. Referred to Committee on Town and City Corporations.

Also, a bill to compensate Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas. Referred to the Committee on Private Land Claims.

Mr. Ford presented a bill to incorporate the Texas Library and Publishing Company. Referred to the Committee on State Affairs.

Mr. Ireland presented a bill to incorporate the West Texas Water Company. Referred to the Committee on Agriculture and Stock Raising.

Mr. Winkler introduced a bill to validate the acts of J. W. Irwin as county surveyor of Navarro county. Referred to Judiciary Committee No. 2.

Mr. Doyle presented a bill to incorporate the Sulphur Springs Male and Female College, in Hood county. Referred to the Committee on Education.

Also, a bill for the relief of certain persons therein named. Referred to the Committee on State Affairs.

Mr. Tilson presented a bill to amend the Penal Code of the State of Texas. Referred to Judiciary Committee No. 2.

Also, bill to authorize the Texas Pacific Railroad Company to change the point of junction of the Jefferson branch of the Southern Trans-Continental with its main line. Referred to the Committee on Internal Improvements.

Mr. Ireland offered the following resolution :

Resolved, That the Committee on Immigration be, and it is hereby requested to inquire into and report to this house, by bill or otherwise, the necessity and propriety of distributing the Texas Almanac through the States and countries from which we derive our main immigration.

Adopted.

Mr. Joseph offered the following resolution :

Resolved, That Judiciary Committee No. 1 be instructed to take under consideration the expediency of some legislation for the better protection of policy holders in life insurance companies, and report to this house by bill or otherwise.

Adopted.

The Speaker announced the following gentlemen appointed as the House committee to examine the accounts for the contingent expenses of this Legislature :

Messrs. Payne, Venters and Manning.

The special order, being the report and resolution offered by the Committee on Privileges and Elections in the contested case from the Fourteenth Senatorial District, was resumed.

Mr. Anderson, of Montgomery, concluded his defense.

Mr. Michael stated he should make no argument, but rest his case with the House.

Mr. Gustave Cook then took the floor in reply.

After speaking at some length, and it being near the usual hour of adjournment, Mr. Wood moved to adjourn until 3 P. M.

Mr. Mills amended by fixing the time at 7 P. M.

Amendment lost.

The House then adjourned until 3 P. M.

AFTERNOON SESSION.

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

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. 435, "An act to authorize the county of Gonzales to build a bridge across the Guadalupe river at or near the town of Gonzales," and find the same correctly enrolled, and have presented the same to the Governor, at 10:50 o'clock A. M. to-day, for his approval.

WOOD, Chairman.

Further report from same committee :

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 299, "An act reincorporating the town of Liberty;" also, House bill No. 143, "An act incorporating the Teutonia Association, of Fayette county," and find the same correctly enrolled, and have presented the same this day at 10:50 o'clock A. M. to the Governor for his signature.

WOOD, Chairman.

On motion, Mr. Venters was added to the Committee on Counties and County Boundaries.

On motion, Mr. Hoffman was excused for eight days.

The unfinished business of the morning was resumed. Col. Cook, contestant, took the floor and continued his address.

Having finished, Mr. Abbott moved a call of the House, which was sustained.

Messrs. Ellett, Killough, Mills and Wilder were absent.
On motion, the sergeant-at-arms was dispatched for the absent members.

Mr. Anderson of McLennan moved a suspension of the call. The House refused to suspend.

The doorkeeper announced the arrival of Mr. Killough.

Mr. Chambers moved a suspension of the call.

The call was suspended.

Mr. Wilder was announced.

Mr. Abbott moved to divide the resolution offered by the committee unseating the sitting members from the Fourteenth Senatorial District and seating their contestants.

The first resolution was then put, with the following result :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Winkler and Wood—69.

Nays.—Messrs. Abbott, Green, Mabry, Moore, Phelps, Roberts, Washington, Wilder and Williams—9.

The first resolution was declared to have been adopted.

The second resolution was then read, and the vote being taken resulted as follows :

Yeas—Messrs. Speaker, Adriance, Allison, Anderson of McLennan, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Shelton, Short, Smith of Colo-

rado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Winkler and Wood—69.

Nays—Messrs. Abbott, Green, Mabry, Moore, Roberts, Washington, Wilder and Williams—8.

The second resolution was declared to have been adopted.

Mr Ireland moved to take up the report of the Committee on Privileges and Elections on the contested election case from the Fifteenth Senatorial District. Carried.

The reading of the majority report was dispensed with and the report adopted.

Mr. Wood moved to reconsider the vote adopting the majority report, which carried.

Mr. Thurmond then addressed the House in support of the minority report.

Mr. Wilson then took the floor, but yielded, claiming the floor at the next meeting, to the motion of Mr. Sayers to adjourn until 10 A. M. to-morrow, which carried.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, March 22, 1873. }

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

A message from the Senate announced the passage by that body of Senate bill No. 159, "An act to provide for frontier defense, and for the organization of a regiment of cavalry for that purpose."

Mr. Phelps was excused for ten days.

Mr. Mills was excused, pending the discussion of the contested election case in which he is a party.

Messrs. C. H. Randolph and L. E. Valentine, employed by the Committee to Investigate the Comptroller's and Treasurer's Offices, were sworn in as accountants.

Messrs. Cooke and Schmidt were sworn in as members of the House of Representatives from the Fourteenth Senatorial District.

On motion, Mr. Prendergast was added to the Finance Committee, and Messrs. Morris and Walker to the Committee on Internal Improvements.

The following resolution was then offered and adopted:

Resolved, That Mr. Schmidt, of Harris, be added to the committees on Immigration, Indian Affairs, and Education; that Mr. Cooke be added to the committees on Internal Improvements, Apportionment, and Judiciary No. 2; and that Mr. Lipscomb be added to the committees on Roads, Bridges and Ferries, Counties and County Boundaries, and Agriculture and Stock Raising.

On motion of Mr. Rainey, the rules were suspended and 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," was taken up, read, the rules suspended and read the second time.

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

Yeas—Messrs. Speaker, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Cooke, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mooore, Morris, Nelson, Noeggerath Payne, Powers, Prendergast, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Salter, Shelton, Short, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Washington, Watts, Wilder, Williams, Winkler and Wood—68.

Nays—Messrs. Abbott, Storey and Westfall—3.

By leave, the committee of conference on the election bill submitted the following report:

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

The joint committee of conference on the disagreement of the two houses on the bill to be entitled "An act regulating elections," have carefully considered the points of difference, with a sincere desire to remove every obstacle to the enactment of a law so generally demanded by the people of the State, and have unanimously agreed to the following propositions, and recommend their adoption, to-wit :

First. That the House shall agree to the following amendments to the House bill adopted by the Senate :

1. In line ten, section four, strike out "ten" and insert "twenty."

2. In line eight, section five, strike out the word "vacancy," and insert the words "unexpired term made vacant."

3. After the word "vacancy" in line two, section seven, insert the words "in his office."

4. After the word "clerks" in line eight, section eight, insert a comma.

5. After the word "act" in line three, section nine, insert the words "or in case no manager has been appointed."

6. Strike out the word "exceeding" in line twenty-four, section fifteen, and insert the words "less than fifty nor more than."

7. At the end of section fifteen, add "any presiding officer, judge or clerk of an election, who shall divulge how any person shall have voted at any election, from an inspection of the tickets, unless in a judicial investigation, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than fifty nor more than five hundred dollars."

8. After the word "get" in line five, section seventeen, insert "and shall continue such count without interruption, until all the ballots voted at such election are counted."

9. At the end of section twenty-four, add "and the Secretary of State shall be required to furnish to the presiding judge of election in each voting precinct in this State, a sufficient number of blanks, which shall be in form as follows: 'I, [A. B.] do solemnly swear that I am the identical person claimed to be registered, and that I have not voted at any other poll or voting place, and that I have not voted elsewhere at this election.' And the judge of election shall be required to furnish each person who is required to make oath, as herein provided, with one of said blanks, and to administer the oath."

10. After the word "in," in line three, section twenty-six, insert the words "any precinct in."

11. After the word "purposes," in line four, section twenty-six, insert "for any officer for whom he may be entitled to vote."

12. After the word "county," in line eight, section twenty-seven, insert "or by any constable whose special appointment is provided for by this act."

13. Between the words "elections" and "the," in line one, section thirty, insert "where not otherwise provided for by the charter of said city or town."

14. Strike out the word "or," in line three, section thirty-one, and insert "shall be deemed guilty of a felony and, on conviction, shall be confined in the penitentiary not less than two nor more than five years."

15. After the word "election," in line nine, section thirty-one, insert "or any person or persons who shall, by force or intimidation, obstruct, or attempt to obstruct, or influence any voter in his free exercise of the elective franchise."

16. In line sixteen, section thirty-one, strike out the word "fifty" and insert "one hundred," and in the same line strike out the word "one" and insert "five."

17. Amend the second amendment of the engrossed rider of the House by inserting the figure "one" after the figure "two" in the first line of said amendment.

As before stated the conference committee unanimously recommend that the House shall adopt the foregoing amendments. They also unanimously recommend that the Senate shall recede from the following amendments :

1. Strike out the words in seventeenth section, lines four and five, "of good report, and also of different politics, if convenient to get."

2. The Senate amendment to section thirty-five.

The committee also unanimously recommend the adoption of the following amendments to the bill, to-wit :

1. Strike out all after the words "guilty of a" in line twenty-five, section thirteen, and insert "felony, and shall be punished by imprisonment in the penitentiary not less than one nor more than two years."

2. That the following be substituted for section sixteen of the bill :

Section 16. That any person being a registered voter in the county of his residence, and wishing to vote out of the precinct in which he is registered, may do so on delivering to the presiding judge of the election a certificate of the clerk of the District Court of the county, with his seal of office impressed thereon, that the applicant is a registered voter of the county, and the applicant making oath before the presiding judge that he is the identical person named in the certificate, and that he has not and will not vote elsewhere in that election, for which certifi-

cate the district clerk shall be entitled to a fee of twenty-five cents from the receiver thereof; and any person who shall vote on any such certificate not issued to him, by using the certificate issued to another, shall be deemed guilty of a felony, and on conviction, shall be imprisoned in the penitentiary not less than one nor more than five years.

3. The Senate to recede from its amendment in line four, section eight, striking out the words, "so far as practicable" and inserting the words "if demanded," and in lieu thereof, after the word "parties" in said line, insert the words "if demanded, so far as practicable, and there be present a sufficient number of the party making the demand and willing to serve."

All of which is respectfully submitted.

N. G. SHELLEY,

Chairman on part of Senate.

JOHN HENRY BROWN,

Chairman on part of the House.

The report was adopted, and the bill as amended passed.

The unfinished business of yesterday, being the report of the Committee on Privileges and Elections on the contested election case from the Fifteenth Senatorial District, was resumed, and Mr. Denton took the floor and spoke in defense of the minority report.

Pending the discussion, a message from the Senate announced that that body had adopted the report of the conference committee upon the bill regulating elections.

After further discussion, Mr. Thurmond moved to lay the majority report, which retains the sitting members, upon the table.

The yeas and nays being called for resulted as follows:

Yeas—Messrs. Armstrong, Denton, Ghent, Gilpin, Payne, Rimes, Robb, Smith of Houston, Storey, Thurmond, Tivy, Tom and Walker—12.

Nays—Messrs. Speaker, Abbott, Adriance, Anderson of McLennan, Bledsoe, Booty, Bordeaux, Carroll, Chambers, Cunningham, Davenport, Day, Doyle, Eastland, Ellett, Ford, Gaston, Gillette, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Powers, Prendergast, Rainey, Roberts, Rosborough, Russell, Salter, Say-

ers, Shelton, Short, Smith of Colorado, Schmidt, Tilson, Trolinger, Van Zandt, Veale, Venters, Watts, Westfall, Wilder, Winkler and Wood—59.

Messrs. Washington, Williams and Cook were excused from voting.

The motion to lay upon the table was declared lost.

The majority report was then adopted.

Mr. Hester offered a petition of the people of Lavaca county, asking for the Ohio liquor law. Referred to Judiciary Committee No. 2.

Mr. Westfall offered a petition of citizens of Burnet county, asking the passage of the Ohio liquor law. Referred to Judiciary Committee No. 2.

Also a petition from citizens of Bagdad, asking the passage of the Ohio liquor law; and a petition of same nature from citizens of Williamson county. Both referred to Judiciary Committee No. 2.

Mr. Kleberg offered a remonstrance by citizens of Yorktown, against the passage of the Ohio liquor law. Referred to Judiciary Committee No. 2.

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

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

No. 379, a bill to be entitled "An act to authorize Jas. 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."

No. 380, "An act to incorporate the South Sulphur Bridge and Turnpike Company."

No. 384, a bill to be entitled "An act to levy and collect a special tax in Lavaca county, to build a court house and jail in said county."

No. 438, a bill to be entitled "An act to authorize the County Court of Gillespie county to levy a tax for repairing roads."

No. 439, a bill to authorize the Police Court of Collin county to levy and collect a special tax for the purpose of building a court house and jail.

No. 442, a bill to be entitled "An act to incorporate the town of Mexia, in Limestone county."

BOOTY, Chairman.

On motion the rules were suspended to take up business on the Speaker's table.

Senate bill No. 74, "An act to incorporate the city of Lampasas, in the county of Lampasas," was taken up, read first time; rules suspended, read second time; the rules further suspended, read third time and passed.

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," was taken up, read first time and referred to the Committee on Internal Improvements.

House bill No. 99, "An act to amend section twenty-three of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duty, approved August 13, A. D. 1870," was read third time and passed.

House bill No. 138, "An act to dispense with the use of scrolls and seals in certain cases," was read third time and passed.

House bill No. 411, a bill to be entitled "An act to create the county of Hempstead," was re-referred to the Committee on Counties and County Boundaries.

Senate joint resolution No. 21, awarding Winchester rifles to certain persons.

Mr. Westfall moved to amend by adding the names of Sanford Backnes of Blanco county, and J. W. Hogg of Wise county. Adopted.

The resolution was then read a third time and passed by a two-thirds vote.

Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises in the Houston and Texas Central Railway Company," was read first time and referred to the Committee on Internal Improvements.

Senate bill No. 119, "An act authorizing the Commissioner of the General Land Office to employ additional draughtsmen and clerks," was taken up, read first time; rules suspended and read second time.

The joint committee, to whom the bill had been referred, submitted the following report:

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

SIR: The undersigned joint committee of the Senate

and House of Representatives, to whom was referred Senate bill No. 119, entitled "An act authorizing the Commissioner of the General Land Office to employ additional clerks and draughtsmen," having carefully examined the same, instruct us to report it back with the recommendation that it do pass, with the accompanying amendments.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

Amend by inserting in section one, line four, after figure five (5), the word "additional," and also after figures ten (10) in line five, same word, "additional." And amend same section by adding after last word in section, "that said Commissioner shall discharge said clerks and draughtsmen whenever he may [think their services no longer needed in said office."

The report was adopted, the bill as amended read a third time and passed.

Senate bill No. 89, "An act to incorporate G. M. Johnson Lodge, No. 97, of the Independent Order of Odd Fellows," was read second time; rules suspended, read third time and passed.

Senate bill No. 22, "An act to incorporate the town of Kaufman, in Kaufman county," was read first time and referred to the Committee on Town and City Corporations.

Senate bill No. 95, "An act for the relief of Luke G. Lea," was read first time; rules suspended, read second time, and referred to Finance Committee.

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," was read first time and referred to the Committee on Town and City Corporations.

Senate bill No. 99, "An act to provide for change of venue in civil cases in the district courts of this State," was read first time and referred to Judiciary Committee No. 2.

Senate bill No. 51, "An act for the relief of sureties upon official bonds," was read first time and referred to Judiciary Committee No. 1.

Senate bill No. 179, "An act making appropriations for the payment of the expenses of the several contested election cases, and special investigations before the present Legislature," was read and referred to the Committee on Contingent Expenses.

Senate bill No. 98, "An act to incorporate the town of Weatherford," was read first time and referred to the Committee on Town and City Corporations.

House bill No. 374, an act to be entitled "An act amendatory of an act to re-incorporate the city of Navasota," was taken up. The following amendment, made by the Senate, was read and adopted:

Amend section one by striking out "the fourth Monday in March," and inserting "the third Monday in April."

On motion, Mr. Green was excused until Wednesday, and Mr. Washington for six days.

On motion of Mr. Prendergast the House adjourned until 9:30 o'clock A. M. Monday.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, March 24, 1873. (

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

On motion, Mr. Wilder was excused for four days.

The reading of the journal was dispensed with.

By leave, Mr. Brown, of Dallas, on the part of the joint conference committee upon the election bill, submitted the following supplemental report:

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

The Committee of Conference on the bill to be entitled "An act regulating elections," take the earliest occasion to report that in their report made and adopted by each house on the last day they were in session, being Saturday the twenty-second instant, they inadvertently omitted one amendment agreed upon by the committee, designed to avoid confusion and allow for said act and the new registration bill, when approved, taking effect at the

same time. They therefore ask and recommend that the accompanying amendment be adopted as a part of their previous report.

N. G. SHELLEY,
Chairman on part of the Senate.
JOHN HENRY BROWN,

Chairman of Committee on part of the House.

Amendment to election bill :

Strike out the words "its passage" in the last line of the last section, and insert "the fifteenth day of May, A. D. 1873."

On motion of Mr. Brown, of Dallas, the House reconsidered the vote adopting the former report of the committee of conference on House bill No. 233, "An act to regulate elections."

The report was then amended by the adoption of the above amendment reported by the committee.

The House then adopted the report thus amended and the bill was considered passed.

Mr. Gillette offered a protest of citizens of Hill county against the removal of their county seat. Referred to Judiciary Committee No. 2.

Mr. Kemble offered a petition of citizens of Ellis county, to be included in the stock and hide inspection law. Referred to the Committee on Agriculture and Stock Raising.

Mr. Killough offered a petition for the relief of the heirs of C. S. Blanton. Referred to the Committee on State Affairs.

Mr. Brown of Dallas offered a memorial of citizens of Dallas county in favor of a hog law. Referred to the Committee on Agriculture and Stock Raising.

Mr. Watts offered a petition of citizens of Harris and Liberty counties praying for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Morris offered a communication from S. G. Swan. Referred to Judiciary Committee No. 1.

Mr. Prendergast offered a remonstrance of the citizens of Limestone county against its dismemberment. Referred to the Committee on Counties and County Boundaries.

Mr. Rimes offered a petition from citizens of Falls county, asking for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Ghent offered a petition asking for a law in regard to

compulsory vaccination. Referred to the Committee on State Affairs.

Mr. Ghent offered the following resolution :

Resolved by the House of Representatives of the State of Texas, That the Comptroller be and he is hereby required to report to this House an itemized account of all bills approved and filed in his office for contingent expenses of the Thirteenth Legislature. Said report to comprise all bills for stationery and other expenses, both of the House and Senate, showing to whom such bills have been allowed ; giving the amount, number and date of each warrant drawn by the Comptroller on the Treasury on such amount ; and further, that such report shall show in each item thereof whether the same is for the Senate or House of Representatives.

Resolved, further, That the Treasurer be required to furnish to this House a full statement of all warrants for stationery, and other contingent expenses of the Thirteenth Legislature paid at the Treasury, specifying in each item whether the same is for the Senate or House of Representatives, giving the date and number of each warrant, and in whose favor drawn, and to whom and when paid.

Adopted.

Mr. Hester offered the following resolution :

Resolved, That it is the sense of this House that the necessity heretofore existing requiring the services of more than three porters has expired, and that the Speaker be authorized to dismiss all such employés in excess of three.

Laid over under the rules.

Mr. Gillette offered the following resolution :

Resolved, That the Superintendent of the Bureau of Immigration for this State be and he is hereby requested to furnish this body with a report showing the amount of money drawn by him from the Treasury, and an itemized statement of the manner of its disbursement, showing when, where and to whom paid

Adopted.

Mr. Russell offered the following resolution :

Resolved, That Judiciary Committee No. 1 be requested to inquire into the propriety and necessity of so amending the laws regulating the duties of district courts as to take all that part pertaining to probate business and refer

the same to the police court of each county, and report by bill or otherwise.

Adopted.

A message from the Senate announced the passage by that body of Senate bill No. 136, "An act to amend article seven hundred and sixty-six of the Penal Code."

Mr. Powers offered the following resolution :

Resolved by the House of Representatives, That Wm. H. Howard, clerk of the committee for the investigation of the official acts and accounts of J. C. De Gress, Superintendent of Public Instruction, be required to aid in the enrolling or engrossing departments when not employed on his duties as committee clerk.

Adopted.

Mr. Ghent presented a bill to incorporate the Hearne, Belton and Northwestern Railroad Company. Read and referred to Committee on Internal Improvements.

Mr. Brown of Dallas presented a joint resolution in relation to the printing of railroad charters. Read first time; rules suspended, read second time and ordered engrossed.

On motion, the rules were further suspend, the resolution read third time and passed.

Mr. Ireland presented a bill to aid in the construction of the Columbus, San Antonio and Rio Grande Railway. Read and referred to Judiciary Committee No. 1.

Also, a bill to aid in the construction of the Gulf, Western Texas and Pacific Railway. Read and referred to Judiciary Committee No. 1.

Mr. Mills presented a bill to incorporate the Navasota Real Estate and Building Association. Read and referred to the Committee on State Affairs.

Mr. Wood presented a bill entitled "An act to validate a certificate for six hundred and forty acres, issued to N. W. Byers." Read and referred to the Committee on Private Land Claims.

Mr. Ireland presented a bill to authorize the Commissioner of the General Land Office to issue land warrants to William Caruthers. Read and referred to the Committee on Public Land Claims.

Mr. Van Zandt introduced a bill to be entitled "An act for the relief of James Rogers and James C. Weaver." Read first time and referred to the Committee on Private Land Claims.

Also, a bill to be entitled "An act to revive and supplemental to an act entitled an act to incorporate the Marshall Cemetery Company, approved December 12, 1850." Read and referred to the Committee on Town and City Corporations.

Mr. Killough presented a bill to aid the construction of the Columbus, Austin and Parker county Railroad. Read and referred to the Committee on Internal Improvements.

Mr. Tilson presented the charter of the Defiance Hook and Ladder Company No. 1, of Jefferson, Texas. Read and referred to Judiciary Committee No. 2.

Mr. Smith of Colorado presented a bill to be entitled "An act to regulate railroad and other corporations." Read and referred to the Committee on Internal Improvements.

Mr. Payne presented a bill relating to division fences between adjoining proprietors. Read and referred to the Committee on Agriculture and Stock Raising.

Mr. Thurmond presented a bill to be entitled "An act to incorporate the Trespalacios and Austin Railway Company. Read and referred to the Committee on Internal Improvements.

Mr. Tivy presented a bill to be entitled "An act to enable the several counties in this State to build court houses and jails." Read and referred to the Committee on State Affairs.

Mr. Walker presented a bill to aid in the construction of the Atlantic and Pacific Railway Company. Read and referred to the Committee on Internal Improvements.

Mr. Shelton offered the following resolution:

Resolved, That Judiciary Committee No. 2 be instructed to inquire into the propriety of electing justices of the peace in such manner as that each precinct shall elect its own justice, and that they report by bill or otherwise, Adopted.

Mr. Williams offered the following amendment:

WHEREAS, In the State of Texas and county of Walker is known to be the place where the State prison is located, at the town of Huntsville; and

Whereas, The citizens, not only the people of the town of Huntsville, but the entire people of the county, feel that they are sorely oppressed by the surplus labor with which they are surrounded; and

Whereas. The people pray that this honorable body re-

lieve them of the heavy burden that is now upon them by this penitentiary; therefore, be it

Resolved, That this resolution be referred to Judiciary Committee No. 1, and that said committee report the same at as early a day as possible, with what legislation is necessary to alleviate their troubles.

Adopted.

Mr. Rimes offered the following amendment :

Resolved, That the Committee on Constitutional Amendments be requested to submit to this House, at its earliest convenience, an amendment to the Constitution abolishing article eleven of the Constitution, establishing a Bureau of Immigration, and substituting therefor a provision conferring on the Legislature power to appropriate part of the ordinary revenues, and of the public domain of the State, for the purpose of promoting and protecting immigration.

Adopted.

Mr. Thurmond offered the following resolution :

WHEREAS, There is a great amount of mail matter coming to this House, more than can be properly attended to with the present force of officers; therefore be it

Resolved, That the House of Representatives elect a postmaster, whose duty it shall be to receive all mail matter belonging to the House, and properly distribute the same, and also act as messenger.

Laid on the table.

Mr. Smith of Colorado offered the following resolution :

Resolved, That Judiciary Committee No. 2 take into consideration the memorial of Geo. W. Paschal, Jr., in which he proposes to sell this State a number of copies of the digest of the laws of this State, compiled by Geo. W. Paschal, and to report by bill or otherwise.

Adopted.

Mr. Ireland presented the following charges and specifications against the Hon. John G. Scott, Judge of the Tenth Judicial District :

WHEREAS, It has come to our knowledge that the Hon. John G. Scott, Judge of the Tenth Judicial District of the State of Texas, is and has been guilty of many acts of malfeasance in office, of corruption in and oppression and tyranny under color of his office, and, among others, the following are enumerated, charged and specified :

1. That in the county of Anderson, and State of Texas, at the December term of the District Court of the said county, 1871, the said John G. Scott, judge as aforesaid, quit the bench and went into the grand jury room and controlled the said grand jury, and coerced it into suppressing indictments against John H. Morrison and G. D. Kelley, and said and threatened the members of the said grand jury that if they returned indictments against the said Morrison and Kelley, he, the said John G. Scott, would imprison every one of them, and impose heavy fines upon them, and thereby prevented the said Morrison and Kelly, the favorites of the said John G. Scott, from being held responsible before the courts of the country for grave crimes and misdemeanors.

2. That at the said term of the said court, he, the said John G. Scott, unlawfully and corruptly suppressed indictments returned into open court against the said Morrison and Kelley, and would not permit cases for grave crimes and misdemeanors against them, to be placed upon the criminal docket of the said court.

3. That in violation of law and corruptly, the said John G. Scott retained in office the said G. P. Kelley as sheriff of the said county of Anderson, without bond, when bond had been required of the said Kelley by the Comptroller of the State, A. Bledsoe, from the first day of April 1871, until December, 1872, whereby the said Kelley embezzled large sums of money belonging to the said county, and the same became wholly lost to the said county, and that the said John G. Scott, with the view of favoring the said Kelley, and aiding him in his aforesaid acts of malfeasance and corruption in office, permitted and connived at the same.

4. That the said John G. Scott, in his capacity as judge as aforesaid, during his present term of office, has assumed to issue from the bench the edicts of an absolute potentate. That at the . . . term of the District Court of the said county of Anderson, 1872, he, the said John G. Scott, issued his order of banishment against G. R. Spaulding, a citizen of said county of Anderson, ordering him, the said Spaulding, to leave the Tenth Judicial District of the State of Texas inside of twenty-four hours, under heavy pains, when there was no legal charge of any kind against him in any court, thereby compelling him to flee his home.

5. That in the said county of Anderson, at the August term of the District Court of said county, he, the said John G. Scott, dismissed a number of felony cases against A. Towles, then a citizen of Anderson county, and by his decree from the bench banished him, the said Towles, from the said county, and ordered him to leave within twenty-four hours the Tenth Judicial District of the State of Texas.

6. That at the January term of the District Court of the said county of Anderson, 1872, he, the said John G. Scott, instructed the grand jury that as to some men who were violating the law in keeping gambling houses in the town of Palestine, to-wit, C. C. Rogers and J. W. Crooms, and the like, two or three bills of indictment were sufficient to find against them; but as to Jo Byre and W. H. McClellan, the court, through the grand jury, must break them off. That under the said charge, the grand jury, at the said term, returned two hundred and thirteen bills against the said McClellan; that thereupon the said John G. Scott had the said McClellan arrested and placed in jail without warrant, took possession of his grocery, billiard and pigeon-hole tables, bar room furniture, and everything he had, ordered T. D. Evans district attorney, to run the said grocery in the name and interest of the State of Texas, and to apply the proceeds to the payment of the officers' costs, which was accordingly done for the period of three months, in the name, but not in the interest of the State of Texas, but unlawfully and corruptly run and conducted in the interest of the said John G. Scott and his favorites. That at the August Term of the Court next thereafter, the said John G. Scott had the said McClellan re-arrested, because he refused to pay one thousand dollars on compromise, and placed in jail, and ordered the sheriff to sell everything belonging to him, even his private bedroom furniture, cook stove, sewing machine, etc., at public auction, without advertisement or any process whatever. That this being done, the said John G. Scott ordered District Attorney Evans to dismiss the cases against the said McClellan, and the sheriff to return the commitments in the cases tried (seventy-five in number), upon the condition that the said McClellan would leave the said county of Anderson; and that all these things were done as aforesaid by the said John G. Scott, unlawfully and corruptly, in his capacity

as judge as aforesaid, with the intention of oppressing the said McClellan, and extorting money out of him for the use and benefit of his, the said John G. Scott's favorites.

7. That at the December term, 1870, of the District Court of the said county of Anderson, the said John G. Scott, upon his own motion, unlawfully suppressed the venire for grand jury, on the grounds that C. L. Price and W. H. Tucker, members of the same, were prominent Democrats and politicians.

8. That at the . . . term, 1872, he, the said John G. Scott refused to hear a writ of *habeas corpus* in case of three women, to-wit, . . . confining them in jail from court to court, when there was no charge or evidence of guilt against them.

9. That at the July term of the District Court of Henderson county, 1872, and on the . . . day of July, he, the said John G. Scott, in open violation of law, in term time, armed himself with a revolver, and went into the court house of said county, and into a public assembly collected therein, and threatened the life of T. B. Greenwood, a man of peaceable disposition and a highly esteemed attorney of the Athens bar.

10. That in the county of Kaufman, on or about the twentieth day of October, A. D. 1871, he, the said John G. Scott, judge, etc., as aforesaid, did, after rendering judgments final in four certain cases then pending in the District Court of said county of Kaufman, wherein the State of Texas was plaintiff, and M. M. Gibbs *et al.* were defendants on *scire facias*, for the sum in the aggregate of twenty-two hundred and fifty dollars, corruptly and without authority of law remit twelve hundred and fifty dollars of the said judgments, and extend the time for the payment of the balance twelve months, and did, thereafter, to-wit, on or about the same day, to-wit, the twentieth day of October, 1871, being in need of money, demand of one Thomas D. Evans, then district attorney of the said judicial district, to get him, Scott, some money, five hundred dollars or about that sum; that being then answered by said Evans that he, Evans, had no money, he, the said Scott, judge, etc., then and there ordered the said Evans to apply to John G. Gibbs, one of the defendants in the four several cases above referred to in said judgments on *scire facias*, and to say to him that he must pay *instanter* five hundred

dollars on the one thousand dollars not remitted of said judgments; that the said Evans did as he was ordered to do by said Scott, judge etc., and applied to said John G. Gibbs for the said five hundred dollars; that the said John G. Gibbs did, on or about the said day, to wit, the twentieth of October, 1871, pay over to the said Evans four hundred and fifty dollars of the said thousand dollars; which said sum the said Evans did then and there pay over to the said Scott, and the said Scott did then and there corruptly receive the same from the said Evans. That thereafter, to wit, on or about the fifth day of June, 1872, the said John G. Scott, judge etc., as aforesaid, among others, did apply to Governor E. J. Davis for a remission of the one thousand dollars of said judgments, not remitted by him, the said Scott; he, the said Scott, representing in the said application to the Governor for remission, that he had been informed that the defendants in the aforesaid cases had paid the costs and some two or three hundred dollars, and that he thought that should remain as it was; that the said Governor listening to the recommendation of the said Scott and others, did remit the said one thousand dollars, all of said forfeiture beyond what had been paid and costs, and the further sum of fifty dollars in each case; that the said defendants in said judgments on *scirefacias*, afterwards paid the said balance on the said judgments not remitted by the Governor, to-wit, two hundred dollars, but that the said Scott now corruptly holds, and since the payment thereof to him by said Evans, corruptly held the said four hundred and fifty dollars, never having refunded the same to the said John G. Gibbs, nor paid it over to any person or officer authorized to receive the same, and all this in violation of law, his official duty and good morals.

It is respectfully asked that at any time it may be deemed necessary, an amendment of charges herein may be made, giving more specifically times, places, dates and names and circumstances of the crimes, misdemeanors and malafide acts of the said Scott.

Resolved, That the matters herein alleged be referred to a special committee to investigate the truth of the charges preferred, and that the said committee be empowered to send for persons and papers, and report by bill or otherwise.

The resolution was adopted, and the Speaker appointed.

the following gentlemen the committee called for thereby: Ireland, Chairman; Bewley, Cooke, Kleberg and Rimes.

A message from the Senate announced that that body had reconsidered the vote adopting the report of the conference committee on House bill No. 233, "An act to regulate elections," and amended their report by the adoption of the following amendment: Strike out the words "its passage," in the last line of the last section, and insert, "the fifteenth day of May, A. D. 1873," and so amended the Senate has adopted the report.

Also, that that body has passed House bill No. 224, "An act to incorporate the State Bank of Texas, Galveston."

The unfinished business of Saturday, being the bill for the protection of the farming interests of the State, was resumed, the question being upon the amendment of Mr. Robb to the amendment of Mr. Booty.

Pending the discussion, the special order, being the bill to incorporate the city of Austin, was announced, but on motion its consideration was postponed for one hour.

Mr. Salter was added to the Committee on Public Grounds and Buildings.

On motion, Mr. Salter was excused for eight days, and Mr. Rimes for four days.

Mr. Robb withdrew his amendment.

On motion of Mr. Ellett, the county of Red River was stricken from the amendment offered by Mr. Booty.

On motion of Mr. Watts, the counties of Polk, Liberty, Chambers and San Jacinto were stricken from the amendment of Mr. Booty.

On motion of Mr. Robb, Cherokee, Houston, Trinity and Angelina counties were stricken out of Mr. Booty's amendment.

On motion of Mr. Williams, Walker, Grimes and Madison counties were added to Mr. Booty's amendment.

On motion of Mr. Tom, the entire Thirtieth Senatorial District was added to said amendment.

Mr. Payne moved to lay all the amendments upon the table.

The House refused to table, and the amendment offered by Mr. Booty was adopted.

Mr. Prendergast offered the following amendment to section three:

Provided, That this section shall not be so construed as to authorize any person to maim, wound or kill any of the animals above specified, belonging to another, under any circumstances. Adopted.

Mr. Ireland offered the following substitute for section one: Every person shall make a good fence around his or her lands used or cultivated; *provided*, it shall not be necessary to fence against incursions of sheep, goats or hogs. Adopted.

Mr. Hester moved to insert the word "mule" after the word "horse," in line four, section three. Adopted.

Mr. Shelton offered the following amendment: Strike out in lines ten and eleven, section eight, the words, "a majority of the votes cast at said election," and insert, "three-fifths of the registered voters of the county."

Mr. Denton moved the previous question, which being seconded was put and carried, and the bill read a second time and ordered engrossed.

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

The special order, being the bill to incorporate the city of Austin, was then resumed. The bill was read a second time and ordered engrossed.

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

Mr. Booty offered the following resolution:

Resolved, That John G. Scott, Judge of the Tenth Judicial District, be served through the mail with a copy of the charges preferred against him in this House to-day, and the action of the House thereon. Adopted.

Mr. Mills offered the following resolution:

Resolved, That hereafter until otherwise ordered, Tuesday, Thursday and Saturday afternoons of each week shall be set apart by this House for the consideration of local and special bills, and that each member of this House when his name being called, shall have the privilege of naming what bill shall then be taken up.

Read, and laid over under the rules.

On motion of Mr. Armstrong, the Committee on Education were granted leave to report, and submitted the following:

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

SIR: A majority of the Committee on Education, to

whom was referred several bills concerning the establishment of a system of public free schools, have considered the same, and have instructed me to report and recommend the adoption of the accompanying substitute, entitled "An act to establish a system of public free schools for the State of Texas." The chairman is of the opinion that this substitute is not as simple or perfect in its plan as desired, but submits this substitute as an improvement upon the system now in force, and for the action of this House.

ARMSTRONG, Chairman.

On motion of Mr. Rainey, the bill was laid on the table, 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 the petition of citizens of Kendall county, asking to be attached to the county of Kerr, beg leave to report that they have considered the same, and instruct me to recommend that the petition be granted and the passage of the accompanying bill.

TROLINGER, Chairman.

The bill, entitled "An act to define the boundary line between the counties of Kendall and Kerr," was read first time; rules suspended, read second time and ordered 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 Counties and County Boundaries, to whom was referred the petition of citizens of Llano, Burnet, Travis, Hays, Blanco and Gillespie counties, asking for the creation of a new county from portions of said counties, have had the same under consideration, and instruct me to recommend the petition be granted and the passage of the accompanying bill.

TROLINGER, Chairman.

The bill, to be entitled "An act to create the county of Lee and to provide for its organization," was read first

time and re-committed to the Committee on Counties and County Boundaries.

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, March 25, 1873. }

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

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

Mr. Westfall offered a petition of citizens of Georgetown, Williamson county, asking the passage of the Ohio liquor law. Referred to Judiciary Committee No. 2.

Mr. Ford offered a memorial of citizens of Chambers, Liberty and Hardin counties, asking the enactment of a more efficient law for the protection of the interests of stock raisers. Referred to Judiciary Committee No. 2.

Mr. Prendergast offered a petition from citizens, Limestone, Falls and Robertson counties, praying for organization of a new county, to be called Lee. Referred to the Committee on Counties and County Boundaries.

Mr. Payne offered a petition of citizens of Goliad, Comanche and El Paso Railroad Company. Referred to Committee on Internal Improvements.

Mr. Van Zandt offered a petition of A. Thance, Ed. Hovenkaup. Referred to Committee on Education.

Mr. Speaker submitted a petition of J. Elam, which was read and referred to the Committee on Education. sic

A message from the Senate announced the passage by that body of House bill No. 338, "An act to incorporate the town of Quitman, in Wood county, to authorize the building of a public free bridge across Big Creek, in the corporate limits of the city of Jefferson."

House bill No. 15, "An act to authorize Howard Keys and his associates to construct a toll bridge across the Sabine river, at Crockett."

And House bill No. 269, "An act to authorize Howard Keys and his associates to construct a toll bridge across the Sabine river, at Crockett." petition for fixing the Mr. Hollingsworth offered

county site of Brown county: Referred to the Committee on Counties and County Boundaries.

Mr. Smith of Houston offered a petition of citizens of Houston county to prevent a division of said county. Referred to the Committee on Counties and County Boundaries.

Also, a petition of citizens of Trinity and Houston counties for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Watts offered the following resolution:

Resolved, That a committee of five be appointed by the Speaker, whose duty it shall be to take under consideration the modification of the existing pension law, and report by bill or otherwise.

Adopted.

The Speaker announced the following committee under the above resolution: Watts, chairman; Smith of Houston, Hester, Chambers and Nelson.

Mr. Ghent presented a bill to be entitled "An act authorizing the construction of a toll bridge over Pond creek, in Milam county." Referred to the Committee on Roads, Bridges and Ferries.

Mr. Brown of Dallas presented a bill to be entitled "An act regulating prison fees." Referred to Judiciary Committee No. 1.

Mr. Wood presented a bill for the relief of the heirs of James Burney. Referred to the Committee on Private Land Claims.

Mr. Watts presented a bill to be entitled "An act making certificates for jury service receivable for county taxes." Referred to Judiciary Committee No. 1.

Mr. Bordeaux presented a bill to be entitled "An act to provide for and regulate liens of mechanics, artisans, builders, laborers and contractors." Referred to Judiciary Committee No. 2.

Mr. Killough presented a bill to provide for the election of a State librarian. Referred to the Committee on State Affairs.

Also a bill for the relief of the heirs of Charles Forrester. Referred to the Committee on Private Land Claims.

Mr. Smith of Colorado presented a bill to be entitled "An act to amend section one of an act entitled an act concerning private corporations." Referred to Judiciary Committee No. 1.

Mr. Williams presented a bill to establish a normal school at Harmony, Walker county, Texas. Referred to the Committee on Education.

Mr. Cook presented a bill to incorporate Hibernia Fire Company No. 4, Houston, Harris county. Referred to the Committee on State Affairs.

Also a bill to be entitled "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company." Referred to the Committee on Internal Improvements.

Also a bill incorporating the town of Montgomery, in Montgomery county. Referred to the Committee on Town and City Corporations.

Mr. Van Zandt presented a bill to be entitled "An act to provide for the enrollment of judgments in the several courts of the State." Referred to Judiciary Committee No. 1.

Mr. Berends presented a bill to be entitled "An act for the relief of Charles Hummel." Referred to the Committee on Claims and Accounts.

Mr. Cook presented a bill to incorporate the Lynchburg Shipyard Company. Referred to the Committee on Commerce and Manufactures.

Also a bill to be entitled "An act to incorporate the Texas Tea Company." Referred to the Committee on Commerce and Manufactures.

Mr. Joseph presented a bill to amend "An act entitled an act to incorporate the Island City Real Estate and Homestead Association of Galveston, approved June 24, 1870, and an act amendatory thereof, approved December 1, 1871." Referred to the Committee on Town and City Corporations.

Mr. Smith of Colorado presented a bill to expedite business in the District Courts of Texas. Referred to Judiciary Committee No. 2.

On motion of Mr. Short, House bill No. 156, "An act to validate the survey of John B. Dillard, and authorize patent to issue on the same," was taken up, read a third time and passed.

The resolution of Mr. Mills changing the order of business, offered on the twenty-fourth instant, was taken up.

Mr. Harrison moved to lay the resolution on the table, which was carried by the following vote:

Yeas—Messrs. Abbott, Anderson of McLennan, Arm-

strong, Berends, Bewley, Bledsoe, Booty, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Gaston, Gillette, Gilpin, Harrison, Hester, Joseph, Killough, McDonald, Moore, Nelson, Noeggerath, Payne, Roberts, Schmidt, Smith of Colorado, Storey, Thurmond, Tilson, Tom and Winkler—34.

Nays—Messrs. Brown of Dallas, Carroll, Chambers, Ford, Green, Kemble, Kleberg, Lane, Leyendecker, Mabry, Manning, Mills, Morris, Powers, Prendergast, Robb, Rosborough, Russell, Shelton, Short, Smith of Houston, Tivy, Trolinger, Van Zandt, Venters, Watts, Westfall and Williams—28.

The resolution of Mr. Hester, looking to the reduction of the force of porters, was taken up.

Mr. Green moved to lay it on the table.

Yeas and nays being called, resulted as follows :

Yeas—Messrs. Abbott, Adriance, Ellett, Green, Mills, Moore, Short, Thurmond, Tivy and Williams—10.

Nays—Messrs. Anderson of McLennan, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Cooke, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, McDonald, Morris, Nelson, Noeggerath, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Russell, Sayers, Schmidt, Shelton, Smith of Houston, Storey, Tilson, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, Winkler and Wood—57.

The motion to lay upon the table was declared to have been lost.

The resolution was then adopted.

Hon. D. C. Giddings, Texas Representative in Congress, was invited to a seat within the bar, and the privileges of the House extended to him during his stay in the city.

The Committee on Counties and County Boundaries submitted the following report :

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

SIR: Your Committee on Counties and County Boundaries, to whom was recommitted House bill No. 163, entitled "An act to validate the Brazoria county bonds voted by the people thereof, and paid out by the Commissioner's Court or County Court of the said county to

the Houston Tap and Brazoria Railway Company," have had said bill under consideration, and instruct me to return the same to the House, and ask to be discharged from further consideration of it, and recommend its reference to Judiciary Committee No. 2.

TROLINGER, Chairman.

The report was adopted, and reference made as requested.

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 House bill No. 254, entitled "An act to authorize the County Court of Upshur county to issue interest bearing bonds to finish paying for the building of the court house of said county, and to levy and collect a tax to pay the same," have had the same under consideration, and instruct me to return the bill to the House and recommend its passage.

TROLINGER, Chairman.

The bill was read second time and ordered engrossed.

A message from the Senate announced the passage by that body of House bill No. 68, "An act to authorize and require sheriffs and constables to execute process ordered by the Legislature or any committee thereof.

Further report from the 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 House bill No. 114, entitled "An act to adjust and define the boundary lines between the counties of Aransas, Refugio, San Patricio and Nueces," have had the bill under consideration, and instructed me to report the same back to the House and recommend its passage.

TROLINGER, Chairman.

Mr. Thurmond offered the following amendment :

Amend by striking out from the words "Patillo grant" to the words "thence down said bay," exclusive, and insert "thence south ten (10°) west to the southwest corner of a six hundred and forty acre tract of land patented to John N. Seguin, fronting on the notheast bank of Nueces Bay, No. 4 on land plat." Adopted.

The question being upon the engrossment of the bill,

the House refused to order it to engrossment by a vote of thirty-one to twenty nine.

Report from Committee on Enrolled Bills :

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

SIR: Your Committee on Enrolled Bills, to whom was referred House bill No. 224, entitled "An act to incorporate the State Bank of Texas, Galveston," have carefully compared the same, and find it correctly enrolled, and have this day, at 10:30 o'clock, A. M., presented the same to the Governor for his signature.

WOOD, for Committee.

- Further report from same committee :

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

SIR: Your Committee on Enrolled Bills have carefully examined and compared bill No. 374, "An act amendatory of an act to incorporate the city of Navasota," and find the same correctly enrolled, and have this day at 10:30 o'clock A. M., presented the same to his Excellency the Governor for his signature.

WOOD, for Committee.

Further Report from Committee on Counties and County Boundaries:

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred petition and counter petition of citizens of Sabine county, beg leave to report that they have had the same under consideration, and are of the opinion that no legislation is necessary in the premises, and therefore instruct me to return the petitions, and recommend that the prayer be not granted.

All of which is submitted.

TROLINGER, Chairman.

Report adopted.

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 the petition of citizens of Brown, Lampasas, Comanche and Hamilton counties, have duly considered the same, and instruct me to return

the same, and recommend that the prayer of the petitioners be not granted.

TROLINGER, Chairman.

Report adopted.

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 petition of citizens of Comanche county, and House bill No. 320, entitled "An act to authorize the county court of Comanche county to issue bonds for certain purposes," have had the same under consideration, and instruct me to return the bill and recommend its passage.

TROLINGER, Chairman.

The bill was read a second time and ordered engrossed.

On motion of Mr. Westfall 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 Counties and County Boundaries, to whom was referred a petition from citizens of Hunt county, and House bill 159, entitled "An act to amend the first section of an act to create the county of Raines," beg leave to report that they have had the same under consideration, and instruct me to return the same, and recommend that the bill do not pass.

TROLINGER, Chairman.

The bill was re-referred to the Committee on Counties and County Boundaries.

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 the petitions of citizens of Atascosa, Bexar, Medina and Frio counties, asking for the creation of a new county from portions of said counties, together with protests from citizens of the aforesaid counties, and House bill No. 271, providing for the organization of the same, beg leave to report that they have duly considered the subject, and instruct me to return the papers to the House, and recommend that the bill do not pass.

TROLINGER, Chairman.

Report adopted.

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 the petitions from citizens of Kaufman, Van Zandt and Hunt counties, asking for the creation of a new county, together with House bill No. 246, providing for the organization of said new county, beg leave to report that they have duly considered the subject, and instruct me to return the same to the House, and recommend that the bill do not pass.

TROLINGER, Chairman.

Report adopted.

Further report from same committee:

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

SIR: Your committee to whom was referred the petitions from citizens of Williamson, Bell, Burnet and Lampasas counties, praying for the creation of a new county, together with protests from citizens of said counties, and House bill No. 130, providing for the organization of said new county, beg leave to report that they have had the subject under consideration, and instruct me to return the same to the House, and recommend that the bill do not pass.

TROLINGER, Chairman.

Report adopted.

On motion of Mr. Winkler, Mr. Killough was added to the Committee on Finance.

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

Resolved by the Senate, the House concurring, That the committees of the Senate and House of Representatives, on the subject of reducing the number of judicial districts, be and the same are hereby consolidated a joint committee, and that they act accordingly.

The Committee on Military Affairs reported as follows:

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

SIR: The Committee on Military Affairs, to whom was re-referred House bill No. 105, a bill to be entitled "An act for the relief of certain citizens of Limestone county," and the amendments thereto, instruct me to report the

same back, and recommend the accompanying amendment to the preamble of said bill, with the amendment referred, and that said accompanying amendment to the preamble do pass.

J. M. ANDERSON, Chairman.

Amendment offered by the committee :

Amend preamble by inserting after the word "county," in eighth line, the following words: "And in Walker county by proclamation of martial law, on the day of 1871;" and further amending by striking out the word "county" wherever it occurs in the preamble after the eighth line, and insert "counties."

Amendment adopted.

Pending the discussion, Mr. Rainey moved to adjourn until 9:30 A. M. to-morrow, which carried.

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

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

On motion, Mr. Davenport was excused for ten days, and Mr. Winkler indefinitely.

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

On motion of Mr. Westfall, Mr. Killough was added to the Committee on Internal Improvements.

Mr. Gillette offered a petition of citizens of Hill county asking for the passage of a law prohibiting the sale of intoxicating liquors in the vicinity of Pecan Grove Male and Female School. Referred to the Committee on Education.

Mr. Wood offered a petition of citizens of Robertson county to remove the county records to Owensville. Referred to the Committee on Counties and County Boundaries.

Mr. Rimes offered a remonstrance of citizens of Falls county against division of that county. Referred to the Committee on Counties and County Boundaries.

Mr. Gillette moved that Judiciary Committee No. 2 be allowed to report out of the regular order. Lost.

The Speaker submitted a statement of grievances from

citizens of El Paso county, which was read and referred to Committee on Judicial Districts.

Mr. Storey presented a bill to be entitled "An act to amend Article 186 of the Code of Criminal Procedure, approved August 26, 1856." Referred to Judiciary Committee No. 2.

Mr. Cooke presented a bill to be entitled "An act to encourage the erection of certain machinery." Referred to Committee on Commerce and Manufactures.

Mr. Tilson offered the following resolution :

Resolved, That a committee of three be appointed by the Speaker, whose duty it shall be to visit the State cemetery, and report whether any appropriations are necessary for its enclosure or preservation.

Adopted.

The Speaker appointed the following gentlemen under the resolution : Tilson, Venters and Ford.

Mr. Ghent presented a bill to be entitled "An act to authorize and empower the County Court of Milam county to levy and collect a special tax for the purpose of building a county jail. Referred to the Committee on State Affairs.

Mr. Gillette presented a bill to prohibit the sale of intoxicating liquors in the vicinity of Pecan Grove Male and Female School. Referred to the Committee on Education.

On motion of Mr. Ireland, Judiciary Committee No. 2 was allowed to report, and stated verbally that the committee recommended that a petition of citizens of Hill county, which had been referred to them, be referred to a special committee of five. The recommendation was adopted, and the Speaker announced the following gentlemen said committee : Russell, Thurmond, Gilpin, Lane and Kemble.

Mr. Bledsoe offered the following resolution :

Resolved, That the Select Committee on Treasurer's and Comptroller's Offices be instructed to discharge L. E. Valentine from their employ as clerk.

Yeas and Nays being called resulted as follows :

Yeas—Messrs. Armstrong, Berends, Bledsoe, Booty, Carroll, Chambers, Denton, Doyle, Gaston, Gillette, Hollingsworth, Ireland, Kemble, Lane, Manning, McDonald, Mills, Nelson, Rimes, Robb, Shelton, Short, Thurmond, Tom, Trolinger and Veale—26.

Nays—Messrs. Abbott, Adriance, Anderson of McLennan, Bewley, Bordeaux, Brown of Dallas, Cook, Cunningham, Davenport, Eastland, Ellett, Ford, Ghent, Gilpin, Green, Harrison, Joseph, Killough, Kleberg, Mabry, Moore, Morris, Noeggerath, Payne, Powers, Prendergast, Rainey, Rosborough, Russell, Sayers, Smith of Colorado, Smith of Houston, Schmidt, Storey, Tilson, Tivy, Van Zandt, Venters, Walker, Watts, Westfall and Williams—42.

The resolution was declared to have been lost.

Mr. Watts presented a bill to adjust and define the Western boundary line of San Jacinto county. Referred to the Committee on Counties and County Boundaries.

Mr. Bewley presented a bill to validate certain land titles. Referred to Judiciary Committee No. 2.

The following communication was received from his Excellency Gov. E. J. Davis, and referred to the Committee on Military Affairs :

EXECUTIVE DEPARTMENT, STATE OF TEXAS,)
AUSTIN, March 25, 1873. }

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

SIR: For the information of the Legislature, in regard to occurrences in Lampasas county, which have excited considerable public interest, I have the honor to enclose herewith a copy of the report made to me concerning the same, by Adjutant General F. L. Britton.

Very respectfully,

EDMUND J. DAVIS, Governor.

ADJUTANT GENERAL'S OFFICE, STATE OF TEXAS,)
AUSTIN, March 24, 1873. }

SIR: In obedience to your verbal instructions of the fifteenth instant, I started for Lampasas at 11 o'clock on the sixteenth instant, accompanied by twelve State policemen, to investigate the killing of Captain Thomas Williams, privates J. M. Daniels, Wesley Cherry, and the wounding of Andrew Melville, all State police.

Arriving within twenty-five miles of Lampasas the evening following my departure from Austin, my horses being very tired, and a number of the men having straggled behind, their horses not being able to keep up, owing to the rapidity of the march, I camped for the night. Here I was met by Lieutenant Lee, commander

of Company M, minute men, who, with one of his men, had started to Austin for reinforcements from State police. Lieutenant Lee informed me that his men were barricaded in stone houses in the town of Lampasas, hourly expecting an attack from the outlaws and their friends, whom they believed numbered forty or fifty strong. I at once mounted my men and proceeded to Lampasas, where I arrived at 5 A. M. on the seventeenth instant, and found that the worst state of affairs possible existed in the town and county. The citizens, panic stricken, had closed their stores, and all business had stopped in anticipation of an attack from the mob party. I immediately dispatched a courier to Burnet county with an order to Lieutenant John Alexander to report to me with his company instanter.

Obtaining the assistance of the sheriff of the county, I proceeded to investigate the disturbance, with the following result:

In obedience to my instructions, Captain Williams and his detachment of State police, seven in number, arrived in Lampasas on the fourteenth inst., at about one o'clock, to assist the officers of that county in the arrest of parties charged with an attempt to murder the sheriff of the county; shooting into the citizens' houses, etc. This party numbered, so far as is known, about twelve or fifteen men, whose occupation was the branding, killing and skinning of other people's cattle, living in and around Lampasas, some of them having no local habitation. They made their headquarters at the Lampasas Saloon, where they did their drinking, gambling, etc., and stored their arms and ammunition, when not in use. Their names, so far as I could learn, are as follows: Thomas Horrell, Martin Horrell, Merrit Horrell, Ben Turner, Joe Bolden, Al. Whitcraft, James Grizzell, Jerry Scott, Bill Bowen, Billy Gray, Bill Horrell. — Short, Jim Jenkins, Sam Sneed and Billy Sneed.

Within a short time after Captain Williams' arrival he arrested Billy Bowen, one of the above-named parties, for carrying a six-shooter. Bowen, under some pretense, persuaded Williams to enter the Lampasas Saloon, Privates Daniels, Cherry and Melville following them. Directly after they entered some twenty or more shots were fired, principally from Winchester carbines in the hands of Thomas Horrell, Martin Horrell, Merrit Horrell,

Ben Turner, Joe Bolden, Al. Whitcraft, James Grizzell, Jerry Scott, Bill Bowen and Bill Gray. Many of these parties had secreted themselves behind screens, doors, etc., so that they were not visible to Captain Williams and his men when they were decoyed into the saloon by Bowen. Captain Williams was killed, receiving two shots through the body and one through the head. Daniels received several shots through the head and body, and died instantly. Cherry was also killed instantly by a shot through the body. Melville received a bullet through the left lung, and at the time of my leaving Lampasas his case was considered hopeless by attending physicians.

The manner in which the assassins were stationed, and the accuracy of their fire, gave the policemen no chance to defend themselves against the cowardly attack.

After murdering the policemen in the saloon, the desperadoes came out and attacked the remaining four policemen, firing a number of shots at them. The fire was returned by the policemen, wounding Martin Horrell and Thomas Horrell. The former was shot in the back of the neck by policeman Eddy; the latter just below the shoulder blade.

Hereto attached, I send a copy of verdict of the jury of inquest; also a copy of the evidence before the same, which I beg to submit as a part of this report.

With the minute company of Lampasas county, under Lieutenant Lee, and a detachment of Burnet county minute men, under Sergeant W. H. Shelborn, a detachment of State police, under my immediate command, and a posse of citizens under the sheriff, I proceeded to scour the country for the murderers still at large. Burnet, Llano, Coryell and Williamson counties were visited, and every effort possible made for the capture of the murderers. Five days scouting, with such evidence as I could gain from other sources, convinced me that the outlaws had fled to the frontier. I then detailed Lieutenant Wear and ten men of State police to take station at Lampasas; had the four prisoners who were then under arrest and who were pronounced guilty by the jury, viz., Jerry Scott, Martin Horrell, Allen Whitcraft and James Grizzell, committed to the Travis county jail for safe keeping until the next term of the District Court, believing that if they were left in the Lampasas county jail their friends would

rescue them. I would here recommend that five hundred (500) dollars reward be offered for each of the bodies of the parties implicated by the verdict of the jury of inquest.

These men are of the very worst reputation, and are so feared by the citizens of the county in which they live, that one yell from them to "hide out" is sufficient to close all doors within hearing, and they have heretofore amused themselves daily by practicing with their six-shooters at the door knobs of those persons who had incurred their displeasure by assisting the sheriff or other officers of the county to bring to justice violators of the law. The office of Messrs. White & Gibson is a specimen of this character, having some twenty or thirty bullets fired through it by these parties; also, the *Dispatch* office, which had all of its windows broken out because it noted some of the atrocious acts of the "bunch" unfavorably; and other instances, too numerous to mention.

Before closing this report I desire to mention especially the valuable assistance rendered me by sheriff S. T. Denson, Lieutenant Lee and the Lampasas minute men, also many good citizens of the county.

The county paid the board of my men and horses, as well as that of the minute companies, while in the county, and in public meeting expressed their feeling toward same. A copy of the resolutions are hereto attached.

Very respectfully,

(Signed)

F. L. BRITTON,

Adjutant General and Chief of Police.

To his Excellency EDMUND J. DAVIS, Governor State of Texas, Austin, Texas.

We, the jury, from the evidence before us, find that Captain Williams, Wesley Cherry and J. M. Daniels, came to their death by gun and pistol shots, in the Lampasas Saloon, in the town of Lampasas, in the State of Texas, on Friday, the fourteenth day of March, 1873, from and by the hands of Thomas Horrell, Martin Horrell, Merit Horrell, Ben. Turner, Joe Bolden, Al. Whitcraft, James Grizzell, Jerry Scott, Bill Bowen and Billy Gray.

H. T. HILL,
W. J. STANDEEER,
R. W. HILL,

ALEX. J. NORTHINGTON,
W. W. EAST,
LOUIS BORLIO,

Jury.

I hereby certify the above is a verdict of the jury of inquest held over the bodies of the above named deceased policemen.

Given under my hand at office in the town of Lampasas, this the twentieth day of March, A. D. 1873.

(Signed)

THOMAS PRATT,
J. P. L. C. and Acting Coroner.

A true copy.

F. L. BRITTON,
Adjutant General and Chief of State Police.

LAMPASAS, March 21, 1873.

Pursuant to a call, a large number of the citizens of Lampasas county assembled in mass meeting to consider the state of the country. Gen. F. L. Britton, Adjutant General and Chief of State Police, addressed the meeting in a few eloquent, appropriate and well timed remarks, after which Dr. W. P. Beall was appointed chairman and J. P. Gibson secretary.

Short and appropriate speeches were made by Major Martin White, C. C. McGinnis, T. D. Hayworth, J. A. Homan, S. T. Denson, Lieutenant Wear, J. P. Gibson, C. Woolridge, Kit Williams and G. M. Haynie.

A committee of citizens were appointed to draft resolutions expressing the sentiment of the people, consisting of Z. A. Abney, A. J. Northington, and Moses Hughes, who offered the following resolutions, which were unanimously adopted :

Resolved, That the people of Lampasas county, in mass meeting assembled, present their thanks and kindly regards to General Britton, Chief of State Police, and the officers and men under him for their gentlemanly deportment while in our midst, and for their unceasing effort to restore order and the dominion of law in our county.

Resolved, That in future we pledge ourselves each to the other, and to the officers attempting to enforce the law, our unqualified support in bringing to justice any violator of the law of our county; and we further pledge ourselves to resist any injury to the person or property of any of our fellow citizens because of any zeal on their part in bringing to justice the lawless, as we would an injury done to ourselves individually.

Resolved, That we hold ourselves in readiness in the

future to aid the sheriff or the police that may be in our county rendering us protection, by giving him or them any information that we may have concerning the whereabouts of fugitives from justice, and personal aid in his or their attempts to secure the persons of all offenders, to the end that they may be dealt with according to law.

Resolved, That we earnestly ask the continuance of the State police in such numbers as to be efficient until such time as our local authorities shall feel able to hold in check the lawless of our county.

(Signed) W. P. BEALL, Chairman.

(Signed) J. P. GIBSON, Secretary.

A true copy,

F. L. BRITTON,

Adjutant General and Chief of Police.

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. 338, "An act to incorporate the town of Quitman, in Wood county," and find the same correctly enrolled, and have presented the same this day at 10:40 A. M., to the Governor for his signature.

WOOD, Chairman.

Further report from same committee :

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

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

Bill No. 15, "An act to authorize the building of a free public bridge across Big Cypress in the corporate limits of the city of Jefferson."

Also "An act to authorize Howard Keys and his associates, to construct a toll bridge across the Sabine river at Crockett's bluff," and find the same correctly enrolled, and have this twenty-sixth day of March, at 10:40 A. M., presented them to the Governor for his signature.

WOOD, Chairman.

Mr. Storey presented a bill supplemental to "An act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871." Referred to Judiciary Committee No. 1.

A message from the Senate announced the passage by

that body of House bill No. 29, "An act to provide for the registration of voters."

On motion of Mr. Kleberg, 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 House bill No. 443, entitled "An act to incorporate the town of Cuero, in DeWitt county," having carefully examined the same, direct me to report the same back with the recommendation that it do pass.

BLEDSON, 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.

The unfinished business of yesterday, being a bill to be entitled "An act for the relief of certain citizens of Limestone county," was resumed, and Mr. Prendergast addressed the House.

Pending the discussion, a message from the Senate announced the passage by that body of the following bills:

House bill No. 64, "An act in aid of the Financial condition of Cameron county."

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

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

House bill No. 315, "An act to authorize the County Court of Goliad county to levy and collect a special tax for the purpose of building a court house."

Senate bill No. 190, "An act to incorporate the city bank of Sherman."

Senate bill No. 125, "An act to authorize the County Court of Parker county to levy and collect a special tax for the term of two years, to repair the old jail or build a new one, and to repair the court house, in the town of Weatherford, in said county."

Senate bill No. 194, "An act to incorporate Concrete College."

Senate bill No. 174, "An act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate said town as the city of Sherman."

After further discussion, the bill was ordered engrossed.

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

Yeas—Messrs. Speaker, Adriance, Anderson of McLennan, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Cook, Davenport, Denton, Doyle, Eastland, Gaston, Ghent, Gillette, Gilpin, Hester, Joseph, Kemble, Killough, Kleberg, Leyendecker, Manning, McDonald, Morris, Noeggerath, Payne, Powers, Rainey, Rimes, Robb, Rosborough, Schmidt, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Van Zandt, Veale, Walker, Westfall, and Wood—46.

Nays—Messrs. Cunningham, Day, Green, Ireland, Lane, Mabry, Moore, Nelson, Roberts, Russell, Shelton, Storey, Trolinger and Williams—14.

Mr. Harrison announced he had paired off with Mr. Winkler.

Messrs. Bewley, Hollingsworth, Venters and Watts came in during the roll call and desired to enroll their names in favor of the bill, but were not allowed to do so under the imperative rule of the House against it.

On motion of Mr. Brown of Dallas, House bill No. 29, "An act to provide for the registration of voters," was taken up.

The Senate amendments thereto were read and adopted, and the bill thus amended was passed.

On motion of Mr. Gilpin, the vote of yesterday on House bill No. 114, "An act to adjust and define the boundary line between the counties of Aransas, Refugio, San Patricio and Nueces," was reconsidered.

Mr. Thurmond offered as a substitute therefor a bill to be entitled "An act to amend the first section of an act entitled an act to provide for the creation of two counties out of the territory now embraced within the limits of Refugio county, and to provide for their organization, passed September 18, 1871."

The bill was read second time and ordered engrossed.

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

Mr. Killough moved to take up Senate bill No. 7.

The House refused to suspend the rules.

The Committee on Military Affairs reported as follows:

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

SIR: Your Committee on Military Affairs, to whom was re-referred House bill No. 115, "An act entitled an act to refund to J. J. Gathings a sum of money therein specified, and to provide for the payment of the same," do unanimously instruct me to report the same back to the House and recommend its passage.

J. M. ANDERSON, Chairman.

The bill was read a second time and ordered engrossed.

Mr. Anderson of McLennan moved to suspend the rules and put the bill on its third reading.

The House refused to suspend.

Further report from same committee:

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

SIR: Your Committee on Military Affairs, to whom was referred House bill No. 366, a bill to be entitled "An act making an appropriation to pay Lieutenant J. A. Wright's company of minute men for extra services," instruct me to report the same back to the House, and recommend that it be referred to Judiciary Committee No. 1.

J. M. ANDERSON, Chairman.

Report adopted.

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

Resolved, That after the adoption of this resolution the House will proceed, at fifteen minutes after 12 o'clock, to take up the unfinished business on the Speaker's table.

Laid over under the rules.

Mr. Anderson of McLennan moved to take up out of its order the Senate bill for the frontier defense.

The House refused to suspend the rules.

Report from the Committee on Town and City Corporations:

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. 469, entitled "An act to incorporate the Farmers' Cotton Press Company," have carefully examined the same, and direct me to report the same back, with the recommendation that it do pass.

BLEDSON, 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 the same committee :

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

SIR : Your committee to whom was referred House bill No 52, being "An act to establish a uniform time of holding municipal elections in the State of Texas," have carefully examined the same, and have unanimously instructed me to report the same back, with the following amendment, to-wit: Strike out "first Monday in April," wherever it occurs, and insert "first Tuesday in April," and ask that the same do pass.

W. H. TILSON, Chairman *pro tem.*

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

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

Further report from same committee :

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

SIR : The Committee on Town and City Corporations, to whom was referred the bill to incorporate the town of San Marcos, in the county of Hays, have duly considered the same, and have instructed me to report the bill back and recommend its passage.

GASTON, for Committee.

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

Further report from 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 House bill No. 251, to incorporate Leesburg Institute, in Upshur county, have considered the same, and instruct me to report the same back to the House, with the recommendation that it 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.

Further report from same committee :

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

SIR: The Committee on Town and City Corporations have carefully considered the bill No. 19, entitled, "An act concerning town and city corporations," and recommend that it pass, with the accompanying amendments.

JOSEPH, for Committee.

Amend by adding to section first the following proviso: *Provided*, that nothing herein contained shall prevent any town or city from taxing what is commonly known as mayor's or recorder's fees or costs, but the same shall accrue to the town or city, and when collected, be paid into the treasury thereof.

Amend by adding to section second :

That this act shall take effect and be in force in ninety days after its passage.

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.

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

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

No. 254, "An act to authorize the County Court of Upshur county to issue interest-bearing bonds to finish paying for the building of the court house of said county, and to levy and collect a tax to pay the same."

No. 320, "An act to authorize the County Court of Comanche county to issue bonds for certain purposes."

No. 484, joint resolution in relation to the printing of railroad charters.

No. 494, "An act to define the boundary line between the counties of Kendall and Kerr," and find the same correctly engrossed.

BOOTY, Chairman.

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

HOUSE OF REPRESENTATIVES,)
 AUSTIN, TEXAS, March 27, 1873. }

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

On motion, Mr. Rainey was excused for three days, Mr. Bewley for one day, and Mr. Joseph for one day.

The reading of the journal was dispensed with.

Mr. Cook offered a memorial of citizens of Harris county, against dismemberment of that county. Referred to the Committee on Counties and County Boundaries.

Mr. Robb offered a petition of citizens of Houston and Trinity counties, asking a change of county boundaries, and for the creation of a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Manning presented a bill to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, in Freestone county, Texas. Referred to the Committee on Education.

Mr. Brown of Dallas presented a bill to be entitled "An act to amend an act regulating elections," passed at the present session of the Legislature. Read first time; rules suspended, read 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.

Mr. Tilson presented a bill for the relief of the heirs of John D. Groesbeck, assignee of Peter Effingham. Referred to the Committee on Private Land Claims.

Also a bill for the relief of the heirs of John D. Groesbeck, assignee of Cyrus B. Chrisman. Referred to the Committee on Private Land Claims.

Mr. Hollingsworth presented a bill for the relief of William H. Parker. Referred to the Committee on Private Land Claims.

Mr. Ghent presented a bill to release William Rice from paying State, county or city incorporation tax, on the sale of goods, wares and merchandise in the State of Texas. Referred to the Committee on State Affairs.

Mr. Booty presented a bill to amend section seven of "An act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870." Referred to Judiciary Committee No. 2.

Mr. Payne presented a bill to validate a land certificate issued to John H. Allen. Referred to the Committee on Private Land Claims.

Mr. Anderson of McLennan presented a bill to prohibit the sale of intoxicating liquors within four miles of Bosqueville Male and Female College, situated at Bosqueville, McLennan county. Referred to Judiciary Committee No. 2.

Also a bill to incorporate the Hebrew Benevolent Association of Waco. Referred to Judiciary Committee No. 2.

Mr. Wood offered the following resolution :

Resolved, That the appointment of pages and porters for the House be left entirely to the Speaker of the House of Representatives, and that he is hereby authorized to appoint or employ such number of each as, in his judgment, may be necessary for the dispatch of business.

Adopted.

Mr. Rimes offered the following resolution :

Resolved, That hereafter this house will entertain no bill, or act or any matter of a private or local character, until the general business of the Legislature is disposed of.

Laid over under the rules.

Mr. Denton offered the following resolution :

WHEREAS, According to the terms of the Constitution of this State, section thirty-five, article twelve, it is made the duty of the Legislature to provide for the revision, digestion, arrangement and publication of the civil and criminal laws of this State, within five years after the acceptance of our present Constitution ; and,

Whereas, If this duty is delayed longer it will not be possible for this provision of the Constitution to be complied with ; therefore

Resolved, That Judiciary Committee No. 2 be instructed to take such steps as may by them be deemed expedient and proper, to carry into effect the section and article of the Constitution referred to in the preamble to this resolution.

Adopted.

Mr. Smith, of Colorado, introduced a bill amendatory of and supplementary to an act entitled "An act concerning private corporations," approved December 2, 1871. Referred to Judiciary Committee No. 2.

Mr. Ireland offered the following resolution :

WHEREAS, In 1870 the United States government refused to allow the Governor of Texas to organize and maintain a force in the field for frontier protection, and it is now made to appear that such a force is necessary; therefore,

Resolved, That the Governor be requested to communicate with the United States authorities at Washington, and ascertain whether Texas will now be permitted to place a force on our frontiers; and if so, whether the Federal government will not arm, equip and ration said force.

Mr. Veale moved to lay the resolution on the table. Lost.

The resolution was then adopted.

Mr. Booty introduced a joint resolution amending the joint resolution authorizing the Comptroller and Treasurer to employ two additional clerks. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Cook presented a bill amendatory of and supplemental to "An act entitled an act to incorporate the Texas Transportation Company," passed September 26, 1866. Referred to the Committee on Internal Improvements.

Mr. Ireland presented a bill supplementary to "An act prescribing the mode of proceeding in the District Court in matters of probate." Referred to Judiciary Committee No. 2.

Mr. Armstrong offered the following resolution :

Resolved, That the Speaker appoint a special committee of five or more, whose duty it shall be to consider and report as to the expediency of modifying the tax laws and laws regulating fees of office not fixed by the Constitution, and costs arising in judicial proceedings, and report by bill or otherwise.

Adopted.

The following gentlemen were appointed by the Speaker the committee called for by the resolution : Payne, chairman ; Rosborough, Tilson, Wood, Robb, Armstrong and Cook.

Mr. Adriance offered the following resolution :

WHEREAS, It appears from the report of the Comptroller of Public Accounts that more than twenty millions of acres of land, to which the State has alienated her

title, are not rendered for taxation and actually assessed ; therefore be it

Resolved, That the Committee on Finance be and is hereby instructed to inquire whether any further legislation is required to insure the regular and full assessment and taxation of the lands of this State owned by individuals and corporations, and to report by bill or otherwise.

Adopted.

Mr. Kemble presented a bill to repeal "An act entitled an act changing the eastern boundary of Johnson county," approved March 25, 1871. Referred to Judiciary Committee No. 2.

Mr. Van Zandt presented a bill to authorize the Commissioner of the General Land Office to furnish county maps to the several counties of the State. Referred to the Committee on State Affairs.

The resolution offered on yesterday by Mr. Brown of Dallas, requiring unfinished business on the Speaker's table to be taken up daily at a quarter past 12 M., was adopted.

Report from the Committee on Town and City Corporations:

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. 402, have considered the same, and instruct me to report the same back to the House, and recommend that it do pass.

WOOD, Chairman.

The bill, being "An act to incorporate the Milam Real Estate and Immigration Association," was read second time and ordered engrossed.

On motion of Mr. Wood, 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 Town and City Corporations, to whom was referred House bill No. 227, entitled "An act to re-incorporate the town of Denton, in the county of Denton," have considered the same, and instruct me to report the same back to the House, and recommend that it do pass.

WOOD, Chairman.

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

On motion, 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 Town and City Corporations, to whom was referred House bill No. 272, "An act to amend an act to incorporate the city of Rockport," have carefully 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 was read a second time by caption and ordered engrossed.

On motion, the rules were dispensed with, the bill read 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 Town and City Corporations, to whom was referred House bill No. 216, have considered the same, and instruct me to report the same back to the House and recommend that the same do pass.

WOOD, Chairman.

The bill, being a bill to be entitled "An act prohibiting the sale of spirituous liquors within two miles of the high school at Summerfield, Upshur county, Texas," was read second time and ordered engrossed.

On motion, the rules were suspended, the bill read by caption 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 Town and City Corporations, to whom was referred Senate bill No 49, to amend the charter to the Galveston City College and Hospital, have carefully considered the same, and believe that sections eleven and fourteen are open to objections. Section eleven allows said hospital to charge one dollar per day for all citizens of Texas, not residents of the county of Galveston, who may be placed in said hospital upon the permits of the mayor of Galveston, and the presiding

justice of said county, and ten dollars fee for the burial expense of each patient who may die in said hospital. This tax to be a charge against the Treasury of the State. From the best information that the committee can obtain, the probability is, that this charge would run up against the State, per annum, from \$20,000 to \$24,000. Indeed, there is no limitation in the bill to the amount. In the depleted state of the Treasury the committee cannot recommend that such a charge be created against the State; indeed, they doubt the expediency of allowing any charge against the State. While it may be true that the city of Galveston receives over her share of the poor unfortunates of the State, it must be borne in mind that it is by the influx of the citizens of the State within the city limits, for business and pleasure, that the city of Galveston derives her thrift and profit; and while it is the duty, under the law, for each county to provide for the poor and destitute in their limits, they see no special reason why the State should relieve the city and county of Galveston of this charge. But, under the special circumstances, the committee recommend the adoption of section eleven, with the appended amendments.

As to section fourteen of the bill, which authorizes the dissection of the bodies of persons dying in the hospital, a majority of the committee cannot recommend it. While they admit the necessity for the benefit of medical science, they believe the feelings and sense of society will be less shocked by the college obtaining subjects for dissection as has usually been the custom heretofore, to-wit: in a clandestine manner.

Hence the committee recommend the passage of the bill with the accompanying amendmensts.

WOOD, Chairman.

1. Wherever "chief justice" occurs in the bill, strike out and insert "presiding justice."

2. Add to the end of section eleven, "*and provided further*, that the State shall not be liable in any event for charges mentioned in this section for more than five thousand dollars per annum."

3. Strike out section fourteen.

4. Add the following names of incorporators in section one: U. G. M. Walker, of Etna, Cherokee county; Sampson Egan and W. S. Rayfield, of Jefferson, Texas; and W. J. Goodman, of Tyler, Texas.

The amendments were adopted, the bill read a second time by caption and passed to a third reading.

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

Further report from same committee :

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

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No 210, entitled "An act to incorporate the town of Whitesborough, in Grayson county," have carefully considered the same, and instruct me to report the same favorably, and recommend that the same pass.

WOOD, Chairman.

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

On motion the rules were suspended, the bill read by caption 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 Town and City Corporations, to whom was referred House bill No. 256, "An act to incorporate the Hebrew Benevolent Society of Calvert, in Calvert, Robertson county," have considered the same, and instruct me to report said bill with the recommendation that it do pass.

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 by caption and passed.

Further report from same committee :

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

SIR: Your committee to whom was referred House bill No. 218, to be entitled "An act to incorporate Pioneer Fire Company, No. 1, of the city of Corpus Christi," have examined the same, and instruct me to report it back and recommend that it do pass.

DAVENPORT, for Committee.

On motion, the bill was read by caption a second time and ordered engrossed.

On motion, the rules were suspended, the bill read by caption 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 Town and City Corporations, to whom was referred a bill to incorporate the town of Nelsonville, in the county of Austin, have considered the same and instructed me to report the same back to the House and recommend its passage.

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 by caption and passed.

Further report from 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 the petition of the citizens of the town of Helena, Karnes county, asking the passage of a law to prohibit the sale of liquor in the said town of Helena and in four miles of the same, have carefully considered the same, and have to say that to grant the prayer of said petitioners would be to violate the Constitution of the State, as that instrument expressly deprives the Legislature of the power to prohibit the sale of liquor at the county town ; and however the committee might desire as a matter of public policy to grant the prayer of petitioners they have no power to do so. They therefore report unfavorable to the prayer of petitioners.

WOOD, 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 Town and City Corporations, to whom was referred House bill No. 318, have considered the same, and instruct me to report the same back to the House, and recommend that it do pass.

WOOD, Chairman.

The bill, being "An act to repeal section sixty of an act entitled an act concerning private corporations, approved December 2, 1871," was read by caption a second time and ordered engrossed.

On motion, the rules were suspended, the bill read by caption 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 Town and City Corporations, to whom was referred House bill No. 357, have considered the same, and report the same back to the House, and recommend its passage with the following amendment.

WOOD, Chairman.

Amendment—Strike out the fourth section.

The bill, being “An act to incorporate Owensville High School,” was read a second time, the amendment offered by the committee adopted, and the bill ordered engrossed.

On motion, the rules were suspended, the bill read by caption 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 Town and City Corporations, to whom was referred House bill No. 293, have considered the same, and instruct me to report the same back to the House and recommend that it do pass.

WOOD, Chairman.

The bill, being “An act to incorporate the Lee Fire Engine Company No. 5, of the city of Galveston,” was read by caption the second time and ordered engrossed.

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

Report from Committee on Roads, Bridges and Ferries:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred a bill to be entitled “An act to authorize H. B. Boston, Al. Hamilton and R. B. Hudson to erect a pontoon bridge over the Guadalupe river, in the county of DeWitt,” have had the same under consideration, and instruct me to report it back and recommend its passage.

HARRISON, Chairman.

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

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

Report from the Committee on Claims and Accounts:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: The Committee on Claims and Accounts, to whom

was referred a joint resolution making an appropriation to reimburse the committee, to-wit, A. T. Watts, J. T. Smith and Wm. Green, for expenses incurred in going to and returning from Madison county, have examined the same, and instructed me to report it back, and recommend its passage.

GASTON, Chairman.

The joint resolution making an appropriation for certain purposes, whose passage was recommended by the committee in the above report, was read a second time, and ordered engrossed.

On motion, the rules were suspended, the resolution read by caption a third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson of McLennan, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Denton, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Kemble, Killough, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rimes, Robb, Rosborough, Russell, Sayers, Shelton, Short, Schmidt, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Westfall, Williams and Wood—67.

Nays—None.

Under the rule of the House, the unfinished business on the Speaker's table was taken up.

The following communication from the Comptroller of Public Accounts was read:

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS,

AUSTIN, March 27, 1873. }

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

SIR: I have, in obedience to a resolution of the House of Representatives, the honor to hand you herewith copies certified of itemized accounts approved and filed in this office, for contingent expenses of the Thirteenth Legislature for both houses, etc.

Very respectfully,

A BLEDSOE, Comptroller.

The accompanying exhibits were referred to the Committee on Contingent Expenses.

The following communication from the Treasurer of the State was read, and the accompanying exhibits referred to the Committee on Contingent Expenses:

TREASURY DEPARTMENT, STATE OF TEXAS, }
AUSTIN, TEXAS, March 25, 1873. }

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

SIR: In obedience to the following resolution passed by your honorable body on the twenty-fourth inst., viz: "*Resolved, further, That the Treasurer be required to furnish to this House a full statement of all warrants for stationery and other contingent expenses of the Thirteenth Legislature paid at the Treasury, specifying in each item whether the same is for the Senate or the House of Representatives, giving the date and number of each warrant, and in whose favor drawn, and to whom, and when paid.*" I have the honor to submit the accompanying statement.

B. GRAHAM, State Treasurer.

House bill No. 64, to aid the financial condition of Cameron county, was taken up.

The following amendments offered by the Senate were adopted:

1. Amend section two, line three, before the word "tax" by inserting the word "license."

2. Amend same section, line six, after the word "states," by inserting the words "on the issuance of the license therefor."

The bill thus amended then passed.

Senate bill No. 11, "An act to repeal an act entitled an act to establish a State Police, and provide for the regulation and government of the same, approved July 1, 1870," was taken up and read second time.

House bill No. 236, "An act to repeal an act entitled an act to establish a State Police, and provide for the regulation and government of the same, approved July 1, 1870, also to repeal an act entitled an act to amend an act entitled an act to establish a State Police and provide for the regulation of the same, approved May 2, 1871," offered as a substitute for Senate bill No. 11, was read second time and ordered engrossed.

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

Senate concurrent resolution providing for the consolidation of the House and Senate committees on redistricting the State, was adopted.

House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purposes therein expressed," was taken up, the amendment offered thereto by the Senate concurred in, and the bill thus amended passed.

Senate bill No. 96, "An act to amend an act entitled an act to incorporate the town of Bonham, in Fannin county, approved August 13, 1870," was read by caption and referred to the Committee on Town and City Corporations.

Senate bill No. 102, "An act for the relief of the heirs of Anthony McGee," was read first time by caption, and referred to the Committee on Private Land Claims.

Senate bill 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," was read first time by caption and referred to Judiciary Committee No. 1.

Senate bill No. 116, "An act for the relief of Lyncurgus E. Griffith," was read first time by caption and referred to the Committee on Private Land Claims.

Senate bill No. 136, "An act to amend article seven hundred and sixty-six of the Penal Code," was read first time by caption and referred to Judiciary Committee No. 2.

Senate bill No. 159, "An act to provide for frontier defense, and for the organization of a regiment of cavalry for that purpose," was read first time by caption and referred to the Committee on Military Affairs.

Senate bill No. 174, "An act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate said town as the city of Sherman," was read first time by caption and referred to the Committee on Town and City Corporations.

Senate bill No. 125, "An act to authorize the County Court of Parker county to levy and collect a special tax for the term of two years, to repair the old jail or build a new one, and to repair the court house in the town of Weatherford, in said county," was read first time by caption and referred to the Committee on Town and City Corporations.

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

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

No. 19, a bill to be entitled "An act concerning town and city corporations."

No. 52, "A bill to establish a uniform time for holding municipal elections in this State."

No. 115, an act entitled "An act to refund to J. J. Gathings a sum of money therein specified, and to provide for the payment of the same."

No. 155, a bill to be entitled "An act for the protection of the farming interest of the State."

No. 251, "An act to incorporate Leesburg Institute, in Upshur county, Texas."

No. 443, a bill to be entitled "An act to incorporate the town of Cuero, in DeWitt county."

No. 469, "An act to incorporate the Farmers' Cotton Press Company."

No. 532, a bill to be entitled "An act to amend an act regulating elections," passed at the present session of the Legislature."

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. 68, "An act to authorize and require sheriffs and constables to serve process issued by either house of the Legislature, or by any committee thereof," and find the same correctly enrolled, and have presented the same this day at 12:15 o'clock P. M. to the Governor for his signature.

WOOD, Chairman.

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

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, No. 233, "An act regulating elections," and find the same correctly enrolled, and have presented the same to the Governor at 1 o'clock, P. M., to-day, for his approval.

WOOD, for Committee.

On motion of Mr. Rimes, the vote of this morning, passing House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed," was reconsidered, and the bill laid on the table.

House bill No. 115, an act entitled, "An act to refund to J. J. Gathings a sum of money therein specified, and to provide for the payment of the same," was taken up.

Pending the discussion, on motion of Mr. Payne, the House adjourned until 9:30 A. M., to-morrow.

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

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

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

Mr. Smith of Colorado offered a memorial of W. B. Scates, asking for relief. Read and referred to the Committee on Pensions.

Mr. Powers offered a memorial of M. M. Stevens. Referred to the Committee on Pensions.

Mr. Short offered a petition of citizens of Angelina county, for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Van Zandt presented a bill to repeal an act entitled "An act to prohibit the sale of intoxicating liquors within certain limits of Johnson Station high school, in the town of Johnson Station, in Tarrant county." Referred to the Committee on Education.

Mr. Robb presented a bill to change and define the boundary lines of Trinity county, and to provide for the further organization of the same. Referred to the Committee on Counties and County Boundaries.

Also, a bill to change the dividing line between the counties of Houston and Trinity. Referred to the Committee on Counties and County Boundaries.

Also, a bill to establish and organize the county of Naches. Referred to the Committee on Counties and County Boundaries.

Mr. Ireland presented a bill to repeal "An act supplemental to and amendatory of an act entitled an act to regulate proceedings in the district courts, approved October 20, 1866." Referred to Judiciary Committee No. 2.

Mr. Booty being in the chair, Mr. Taylor presented a bill to incorporate the city of Jefferson, in Marion county,

and to repeal all laws heretofore passed incorporating said city, or amendatory thereof.

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

On motion of Mr. Taylor, the bill was read second time by caption and ordered engrossed; the rules further suspended, bill read by caption a third time and passed.

Mr. Chambers presented a bill to incorporate the town of Farmersville, Collin county, Texas. Referred to the Committee on Town and City Corporations.

Also, a bill to incorporate the town of Plano, in Collin county, Texas. Referred to the Committee on Town and City Corporations.

Mr. Ireland offered the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That his Excellency the Governor be and he is hereby authorized to sell or hypothecate the State bonds now in the hands of Williams & Guion, in the city of New York, and apply so much of the proceeds as may be necessary to the liquidation of the indebtedness of the State to the said Williams & Guion, and place the remainder in the State Treasury to the credit of the general fund.

Adopted.

On motion of Mr. Hollingsworth, Mr. Broaddus was excused for one day.

A message from the Senate announced the passage by that body of House bills No. 437, "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;" No. 154, "An act to provide for the election of city officers for the city of Columbus, and to regulate their duties," with amendments offered thereto by the Senate; and that the Senate had agreed to the amendments by the House to Senate bill No. 49, a bill supplemental to and amendatory of "An act to incorporate the Galveston Medical College Hospital, approved May 31, 1871."

By leave, Mr. Killough presented a bill to incorporate the Ledbetter and LaGrange Railway Company. Referred to the Committee on Internal Improvements.

The unfinished business of yesterday, being House bill No. 115, "An act entitled an act to refund to J. J. Gath-

ings a sum of money therein specified, and to provide for the payment of the same," was taken up.

The question being upon its passage, the yeas and nays being called, resulted as follows:

Yeas—Messrs. Anderson of McLennan, Armstrong, Bewley, Bledsoe, Bordeaux, Brown of Dallas, Doyle, Ford, Ghent, Gillette, Gilpin, Hester, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Manning, Noeggerath, Payne, Prendergast, Rimes, Robb, Rosborough, Sayers, Smith of Houston, Thurmond, Van Zandt, Veale, Venters and Wood—31.

Nays—Messrs. Speaker, Abbott, Adriance, Berends, Booty, Carroll, Chambers, Cook, Denton, Eastland, Ellett, Gallaway, Gaston, Green, Harrison, Ireland, Lane, Mabry, McDonald, Moore, Nelson, Powers, Roberts, Russell, Schmidt, Shaw, Smith of Colorado, Storey, Tilson, Tivy, Trolinger, Watts, Westfall and Williams—34.

Whereupon the bill was declared to have failed on its passage.

Report from the Committee on Claims and Accounts:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: The Committee on Claims and Accounts, to whom was referred a bill to be entitled "An act for the relief of C. R. Gibson, district clerk of Ellis county, and J. Em. Hawkins, district attorney," have examined the same and believe it to be just and correct, therefore they have instructed me to report it back and recommend its passage.

GASTON, Chairman.

On motion of Mr. Kemble, the bill was recommitted to the Committee on Claims and Accounts.

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

SIR: The Committee on Claims and Accounts, to whom was referred "An act for the relief of G. W. Patterson & Son," have considered the same and believe it just and correct, and have instructed me to report it to the House and recommend its passage.

GASTON, Chairman.

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

Further report from the same committee:

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

SIR: Your Committee on Claims and Accounts, to whom was referred the petition of J. M. Rodrigues, of Webb county, praying to be released from the payment of the sum of \$654.35, United States currency, which he collected while tax collector of said county, and sent to his brother, A. A. Rodrigues, at San Antonio, who paid the same to one C. V. Picque, to be turned over to C. R. Johns & Co., Austin. But the said C. V. Picque failed to pay the same, and absconded to parts unknown. The committee have carefully examined the subject, and do not believe the facts will justify them in granting the prayer of petitioner, therefore they have instructed me to report it back and ask to be relieved from the further consideration of the same.

GASTON, 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 of the State of Texas :

SIR: Your Committee on Claims and Accounts, to whom was referred a bill to be entitled "An act making an appropriation to pay the salary of Hon. Lipscomb Norvell, as special Judge of the District Court of Tyler county," have duly considered the same, and instruct me to report it back to the House and recommend its passage.

GASTON, Chairman.

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

Further report from same committee :

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

SIR: Your Committee on Claims and Accounts, to whom was referred House bill No. 239, entitled "An act for the relief of W. M. Jackson," have carefully considered the same, and instruct me to report it back to the House, and recommend its passage.

JOHN ADRIANCE, for Committee.

The bill was read a second time and ordered engrossed.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Armstrong, Berends, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Doyle, Denton, Eastland, Ellett, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills, Moore, Nelson, Noeggerath, Payne, Powers, Prendergast, Rimes, Roberts, Rosborough, Russell, Sayers, Schmidt, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Veale, Westfall, Williams and Wood—65.

Nays—Messrs. Bledsoe, Tom and Venters—3.

Leave being granted, on motion of Mr. Rimes, House bill No. 179, "An act to authorize the County Court of Falls county to levy and collect a special tax for the purpose therein expressed," was taken up, the question being upon the amendment offered thereto by the Senate. The House refused to concur in the Senate amendment.

On motion of Mr. Hollingsworth, House bill No. 490, a bill to be entitled "An act to establish a system of public free schools for the State of Texas," was taken up and made the special order for Tuesday next, at 11 A. M.

Report from Committee on Printing and Contingent Expenses:

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

SIR: Your Committee on Printing and Contingent Expenses, to whom was referred Senate bill No. 179, entitled "An act making an appropriation for the payment of the expenses of the several contested election cases and special investigations before the present Legislature," having carefully considered the same, instruct me to report it back and recommend its passage.

J. N. DOYLE, Chairman *pro tem.*

On motion of Mr. Mills, the bill was referred to Judiciary Committee No. 1.

The Committee on Private Land Claims reported as follows:

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

SIR: Your Committee on Private Land Claims have had under consideration Senate bill No. 48, "An act authorizing the patenting of a certain bounty warrant

therein named," and instruct me to report the same back to the House, with recommendation that it do pass.

C. L. ABBOTT, for Committee.

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

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 Private Land Claims have had under consideration Senate bill No. 5, "An act for the relief of the heirs and assigns of Haynes Crabtree, deceased," and instruct me to report the same back to the House, with recommendation that it do pass.

C. L. ABBOTT, for Committee.

The bill was read second time; the rules suspended, read 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 Private Land Claims, to whom was referred House bill No. 344, validating a certain land warrant, have duly considered the same, and a majority of the committee have instructed me to report it back to the House and recommend that it do pass.

W. R. LANE, Chairman.

The bill was read second time and ordered engrossed.

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

Further report from the same committee :

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

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 304, to validate bounty land warrant issued to John B. Fox, have carefully considered the same, and instruct me to report the same back to the House and recommend that the same do pass.

SMITH, for Committee.

The bill was read a second time and ordered engrossed.

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

Further report from the same committee :

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

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 421, for the relief of the heirs of James N. Shell, deceased, have considered the same, and a majority of the committee instruct me to report the same back to the House and recommend its passage.

LANE, Chairman.

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

Further report from same committee :

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

SIR: Your committee to whom was referred House bill No. 284, for the relief of L. W. Ludlow, have considered the same, and a majority of the committee instruct me to report the same back to the House and recommend that it do pass.

LANE, Chairman.

The bill was read second time and ordered engrossed.

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

Further report from same committee :

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

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 403, entitled "An act for the relief of the heirs of John Short, deceased," had the same under consideration, and a majority of the committee instruct me to report the same back to the House and recommend its passage.

LEYENDECKER, for Committee.

The bill was read 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 Private Land Claims, to whom was referred House bill No. 468, for the relief of J. Lancaster, having had the same under consideration, beg leave to report the same back to the House and recommend its passage.

ROBB, for Committee.

The bill was read 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 Private Land Claims, to whom was referred Senate bill No. 53, having had the same under consideration, unanimously direct the same to be reported back to the House and recommend its passage.

ROBB, for Committee.

The bill, being "An act for the relief of John H. Jenkins," was read second time and passed to the third reading.

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 Private Land Claims, to whom was referred House bill No. 420, having had the same under consideration, direct the same to be reported back to the House, recommending its passage.

ROBB, for Committee.

The bill, being "An act for the relief of the heirs of Wm. Garnett," was read second time and ordered engrossed.

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

Further report from the same committee :

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

SIR: Your Committee on Private Land Claims, to whom was referred House bill No., for the relief of the heirs of Rev. Martin Ruter, deceased, having had the same under consideration, direct that the same be reported back to the House, recommending its passage.

BOBB, for Committee.

The bill was read second time and ordered engrossed.

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

On motion of Mr. Tom, special leave therefor being granted, the Committee on Public Lands reported back

House bill No. 477, to authorize the Commissioner of the General Land Office to issue a land warrant to William Caruthers, and recommended its transfer to the Committee on Private Land Claims; which recommendation was complied with.

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

No. 149, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841."

No. 217, "An act to authorize the County Court of Rusk county to issue bonds for the purpose of funding the indebtedness of said county, and to provide for their payment."

No. 169, "An act to authorize the Police Court of Grayson county to contract for the building of a court house in said county."

No. 160, "An act for the relief of Obadiah P. Reams."

No. 222, "An act supplementary to an act to amend the first section of an act entitled an act for the incorporation of the city of Paris, in the county of Lamar, approved August 10, 1870, approved May 23, 1871."

No. 221, "An act making an appropriation for the removal of the remains of Captain Thomas Williams and others, and their burial in the State cemetery."

No. 52, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six, and three hundred and forty-one of an act entitled an act prescribing the mode of procedure in District Courts in matter of probate, approved August 15, 1870."

By leave, Mr. Brown of Dallas presented a joint resolution in relation to the rooms in the Capitol building, which was read first time; the rules suspended, read a second time by caption and ordered engrossed.

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

Report from special committee upon the application of citizens of Collin county for a new county:

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

SIR: Your special committee, to which was referred the petition of citizens of Collin county, praying for the creation of a new county out of a portion of the territory of Collin county, after carefully considering the same instruct me to submit the following report: That the boundaries of Collin county are perfectly regular, and that it contains less than nine hundred square miles; that the county seat of Collin county is very near the center of the county; that these facts alone constitute strong reasons why said county should not be dismembered.

The petitioners base their application to the creation of a new county mainly upon the grounds that they are separated from their county seat by three streams, which at certain seasons of the year are so swollen as to be very difficult to cross, thus subjecting the citizens of the eastern portion of Collin county—constituting the territory out of which they ask the creation of a new county—to great inconveniences in getting to their county seat and sometimes to a failure to get there at all to attend their courts. Your committee have ascertained that these streams are all spanned by substantial bridges, and during the greater portion of the year they constitute no impediment whatever in getting to and from the county seat. Your committee are of opinion that it would be far better for the county of Collin, whose lands are fertile, and which contains a dense and wealthy population, to build free bridges across the streams that give inconvenience to the citizens living east of them, than that it should be divided into two counties, each of which would be much smaller than what is thought by many lawyers to be an absolute constitutional requirement. Your committee think that there are many counties in the State which suffer greater inconveniences of the same nature than do the petitioners, whose claims are before us, and that to create this new county for the reasons on which this application is based would establish a precedent that would endanger the territorial integrity of almost every county in the State. The petition is herewith returned with a recommendation that the prayer of petitioners be not granted.

BOOTY, Chairman.

Report from the special committee upon the question of the power of the Legislature to sell the lands surveyed for the counties for the purposes of education :

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

SIR: Your special committee, to whom was referred the question of the powers of the Legislature to sell the lands surveyed for the counties for the purposes of education, respectfully report that they have examined the question, and state that it is the unanimous opinion of your committee that it is in the power of the Legislature to sell said lands; and further report that your committee believe that it is to the general interests of the State, and the citizens thereof, that said lands be sold, and present herewith a bill providing for the sale of said lands, and recommend its passage.

NELSON, Chairman.

The bill, being "An act to provide for the sale of all lands heretofore given to counties for the purposes of education," was read first time, laid on the table, and one hundred copies ordered printed.

By leave, Mr. Ireland presented a bill making an appropriation to pay Frank E. McManus one months salary as special judge of the Fifteenth Judicial District.

The bill was read first time; the rules suspended, read second time and ordered engrossed.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Bledsoe, Bordeaux, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Denton, Doyle, Eastland, Ellett, Ford, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Payne, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sayers, Schmidt, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Westfall, Williams and Wood—62.

Nays—None.

By special leave, Mr. Smith of Colorado offered the following resolution:

Resolved, That the Hon. Gustave Cook and Erick Schmidt, members of this House from the Fourteenth Senatorial District, be entitled to their per diem from the

fourteenth day of January, 1873, the day on which they presented their memorial, contesting the seats of the then seated members from that district, and that the clerk do issue certificates to them accordingly.

Adopted.

Report from Judiciary Committee No. 1:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 364, have considered the same, and have directed me to report the bill back to the House, with recommendation that it pass.

G. W. SMITH, Chairman.

The bill, being a bill to validate the quadruplicate certificate for one league and one labor, issued April 4, 1872, to the heirs of Nathan Nixon, deceased, was read second time and ordered engrossed.

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

Further report from same committee:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 7, to provide for the resignation of Judges of the Supreme Court at the age of seventy years, with full pay for the residue of their respective terms, have considered the same, and have instructed me to report a substitute for the bill, which provides for the resignation of the present Chief Justice, on account of his physical inability to perform the duties of the office, which is thought to be permanent, and to recommend the passage of the said substitute, herewith reported.

G. W. SMITH, Chairman.

The bill having been read, the substitute offered by the committee, being a bill to allow the present Chief Justice of the Supreme Court of this State to resign and retire from the bench, with full pay, for the residue of his term, was read and adopted.

Mr. Morris moved to recommit the bill to Judiciary Committee No. 1.

Mr. Sayers moved the previous question, which being seconded, was put and carried, and bill then passed to engrossment.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Bledsoe, Booty, Bordeaux, Brown of Dallas, Carroll, Chambers, Denton, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gilpin, Green, Hester, Hollingsworth, Ireland, Kemble, Kleberg, Mills, Moore, Payne, Powers, Prendergast, Rosborough, Sayers, Schmidt, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tom, Venters, Walker, Watts, Westfall and Wood—42.

Nays—Messrs. Cook, Cunningham, Day, Doyle, Killough, Lane, Leyendecker, Mabry, Manning, McDonald, Morris, Nelson, Rimes, Roberts, Russell, Shaw, Shelton, Tilson, Tivy, Trolinger, Van Zandt and Williams—22.

By leave, Mr. Hollingsworth offered the following resolution :

Be it resolved by the House of Representatives, That the Speaker be authorized to appoint a committee of three to visit the State penitentiary for the purpose of inspecting the same and ascertaining the necessity for the establishment of one or more branch penitentiaries, and report to this House the result of their investigations by bill or otherwise.

Adopted.

The Speaker announced the following gentlemen appointed the special committee called for by the above resolution: Hollingsworth, Mills and Sayers.

Unfinished business on the Speaker's table :

Senate bill No. 194, to incorporate Concrete College, was read first time and referred to Committee on Town and City Corporations.

House bill No. 254, "An act to authorize the County Court of Upshur county to issue interest-bearing bonds to finish paying for the building of the court house of said county, and to levy and collect a tax to pay the same," was read third time and passed.

House bill No. 380, "An act to incorporate the South Sulphur Bridge and Turnpike Company," was read third time and passed.

House bill No. 154, "An act to provide for the election of city officers for the city of Columbus, and to regulate their duties," was taken up.

The amendments offered thereto by the Senate were read and concurred in, and the bill thus amended passed.

House bill No. 178, "An act to authorize the County Court of Navarro county to levy and cause to be collected

a special tax, and to apply the same," was read second time, and ordered engrossed.

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

House bill No. 197, "An act to authorize county courts to levy a road and bridge tax, and to improve roads and bridges," was read second time, laid on the table, and one hundred copies ordered printed.

On motion of Mr. Kleberg, Mr. Leyendecker was added to the Committee on Immigration.

On motion of Mr. Hester, Mr. Westfall was added to same committee.

House bill No. 173, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of the institution of learning situated at Woods, in Panola county, Texas," was read second time, and ordered engrossed.

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

Senate bill No. 190, "An act to incorporate the City Bank of Sherman," was read second time, and referred to Judiciary Committee No. 2.

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

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

No. 213, a bill to be entitled "An act prohibiting the sale of spirituous liquors within two miles of the high school at Summerfield, Upshur county, Texas."

No. 218, an act to be entitled "An act to incorporate the Pioneer Fire Company No. 1, of the city of Corpus Christi, State of Texas."

No. 256, "An act to incorporate the Hebrew Benevolent Society of Calvert, Robertson county, Texas."

No. 293, "An act to incorporate the Lee Fire Engine Company No. 5, of the city of Galveston."

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

No. 429, "An act to authorize H. B. Boston, A. Hamilton and R. B. Hudson to erect a pontoon bridge over the Guadalupe river, at the town of Clinton, in DeWitt county, Texas."

No. 539, "An act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city or amendatory thereof."

And find the same correctly engrossed.

BOOTY, Chairman.

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

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

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

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

Mr. Westfall offered a petition of citizens of Williamson and Bastrop counties, asking the creation of a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Rimes offered a remonstrance against dividing Falls county. Referred to the Committee on Counties and County Boundaries.

Mr. Brown of Dallas offered a petition of citizens of Dallas county for private roads. Referred to the Committee on Counties and County Boundaries.

Mr. Payne offered a petition of citizens of Jackson county for the Ohio liquor law. Referred to Judiciary Committee No. 2.

Mr. Eastland offered a petition of citizens of Anderson county. Referred to the Committee on Counties and County Boundaries.

Mr. Prendergast offered a remonstrance of citizens of Limestone county against its dismemberment. Referred to the Committee on Counties and County Boundaries.

Mr. Bledsoe offered a memorial of citizens of Johnson county, asking for a law prohibiting the sale of intoxicating liquors within two and a half miles of the town of Grand View, in said county. Referred to the Committee on Education.

Mr. Gilpin offered a memorial of the city council of Brownsville. Referred to the Committee on Internal Improvements.

Mr. Booty offered a petition of citizens of Mount Enterprise, Rusk county. Referred to the Committee on Town and City Corporations.

Mr. Denton offered a petition of citizens of Wilson county, praying for the passage of a law prohibiting the sale of intoxicating liquors within five miles of Lavernia Male and Female Academy. Referred to Judiciary Committee No. 1.

Mr. Russell offered a petition of citizens of Wood county, for the relief of J. P. Williams, sheriff of said county. Referred to the Committee on State Affairs.

Mr. Bledsoe offered a memorial of citizens of Johnson county, asking the passage of a law prohibiting the sale of intoxicating liquors within two miles of Lee Academy. Referred to the Committee on Education.

Mr. Bordeaux offered a petition of citizens of Cooke county, asking authority for the County Court of said county to issue bonds for the purpose of building a court house and jail. Referred to the Committee on State Affairs.

Mr. Tom offered a copy of resolutions and petition of the City Council of Brownsville. Referred to the Committee on Internal Improvements.

On motion of Mr. Kleberg, Mr. Schmidt was excused for three days.

On motion of Mr. Denton, Mr. Anderson was excused for ten days.

Mr. Gallaway presented a bill to incorporate Gilmer Lodge No. 128, I. O. O. F., in Upshur county, Texas. Referred to the Committee on Town and City Corporations.

Mr. Manning presented a bill to prohibit the sale or gift of intoxicating liquors within two miles of Owensville High School, Robertson county, Texas. Referred to the Committee on Education.

Mr. Adriance presented a bill to incorporate the Texas Ice Company. Referred to the Committee on Commerce and Manufactures.

Mr. Carroll presented a bill to incorporate Davilla Institute, in Milam county. Referred to the Committee on Education.

Mr. Adriance presented a bill to amend the first section of "An act to incorporate the Texas Banking and Insurance Company, approved July 1, 1870." Referred to the Committee on Commerce and Manufactures.

Mr. Gaston presented a bill to establish a bridge or ferry across the Sabine river, at Green's crossing, in the counties of Smith and Wood. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Killough presented a joint resolution for the relief of the widow of the late Hon. Louis Frankee, deceased. Referred to the Committee on State Affairs.

Mr. Bordeaux presented a bill to incorporate the Bridgeport Bridge Company, in Wise county. Referred to the Committee on Roads, Bridges and Ferries.

Mr. McDonald presented a bill to amend "An act entitled an act to regulate the estraying of stock in the State of Texas, approved October 26, 1866." Referred to the Committee on State Affairs.

Mr. Bledsoe presented a bill to amend section eight of "An act entitled an act concerning divorce and alimony, approved January 6, 1841." Referred to Judiciary Committee No. 2.

Mr. Powers presented a bill to incorporate the Brazos, Santiago and Rio Grande Canal Company. Referred to the Committee on Internal Improvements.

Mr. Storey, by bill, called up House bill No. 48, a bill to be entitled "An act regulating juries," to which he offered the following amendment:

Amend by inserting in line nine, section one, before the word "felony," the words "any theft or."

The amendment was adopted, the bill read a third time and passed.

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

House bill No. 82, a bill to be entitled "An act to authorize the County Court of Maverick county to issue interest bearing bonds, and to levy a tax to pay the same."

House bill No. 81, "An act to amend an act to authorize the transcript of the records of the County Court of Bowie county."

House bill No. 164, "An act to prohibit the sale or otherwise disposing of intoxicating liquors within two miles of the Acton Masonic Institute, in Hood county."

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

House bill No. 278. "An act to prohibit the sale of vinous or spirituous liquors within two miles of Midway, Madison county, Texas."

House concurrent resolution, inviting 40,000 Menonites from the Crimea to settle in Texas.

Senate bill No. 195, "An act to regulate proceedings upon applications for *mandamus* and *quo warranto*."

Senate concurrent resolution, inviting Mr. Jefferson Davis to extend his visit to the capital, and instructing the President of the Senate to furnish him a copy of said resolution.

Mr. Veale rose to a personal explanation, disclaiming for himself and on behalf of the delegation from his district, the authorship of an article in the *State Journal* of the twenty-eighth inst., entitled "The Frontier and its Friends," signed "Palo Pinto." He also affirmed the full confidence of the people of his district in regard to the matter of frontier protection.

Report from Judiciary Committee No. 1 :

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 354, entitled "An act to regulate the fees of office," have had the same under consideration, and have directed me to report the bill to the House with a number of amendments herewith reported, and to recommend the passage of the bill with the said amendments.

SMITH, Chairman.

1. Insert after the word "dollar" in line sixteen, section one, as follows: "except bonds of recognizance or obligations for costs, for which no fee shall be charged."

2. Add at end of the fourteenth line, on page eight, these words: "when ordered by the court on the application of either party to the suit."

3. Strike out the words "one dollar" in the seventh line from the bottom of page three.

4. Strike out the word "four" in the twelfth line from the bottom, on page five, and insert the word "five."

5. At the end of the fifth line on page six insert these words: "For traveling to serve subpoenas and attachments for witnesses, *caapias*, and writs of arrest, he shall be allowed mileage at the rate of two and one-half cents per mile, going and returning home, actually traveled over the most direct route; *provided*, he executes the writ or process; and when he executes two or more of them on the same trip, he shall charge mileage but once for the

distance actually traveled over the most direct route, and apportion it among the writs executed or served on that trip."

6. At the end of the fourth line in section four, on page six, insert: "When deemed necessary by the coroner, he shall summon some skillful surgeon or physician to aid in the *post mortem* examination, and it is made his duty to make such a thorough examination of the dead body as he, the coroner, or the jury, shall deem proper, and for his services he shall be entitled to a fee not to exceed ten dollars, to be allowed by the County Court and paid by the county treasurer."

7. That no county shall be held liable for any fees in any cause, civil or criminal, except as herein provided for by this act; *provided*, this shall not affect the liabilities of the counties for the board of prisoners, and juries in felony cases, as now provided for by law, and for conveying prisoners.

Mr. Westfall moved to amend by inserting in line eight, amendment six, after the words "ten dollars," "and mileage."

The House refused to adopt the amendment.

Mr. Morris moved to amend the fifth amendment by striking out all that portion allowing a sheriff mileage for serving the various processes from the courts.

Pending that motion, Mr. Ireland moved to lay the bill on the table, and have one hundred copies printed for the use of the House, which motion carried.

A message from the Senate announced the passage by that body of House bill No. 552, a bill to be entitled "An act to amend an act regulating elections, passed at the present session of the Legislature," with amendments offered thereto by the Senate.

By leave of the House, Mr. Watts called up Senate bill No. 195, "An act to regulate proceedings upon applications for *mandamus* and *quo warranto*."

The bill having been read first time, Mr. Ellett moved to lay it on the table and have one hundred copies printed, and make it the special order for Wednesday next, at 11 A.M.

Mr. Killough moved to reject the bill.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Armstrong,

Berends, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Washington, Watts, Westfall, Williams and Wood—72.

Nays—Messrs. Ellett and Tivy—2.

The main question was declared to have been ordered.

The main question, being the motion to reject the bill, was put and carried, by the following vote :

Yeas—Messrs. Abbott, Adriance, Armstrong, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Kemble, Killough Kleberg, Leyendecker, Mabry, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Williams and Wood—66.

Nays—Messrs. Berends, Ellett, Gallaway, Joseph, Moore, Tivy and Washington—7.

Mr. Mills moved to suspend the rules, take up House bill No. 441, making appropriation for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for the years 1870, 1871 and 1872, and make it the special order for Monday next at 11 A. M., which motion carried.

By leave, Mr. Russell offered the following resolution :

Resolved, That the special committee appointed by this House, to whom was referred the subject of the revision of the tax laws, fees of office, etc., be instructed to assume gold and silver money as the basis of any bill or bills which they may report to this House on the subject, and that they be further instructed to report at the ear-

liest day possible consistent with a careful discharge of the duty assigned them.

Mr. Wood moved to strike out the words "gold and silver," and insert instead "United States currency."

The discussion of the resolution was cut off by the arrival of the hour for taking up unfinished business.

House bill No. 532, a bill to be entitled, "An act to amend an act regulating elections," passed at the present session of the Legislature, was taken up and read by caption. The amendments offered thereto by the Senate were read and adopted, and the bill thus amended passed.

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 and compared bill No. 29, "An act to provide for the registration of voters," and find the same correct, and have, this twenty-ninth day of March, at 10:30 o'clock, A. M., presented the same to the Governor for his signature.

SHAW Chairman.

Further report from same committee :

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

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, to-wit, No. 437, "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;" bill No. 339, "An act to authorize the county of Dallas to issue bonds;" No. 315, "An act to authorize the County Court of Goliad county to levy and collect a special tax for the purpose of building a court house;" also, bill No. 64, "An act in aid of the financial condition of Cameron county," and find the same correctly enrolled, and have this, the twenty-ninth day of March, at 10:30 o'clock, A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

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 examined the following :

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

No. 527, "House joint resolution amending joint resolution authorizing the Comptroller and Treasurer each to employ two additional clerks."

No. 262, an act to be entitled "An act to amend the seventh section of an act entitled an act to incorporate the city of Rockport, approved May 26, 1871."

No. 114, a bill to be entitled "An act to amend the first section of an act entitled an act to provide for the creating of two counties out of the territory now embraced within the limits of Refugio county, and to provide for their organization, passed September 18, 1871."

No. 344, "An act validating a certain land warrant."

No. 544, "Joint resolution in relation to the rooms in the capitol building."

No. 403, a bill to be entitled "An act for the relief of the heirs of John Short, deceased."

No. 420, "A bill for the relief of the heirs of William Garnett, deceased."

No. 468, "A bill for the relief of J. Lancaster."

No. 239, "A bill for the relief of W. M. Jackson."

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

No. 357, "An act to incorporate Owensville High School."

No. 402, "An act to incorporate the Milam Real Estate and Emigration Association."

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

No. 236, "An act to repeal an act entitled an act to establish a State police, and provide for the regulation and government of the same, approved July 1, 1870, also to repeal an act entitled an act to amend an act entitled an act to establish a State Police, and provide for the regulation of the same, approved May 2, 1871."

No. 7, a bill to allow the present Chief Justice of the Supreme Court of this State to resign and retire from the bench with full pay for the residue of this term.

No. 263, a bill to be entitled "An act to make an appropriation to pay the salary of Hon. Lipscomb Norvell as special judge of the District Court of Tyler county."

No. 545, a bill making an appropriation to pay F. E. McManus one month's salary as Judge of the Fifteenth Judicial District of the State of Texas."

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

No. 533, a bill to be entitled "An act to incorporate the town of Nelsonville, in the county of Austin," and find the same correctly engrossed.

BOOTY, Chairman.

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

The following report from the Committee on Internal Improvements relating thereto was read:

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

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 7, entitled "An act to incorporate the Colorado, Austin and Parker County Railway Company," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage with the following amendments :

1. Strike out the word "Colorado" and insert "Columbus" in the caption of the bill.

2. Add to section eight the following proviso: "*Provided*, that the depots at Columbus shall be on the west side of the Colorado river; *and provided further*, that in case the citizens of Columbus and vicinity shall donate the necessary right of way for road and switches and at least four (4) acres of ground for depot purposes, the depots shall be located within half a mile of the court house.

3. Amend section sixteen by striking out the word "State" before the word "gauge," and insert instead the words "four feet eight and a half inches."

C. M. WINKLER, Chairman.

The bill having been read, the amendments offered by the committee were adopted, and the bill passed to a third reading.

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

Mr. Killough offered the following amendment :

Provided, said corporation shall be subject to all laws that are now in force, or that may be hereafter enacted by

the Legislature regulating railroads and railroad companies.

Adopted.

Mr. Ireland moved to amend section fifteen so as to give said road twenty sections land to the mile, which was adopted.

Mr. Rosborough offered the following amendment:

Amend so as to compel the road to make a depot in each and every county site in five miles of its line, and run regular trips to said depot.

Mr. Wood moved the previous question, which being seconded was put.

The House refused to order the main question.

On motion of Mr. Prendergast, the House then adjourned until 9:30 A. M. Monday morning.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, March 31, 1873. (

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

On motion of Mr. Veale, Mr. Ireland was excused for three days.

On motion of Mr. Bordeaux, Mr. Bewley was excused for one day.

On motion of Mr. Tivy, Mr. Cook was excused for one day.

On motion of Mr. Mills, Mr. Williams was excused for ten days on account of sickness in his family.

On motion of Mr. Brown of Dallas, an error in the journal of Saturday, occurring in the report of the Committee on Enrolled Bills, was corrected.

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

Mr. Kleberg offered a petition of citizens of Calhoun county, asking for the enactment of a law compelling stock raisers to keep their stock under herd or within enclosures. Referred to the Committee on Agriculture and Stock Raising.

Mr. Van Zandt, petition of A. Long of Hill county,

Mr. Smith of Houston, petition of Mrs. K. A. Corley for payment of claim. Both referred to the Committee on Claims and Accounts.

Mr. Cunningham, memorial of citizens of Fannin county, favoring the extension of the corporate limits of Bonham, Texas.

Also, memorial of citizens of Fannin county, protesting against the extension of the corporate limits of Bonham, Texas.

Mr. Bordeaux, petition of citizens of Wise county, asking the incorporation of Decatur, in that county. All referred to the Committee on Counties and County Boundaries.

Mr. Gilpin, memorial from Kinney and adjoining counties, asking protection from the Federal government.

Mr. Prendergast, memorial from G. F. Weissenberg, Superintendent Indian Affairs. Referred to the Committee on State Affairs.

Mr. Smith of Colorado, memorial from citizens of Colorado county. Referred to Judiciary Committee No. 1.

Mr. Venters, memorials from citizens of Wise county. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Mabry, petition for the relief of Jesse Walker. Referred to the Committee on Private Land Claims.

Mr. Rosborough, petition of citizens of Bell county, asking the prohibition of the sale of intoxicating liquors within five miles of Mount Green High School. Referred to the Committee on Education.

Mr. Shaw, petitions of citizens of Cass county. Referred to the Committee on Counties and County Boundaries.

Mr. Gallaway presented a bill making valid the registration of certain deeds and other instruments of writing. Referred to Judiciary Committee No. 2.

Mr. Cunningham presented a bill to incorporate a Savings Bank, in Bonham, Fannin county. Referred to the Committee on Commerce and Manufactures.

Mr. Prendergast presented a bill to amend articles five hundred and twenty-seven and five hundred and twenty-seven *a* of the code of Criminal Procedure. Referred to Judiciary Committee No. 2.

Mr. Booty presented a bill to authorize the County Court of Panola county to levy and collect a special tax. Referred to Judiciary Committee No. 2.

Mr. Brown of Dallas presented a bill fixing the number of officers and employes of each House of the Legislature hereafter. Referred to the Finance Committee.

On motion of Mr. Payne, the special committee on the revision of the revenue laws were granted leave to sit during the session of the House.

On motion of Mr. Robb, Mr. Broaddus was added to the Finance Committee.

The unfinished business of Saturday, being the resolution offered by Mr. Russell, looking to the resumption of specie as a basis for all laws relating to taxes, fees of office, etc., in the State, was taken up, the question being upon the amendment offered by Mr. Wood, substituting United States currency for specie. The amendment was adopted, and the resolution thus amended was then adopted.

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. 449, entitled "An act to prescribe the number of clerks to be employed in the office of the Adjutant General, and fixing the compensation of the same," have considered it, and have instructed me to report the bill back to the House, with request that the same do pass.

G. W. SMITH, 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: Judiciary Committee No. 1, to whom was referred House bill No. 473, entitled "An act to authorize the County Court of Bell county to issue interest-bearing bonds, and levy and collect a special tax for the payment of the same, for building a jail and poor house in said county," have considered the same, and have directed me to report the same back to the House, and to recommend its passage.

SMITH, 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: Judiciary Committee No. 1, to whom was referred House bill No. 222, entitled "An act for the relief of early settlers," have had the same under consideration, and have instructed me to report the bill back with request that it do not pass.

GEO. W. SMITH, Chairman.

The report of the Committee was adopted, and the bill indefinitely postponed.

Further report from same committee :

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

Judiciary Committee No. 1 to whom was referred House bill No. 270, entitled "An act concerning the admission of attorneys and counsellors at law to practice in the Supreme Court," have considered the same and instruct me to report the bill back to the House with amendments herewith reported, with recommendation that it pass with said amendments.

SMITH, Chairman.

1. Insert in twelfth line, of section one, after the word "standing" as follows: "And the oath now required of attorneys of the Supreme Court, made before any notary public of any District Court of this State, and certified to by him with his seal of office."

2. Strike out these words, beginning in the fifth line from the bottom of the first page, after the word application, to-wit: "Nor shall he be required to take any additional oath or affirmation."

The amendments were adopted.

The bill thus amended read second time and ordered engrossed.

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

Further report from same committee :

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

SIR: Judiciary Committee No. 1 to whom was referred House bill No. 482, entitled "An act to aid the construction of the Galveston, Harrisburg and San Antonio Railroad Company," have considered the same, and have instructed me to report a substitute for the bill and recommend its passage.

SMITH, Chairan.

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

On motion of Mr. Abbott the bill was laid on the table, one hundred copies ordered printed, and made special order for Wednesday, April 2, at 11 o'clock A. M.

Further report from same committee:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 483, entitled "An act to aid in the construction of the Gulf, Western Texas and Pacific Railway," have considered the same and have instructed me to report a substitute for the bill and recommend its passage.

G. W. SMITH, Chairman.

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

On motion of Mr. Brown of Dallas, the bill was laid on the table, made special order for Wednesday, April 2, and one hundred copies ordered printed.

Further report from same committee:

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 271, entitled "An act to amend an act entitled an act to adopt and establish a penal code for the State of Texas, approved August 26, 1856," have had the same under consideration, and have directed me to report the bill back to the House with two amendments, and to recommend their adoption, and that it pass with the said amendments.

G. W. SMITH, Chairman.

1. In the first line of the bill, after the word "amend," insert, "article two hundred and eighty-four."

2. Strike out the last four lines of the bill, and at the end of the fifth line from the bottom of the bill, after the word "dollars," insert as follows:

"And may be imprisoned in the county jail not exceeding thirty days, at the discretion of the jury."

The amendments were adopted.

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 Judiciary Committee No. 1, to whom was referred House bill No. 321, entitled "An act to amend article of Paschal's Digest, and to prescribe the caption of interrogatories and mode of service," have considered the same, and have directed me to report it back with the request that it do not pass.

GEO. W. SMITH, Chairman.

The report of the committee was adopted and the bill indefinitely postponed.

Further report from same committee :

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

SIR: Your Judiciary Committee No. 1., to whom was referred House bill No. 363, entitled "An act to amend an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," have considered the same, and direct me to report the bill back with the request that it do not pass. It only proposes to change the present law so as to increase the jurisdiction of justices of the peace from \$100 to \$500, which the committee think not advisable.

GEO. W. SMITH, Chairman.

The report of the committee was adopted and the bill indefinitely postponed.

Further report from same committee :

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 185, entitled "An act defining the duties of the Comptroller," and also the amendment made by the Senate, have duly considered them and have directed me to state that the amendment will defeat the very object and purpose of the original bill, and to report them to the House with request that the said amendment be not concurred in, and that the House adhere to the original bill.

GEO. W. SMITH, Chairman.

The question upon the adoption of the amendment offered by the Senate being put, the House refused to concur in said amendment.

Further report from same committee :

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 125, entitled "An act to require certain owners of homesteads to designate and describe the same, to have said designation recorded and to prescribe the manner of so doing," have had the same under consideration and have instructed me to report the bill back to the House with a substitute for the same, and recommend that the substitute be adopted in lieu of the original bill, and that it pass.

GEO. W. SMITH, Chairman.

The substitute offered by the committee, being a bill to prescribe the mode and manner of designating exempted homesteads in certain counties, was read and adopted and ordered engrossed.

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

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

No. 129, "An act to authorize J. A. Cunningham and L. Thompson to construct, keep and maintain a toll bridge and ferry across the Colorado river."

No. 97, "An act to incorporate the Hallville Masonic Institute, at Hallville, Harrison county, Texas."

No. 88, "An act to amend the third section of an act entitled an act concerning divorce and alimony, approved January 6, 1841."

No. 216, "An act to authorize the surveyor of Rusk county to transcribe certain records in his office, and make a general index."

No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of Linn Flat High School House, in Nacogdoches county."

No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association of Harris county."

Report from Committee on Enrolled Bills :

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 532, "An act to amend an act regulating elections," passed at the present session of the Legislature, and find the same correctly enrolled, and

have presented the same this day at 10:40 A. M. to the Governor for his signature.

SHAW, Chairman.

Further report from same committee :

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

SIR: Your Committee on Enrolled Bills have carefully examined and compared bill No. 149, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841," and find the same correct, and have this the thirty-first day of March, at 10:45 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Further report from same committee :

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

SIR: Your Committee on Enrolled Bills have carefully examined and compared the following bills, to-wit, bill No. 164, "An act to prohibit the sale, or otherwise disposing of intoxicating liquors within two miles of the Acton Masonic Institute, in Hood county;" bill No. 81, "An act to amend an act to authorize the transcript of records of the County Court of Bowie county;" bill No. 278, "An act to prohibit the sale of vinous and spirituous liquors within two miles of Midway, Madison county, Texas;" bill No. 279, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Bird's Creek School House, in Bell county, Texas;" bill No. 82, "An act to authorize the County Court of Maverick county to issue interest bearing bonds, and to levy a tax to pay the same;" also, bill No. 154, "An act to provide for the election of city officers for the city of Columbus, and regulate their duties," and find the same correctly enrolled, and have, this thirty-first day of March, at 10:45 o'clock, A. M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

On motion of Mr. Denton the rules were suspended, and, leave being granted, the Committee on Military Affairs submitted the following report:

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

SIR: Your Committee on Military Affairs, to whom

was referred Senate bill No. 159, entitled, "An act to provide for frontier defense, and for the organization of a regiment of cavalry for that purpose," having considered the same, report the same back, and respectfully recommend its passage.

J. M. ANDERSON, Chairman.

On motion of Mr. Veale the reading of the bill was dispensed with. It was laid on the table, made the special order for Thursday, April 3, and one hundred copies ordered printed.

The hour having arrived, the special order was announced, being House bill No. 449, making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872.

On motion of Mr. Wood, the bill was recommitted to the Committee on Finance.

Mr. Morris asked that one-third of the members of the Committee on Finance be considered a quorum for the transaction of business before that committee. Laid over under the rules.

Further report from Judiciary Committee No. 1 :

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

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 424, have considered the same, and have instructed me to report the bill back to the House with amendments, and to recommend that the bill with said amendments do pass.

SMITH, Chairman.

1. Before the word "be," in the fifth line on first page, add "section 1."

2. At the end of the bill add these words: "If there be any person confined in jail and not indicted, a *venire facias* shall issue to the sheriff to summon a grand jury immediately, who shall be impaneled forthwith to act as at other terms of court; and if a petit jury be needed in a civil or criminal case, one shall be summoned immediately, and shall be organized as at other terms of the court for the trial of all civil and criminal cases submitted to them."

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