

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

A communication from the Fair Association of Jefferson was submitted by the Chair and read from the desk, inviting the members of the Thirteenth Legislature to attend the fair at that place, from May 26 to June 1, of the present year.

By leave, Mr. Sayers offered the following resolution :

Resolved, That it is the sense of this House that no appropriation be made by the Finance Committee for the support and maintenance of the police force of this State, for the present fiscal year, beginning September 1, 1872, and ending August 31, 1873.

Mr. Powers offered the following amendment :

Amend by inserting after the word "State," in the last line, the following: "From and after the first day of April, 1873."

Mr. Rainey offered the following amendment :

"Section 1. That for every policeman paid out of this appropriation, the sum of one thousand dollars shall be paid to the families of those who have been either killed or robbed by said policemen.

"Section 2. That policeman Gereaux, *alias* Goober-tooth, and the immortal Wm. V. Tunstall, of Houston county, be excluded from receiving any benefit from this appropriation."

Mr. Denton moved the previous question, which being seconded, was put and carried by the following vote :

Yeas—Messrs. Armstrong, Bewley, Bledsoe, Booty, Bordeaux, Brown of Dallas, Brown of Upshur, Carroll, Denton, Doyle, Eastland, Ford, Gaston, Gillette, Gilpin, Hester, Hollingsworth, Kemble, Killough, Kleberg, Lane, Manning, McDonald, Nelson, Payne, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Schmidt, Storey, Thurmond, Tilson, Tivy, Tom, Van Zandt, Walker, Watts, Winkler and Wood—46.

Nays—Messrs. Speaker, Abbott, Adriance, Berends, Broadus, Chambers, Cunningham, Ellett, Gallaway, Green, Joseph, Moore, Morris, Noeggerath, Powers, Roberts, Shelton, Trolinger, Venters, Washington, Westfall and Williams—22.

The main question, being the adoption of the resolution, was then carried by the following vote :

Yeas—Messrs. Armstrong, Bewley, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Day, Denton, Doyle, Eastland, Gaston, Gillette, Gilpin, Hester, Hollingsworth, Joseph, Kemble, Killough, Lane, Manning, McDonald, Morris, Nelson, Payne, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Van Zandt, Venters, Walker, Watts, Winkler and Wood—49.

Nays—Messrs. Speaker, Abbott, Adriance, Berends, Chambers, Ellett, Green, Harrison, Moore, Noeggerath, Phelps, Powers, Roberts, Shelton, Tivy, Trolinger, Washington, Westfall and Willims—19.

By leave, Mr. Sayers offered the following resolution :

Resolved, That it is the sense of this House that no appropriation be made for the maintenance and support of the Immigration Bureau, from and after April 1, 1873.

Mr. Powers offered the following amendment :

Amend by adding to the resolution the following :
“Beyond the sum of two thousand dollars for the salary of the superintendent.”

Mr. Payne offered the following amendment :

“Except for the superintendent of the Bureau of Immigration, and an appropriation not to exceed five thousand dollars.”

The hour for special business arrived.

Mr. Sayers moved to postpone unfinished business for twenty minutes. The House refused to suspend.

Senate bill No. 7, “An act to incorporate the Colorado, Austin and Lampasas Railway Company” was taken up, pending the amendment offered by Mr. Rosborough, as follows :

Amend by inserting at the end of the eighth section, the following : “If the route of the road shall run within five miles of any county site, then the road shall run through the county site ; *provided*, said county site shall donate to said road the right of way from the point of divergence toward said county site, to the point at which it will regain its main route, which divergence shall not exceed ten miles ; *and provided, further*, that said county site will donate to said company grounds sufficient for depot purposes, and for switches.”

Adopted.

Mr. Storey offered the following amendment :

Amend the caption by adding the words "and to aid in the construction of the same."

Adopted.

Mr. Killough offered the following substitute to section fifteen :

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

On motion of Mr. Winkler, the bill was laid on the table, made the special order for Wednesday next at 11 A. M., and one hundred copies ordered printed.

House bill No. 47, a bill to amend the second and thirteenth sections of "An act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Gulf Railroad Company," approved November 11, A. D. 1871, was taken up, and the following report relating thereto read: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Internal Improvements, to whom was re-referred House bill No. 47, have again considered the same, and have instructed me to report it back to the House and recommend that it pass with the following amendments:

1. Add to section one the following: *and provided further*, that the gauge of said road shall be four feet eight and a half inches.

2. Amend section two by striking out the words, "that a consolidation or connection with any other railroad shall be deemed a compliance with the terms of this charter," and inserting instead thereof the following: "If said company shall find it to their interest to terminate their road at any point on the line of any railroad running from San Antonio to the Rio Grande, the same shall be deemed a compliance with the terms of this act and the act to which it is amendatory, either as to the main line or branch, as the case may be."

3. Amend by adding an additional section, as follows:

SEC. 3. That the State reserves the right to regulate the rates of freight and passage on said road by any general law of the State applicable to railroads, and also to place the officers and employés of the same under the provisions of any general law which is now in force or may be hereafter enacted to prevent wrong towards passengers or other patrons of railroads.

C. M. WINKLER, Chairman.

The amendments offered by the committee were adopted.

Mr. Thurmond offered the following amendment:

Amend section first, after the word "named," in fifth line from bottom of section, and insert:

"The State of Texas, in aid of the construction of said railway, hereby donates sixteen sections of land, of six hundred and forty acres each, out of any of the unappropriated public domain of the State; *provided*, that said company shall survey the alternate or even sections of land for public schools, and return said surveys to the General Land Office of the State; *and provided further*, that said railway company shall be subject to all general laws that are now in force, or may hereafter be enacted in relation to donations of land to objects of internal improvements; *and provided further*, that said railway shall be completed in accordance with its charter, and shall not receive any lands until it shall have completed a section of at least ten consecutive miles or more of its road, and shall have given notice of the same to the Governor of the State, whose duty it shall be to appoint some skilled engineer, if there be no State engineer, to examine said section of road; and upon the report of said

engineer under oath, that said section of the road has been constructed in accordance with its charter, this act and the general laws governing railroads, thereupon it shall become the duty of the Commissioner of the General Land Office to issue to said company certificates of six hundred and forty acres each equal in amount to sixteen sections per mile of road so completed, which said certificates shall be located and surveyed in alternate sections, and field notes and maps to be returned to the General Land Office, and the odd sections patented to the said company, and all the alternate or even sections shall be reserved and held to be set apart and appropriated to and constitute a part of the common school fund as provided by law; and the lands granted to said company by virtue of the provisions of this act, shall be alienated by said company, except so far as may be necessary to the maintenance and running of its road, as follows, viz., one-fourth in six years, one-fourth in eight years, one-fourth in ten years, and one-fourth in twelve years, from time of acquiring such lands or real estate; *provided* such lands shall not be alienated, directly or indirectly, to any other corporation for its use, except so far as may be necessary for the proper use and convenience of the business of said corporation; and on failure to alienate said lands as herein directed, they shall be proceeded against as the laws in force may direct, and all laws enacted by the Legislature heretofore or that may be hereafter enacted regulating railroads and railroad companies.

The amendment was adopted.

On motion of Mr. Russell the bill was laid on the table, made special order for Thursday, April 3, at 11 A. M., and one hundred copies ordered printed.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,)
 AUSTIN, March 31, 1873.)

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

SIR: In conformity with the resolution adopted by the House on the twenty-seventh inst., I telegraphed to the Secretary of War on the twenty-eighth inst., and have received his reply. Copies of these telegrams are enclosed for the information of the House.

I also wrote the Secretary substantially as telegraphed, but as yet there has not been sufficient time for reply.

Very respectfully,

EDMUND J. DAVIS, Governor.

EXECUTIVE OFFICE, STATE OF TEXAS, }

AUSTIN, March 28, 1873. }

To Hon. Wm. W. Bellnap, Secretary of War, Washington, D. C. :

A measure is pending in Texas Legislature to raise a regiment of Texas volunteers to operate against Indians on our frontier. Our House of Representatives has passed a resolution to inquire whether the General Government will prevent the raising and operating of the regiment, if confined to the limits of Texas. And in case the government does not object to the raising of the regiment, whether it will aid the State therein, by supplying, equipping and arming the men.

Copy of resolution sent by mail. Please answer immediately.

(Signed) EDMUND J. DAVIS, Governor.

A true copy.

JOHN J. STEVENS, Private Secretary.

WASHINGTON, D. C., March 29, 1873.

Received; Austin, Texas, March 30, 1873, 8 A. M.

To Governor Davis, Austin, Texas :

Dispatch of yesterday received. The United States cannot pay or equip State troops to operate against Indians within the State. The Indians are all under the exclusive jurisdiction of the National Government, and national troops must have exclusive control. There would be no objection to your frontier counties having a small armed posse to assist the sheriff in pursuing, capturing and holding horse thieving Indians within the border of Texas, but these must be paid and supplied by the State or counties interested.

By order of the acting Secretary of War.

H. J. CROSBY, Chief Clerk.

A true copy.

JOHN J. STEVENS, Private Secretary.

On motion of Mr. Bordeaux, the frontier bill was withdrawn from the special orders, and recommitted, with the

message from the Governor, to the Committee on Indian Affairs.

By leave, Mr. Booty offered a bill to incorporate the Sabine Pass and Jefferson Railway Company, and to aid the construction of said railway. Referred to the Committee on Internal Improvements.

Mr. Bordeaux offered a bill to amend "An act entitled an act to muster into service minute men for the protection of the frontier," approved November 25, 1871. Referred to the Committee on Indian Affairs.

Mr. Chambers offered a bill in relation to unlawful and dangerous animals. Referred to the Committee on Agriculture and Stock Raising.

The Senate concurrent resolution, inviting Jefferson Davis to visit the capital, was adopted.

On motion of Mr. Brown of Dallas, Mr. Chambers was excused for the rest of the week.

On motion of Mr. Russell, Mr. Gallaway was added to the Hill County Committee.

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

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

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

On motion the reading of the journal was dispensed with.

Mr. Carroll presented a petition from the citizens of Burleson county, praying for the creation of a new county.

Mr. Bordeaux presented a petition asking for the creation of the county of Wegefarth. Referred to the Committee on Counties and County Boundaries.

Mr. Rosborough presented a petition from the citizens of Bell county to prohibit the sale of intoxicating liquors within three miles of Cedar Grove Academy, in Bell county.

Mr. Westfall presented a petition from the citizens of Travis county, asking the passage of an act prohibiting the sale of spirituous liquors within two miles of Pleasant Hill Male and Female Academy. Also, a petition

from the citizens of Hoover's Valley, asking the passage of an act to prohibit the sale of intoxicating liquors within two miles of Quartz Hill, Hoover's Valley Institute. Referred to the Committee on Education.

Mr. Westfall presented a petition from the citizens of Milam, Williamson and Bell counties, asking the enactment of the Ohio Liquor Law in Texas. Referred to Judiciary Committee No. 2.

On motion of Mr. Killough the vote of yesterday passing House bill No. 424, a bill to amend an act entitled "An act prescribing the times of holding the district courts in the several judicial districts in the State," approved August 10, 1870, was reconsidered.

Mr. Killough offered the following amendment:

After the words "two weeks," in section one, insert "in the county of Fayette on the fourth Monday in April, and may continue in session two weeks, and on the first Monday in July and on the first Monday in November, and may continue in session until the business is disposed of. That at the terms of said court commencing on the first Monday in June and fourth Monday in April the court shall hear matters of probate, the trial of criminal cases, the hearing of motions and the trial of such civil cases as by the consent of parties may be tried."

The amendment was adopted and the bill, as thus amended, passed.

Mr. Watts presented a bill for the relief of James Hogue, sheriff of San Jacinto county.

Mr. Storey presented a bill to create a new land district.

Mr. Prendergast presented a bill to incorporate the Laboring Man's Association in Texas. Referred to the Committee on State Affairs.

Mr. Booty presented a bill to prevent the location and patenting of fraudulent land certificates. Also, a bill to prescribe the punishment for the location of fraudulent land claims within this State.

Mr. Bordeaux, bill creating the county of Wegefath. Referred to Judiciary Committee No. 2.

Mr. Ghent presented a bill for the relief of James Lansing, assignee of James Farris; also, bill for the relief of assignee of Walter Bootheoth; also, bill for the relief of James Lansing; also, bill validating donation certificate No. 139. Referred to the Committee on Private Land Claims.

Mr. Gilpin presented a bill in relation to the Corpus Christi Ship Canal. Referred to the Committee on Internal Improvements.

Mr. Sayers presented a bill for the relief of John T. Storey. Referred to Judiciary Committee No. 2.

Mr. Rainey presented a bill to validate the election held in the town of Crockett, Houston county. 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 third time and passed.

Mr. Veale moved to suspend the rules to take up House bill No. 234, a bill to be entitled "An act to encourage stock raising and for the protection of stock raisers," and make it the special order for Friday next, at 11 A. M., which carried.

Mr. Kleberg asked leave to take up House bill No. 273, to provide for the enclosure of commons for pasturage of stock, which was granted, and the bill read second time.

Mr. Kleberg offered the following amendment:

Strike out, in section three, lines nine and ten, the words, "not be liable for any damages," and insert in lieu thereof, "pay two cents for each head per day to the owner of such pasture." The amendment was adopted.

On motion of Mr. Kleberg, the bill was made the special order for Saturday, April 5, at 10 A. M.

On motion of Mr. Wood, the Committee on Public Lands and Land Office were granted leave to report.

They reported back House bill No. 305, a bill to authorize and require the Commissioner of the General Land Office to issue certain land certificates therein named, and recommended its reference to the Committee on Private Land Claims, which reference was made.

Judiciary Committee No. 1 made the following report:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 180, and also No. 122, each relating to the subject of theft, have had them under consideration, and directed me to report a bill as a substitute for them both, and to recommend its passage. Substitute herewith reported.

(GEO. W. SMITH, Chairman.

The substitute, being a bill to be entitled "An act to define and regulate the punishment of theft," was read and adopted.

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

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

On motion of Mr. Cunningham, 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 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," have had the same under consideration, and have instructed me to report the same back with the recommendation that it do pass.

TILSON, for Committee.

The second reading of the bill having been dispensed with, it passed to engrossment.

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

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. 225, entitled "An act to provide for transcribing county records," have considered the same, and instruct me to report the same back to the House with recommendation that it do pass.

G. W. SMITH, Chairman.

The bill having been read second time, Mr. Sayers moved to strike out "twenty" where the same occurs, and insert instead "fifteen." Carried.

The bill then passed to engrossment.

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. 205, entitled "An act concerning the ac-

quisition and alienation of lands by railroad companies to prevent landed monopolies," have considered the same and have instructed me to report the bill back to the House with recommendation that it do pass.

G. W. SMITH, Chairman.

The bill was read second time and ordered engrossed.

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

On motion of Mr. Ghent, the Committee on State Affairs reported back House bill No. 448, "An act to incorporate the Austin Trust Company," and recommended its reference to Judiciary Committee No. 1, which was done.

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

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

No. 48, a bill to be entitled "An act regulating juries."

No. 304, a bill entitled "An act to validate bounty land warrant issued to John B. Fox."

No. 260, a bill to be entitled "An act concerning the admission of attorneys and counsellors at law to practice in the Supreme Court."

No. 449, a bill to prescribe the number of clerks to be employed in the office of the Adjutant General, and fixing the compensation of the same.

No. 300, Joint resolution making an appropriation for certain purposes.

No. 421, "An act for the relief of heirs of James N. Shell, deceased."

No. 284, a bill to be entitled "An act for the relief of L. W. Ludlow."

No. 543, a bill to be entitled "An act for the relief of the heirs of the Rev. Martin Ruter, deceased."

And find the same correctly engrossed.

BOOTY, Chairman.

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 the petition of citizens of Hays, and also of Delta county, have instructed me to return them to the House,

with the request that they be referred to Judiciary Committee No. 2, who it is supposed have the subject of the petition (Ohio liquor law) more specially in charge, with many other petitions.

G. W. SMITH, Chairman.

The report was adopted and reference made as per request.

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. 219, entitled "An act concerning proceedings in the District Court," have duly considered the same, and instruct me to report it back to the House with the recommendation that it do pass.

GEO. 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.

On motion of Mr. Bewley, the special committee to investigate the charges against the Hon. John G. Scott, was granted leave to sit during the session of the House :

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 the petition of Rev. O. Fisher, to be released from the payment of \$363.40 taxes, due on three tracts of land—one, a league and labor, was purchased by the State for the taxes of 1867—have had the same under consideration, and have directed me to report the same back to the House, with request that the petition be not granted; that the committee deems it impolitic to grant the relief prayed for, even on account of his advanced age and pious habits, for a great many others, whose claims to relief might not be less meritorious, we think could, and perhaps would, avail themselves of the precedent, and could not be well refused, though it might materially interfere with the revenues of the State, which should be borne equally by all according to their estates.

G. W. SMITH, Chairman.

The report was adopted, and the petition indefinitely postponed.

A message from the Senate announced the passage by

that body of the following House bills: No. 240, a bill to be entitled, "An act to incorporate the Grayson County Agricultural and Mechanical Association;" No. 308, "An act to authorize the county of Marion to audit and fund the debt of said county;" also, Senate bills No. 205, "An act to authorize the County Court of Montague 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. 123, "An act to authorize the County Court of Erath county to issue interest bearing bonds, and to levy a special tax to pay off said bonds, and all interest that may accrue therefrom;" No. 154, "An act to regulate the stoppage of passenger cars at railroad stations."

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. 124, entitled "An act to amend an act entitled an act to better define marital rights, approved March 13, 1848," have had the same under consideration, and have directed me to report a substitute for the bill, and recommend the adoption of the substitute.

G. W. SMITH, Chairman.

The discussion of the bill was cut off by the hour for the special order, House bill No. 490, a bill to establish a system of public free schools for the State of Texas.

The House went into committee of the whole, Mr. Nelson in the chair.

After some discussion, the committee rose, reported no progress, and asked that the bill be made the special order for Tuesday, April 8, at 11 A. M., and that one hundred copies of the Senate bill upon the same subject matter, be printed for the use of the House, which request was granted, and order made accordingly.

The discussion of House bill No. 124 was resumed.

The substitute offered by the committee was adopted.

On motion of Mr. Booty, the bill was laid on the table, and one hundred copies ordered printed.

The concurrent resolution offered by Mr. Russell, providing for adjournment of the present Legislature *sine die* April 15, was taken up, and on motion of Mr. Russell, was laid over until the twenty-fifth inst.

The resolution offered by Mr. Sayers, declaring it to be

the sense of the House to make no appropriation for the support of the Immigration Bureau, after April 1, 1873, was taken up, the substitute offered by Mr. Payne, providing for an appropriation not to exceed five thousand dollars, pending.

Pending the subject, a message was received from the Senate, announcing the passage of Senate bill No. 62, "An act to incorporate the Tyler Real Estate and Building Association."

Also of Senate joint resolution to adjourn *sine die* April 30, 1873.

Resuming the discussion, the House refused to adopt the substitute offered by Mr. Payne.

The amendment offered on yesterday by Mr. Powers was put and rejected.

Mr. Powers then offered the following amendment :

"Beyond the rate of two thousand dollars per year, to the present time, and for the balance of the fiscal year at the rate of two hundred and fifty dollars per year, as salary and pay for the superintendent."

The amendment was adopted.

The resolution thus amended was then adopted.

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

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, April 2, 1873. (

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

Absent—Mr. Ellett.

On motion of Mr. Manning, Mr. Armstrong was excused on account of sickness.

On motion of Mr. Harrison, Mr. Eastland and Mr. Kemble were excused for four days each.

On motion of Mr. Walker, Mr. Smith of Houston was excused for seven days.

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

On motion of Mr. Trolinger, 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: The Committee on Town and City Corporations, to whom was referred House bill No. 395, to be entitled "An act amendatory of and supplemental to an act concerning private corporations, approved December 2, 1871," have had the same under consideration, and have unanimously instructed me to report the same back with the recommendation that it do pass.

W. H. TILSON, for Committee.

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 Town and City Corporations, to whom was referred House bill No. 381, to incorporate the town of Ladonia, in Fannin county, have carefully considered the same, and instruct me to report the same back to the House and recommend its passage with the following amendments :

WOOD, Chairman.

1. Add to section third, as follows: "*Provided*, that no person shall be qualified to hold office in said corporation, or to vote at any election under said corporation, who has not resided within the corporate limits within sixty days prior to his election, or appointment, or the holding of such election."

2. After the word "days" in line nineteen, of section four, add: "*Provided*, imprisonment shall be inflicted as a penalty, but only to coerce the payment of fine and costs, and when the same are paid said imprisonment shall cease."

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.

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 bill entitled "An act to incorporate Decatur, in Wise county," have examined the same,

and instruct me to report it back and recommend its passage.

EASTLAND, for Committee.

The bill was read second time and ordered engrossed.

On motion of Mr. Bordeaux, 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 Senate bill No. 158, "An act amendatory of an act entitled an act incorporating the city of San Antonio, and other towns therein named," etc., have had the same under consideration, and instruct me to report the same back and recommend that it do pass.

EASTLAND, for Committee.

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

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

The Committee on Town and City Corporations submitted the following report :

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. 174, "An act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate the said town as the city of Sherman," have examined the same, and instruct me to report it back with the recommendation that it do pass.

WESTFALL, for Committee.

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

On motion, 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 House bills :

No. 314, substitute. "An act to enlarge the county of Medina."

No. 275, a bill to be entitled "An act supplemental to and amendatory of an act entitled an act to incorporate the Odd Fellows' Hall and Building Association of Bryan, Texas, approved December 1, 1871."

No. 253. "An act to prohibit the sale of intoxicating.

spirituous or vinous liquors within two miles of Hackberry Grove Academy, in Collin county."

No. 52, "An act prohibiting the sale of intoxicating, spirituous or vinous liquors within two miles of Pleasant Grove Academy, in Hunt county."

No. 58, "An act to incorporate the Odd Fellows' Male and Female College, at Pittsburg, Upshur county, Texas."

And the following Senate bills:

No. 201, "An act to amend section three of an act entitled an act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved November 13, 1871."

No. 187, "An act for the relief of R. B. Reagan."

No. 170, "An act to incorporate the El Paso Real Estate, Trust and Immigration Company."

No. 109, "An act to incorporate the town of Giddings, in Washington county."

Also, of Senate substitute A, "An act to regulate the disposal of the public lands of Texas," and Senate substitute B, "An act for the benefit of the actual occupants of the public lands," both being substitutes for House bill No. 188, "An act supplementary to and amendatory of an act to regulate the disposal of the public lands of the State of Texas, approved August 12, 1870."

Also, Senate bill No. 155, "An act for the protection of the wool-growing interest of the State."

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

Mr. Broaddus rose to a personal explanation in regard to a matter before the Committee on Printing and Contingent Expenses. That Committee had contracted with the firm of Mordecai & Bradley for an amount of stationery at what they deemed a reasonable price, and the bill having been presented to him, as chairman of that committee, he, believing it to be correct, had approved it, and a warrant had been issued therefor. Subsequently he was informed by the sergeant-at-arms that the quantity contracted and paid for had not been received. He went immediately to a member of that firm and demanded that the quantity be made up at once. The firm, after inquiry, explained that a quantity of the paper sent to the House of Representatives had, by mistake, been delivered to the Senate. They recovered a considerable amount of it and

delivered it to the Printing Committee, and being unable to obtain the amount still requisite to fill the bill, very promptly and fairly refunded the money for the deficiency. He wished to know what disposition the House would make of the amount thus received, sixty-eight dollars.

By common consent of the House, the sixty-eight dollars in the hands of Mr. Broaddus was turned over to the sergeant-at-arms of the House to be expended in meeting contingent expenses.

On motion of Mr. Winkler, the Committee on State Affairs were granted leave to report and submitted the following :

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

SIR: The Committee on State Affairs, to whom was referred House bill No. 199, entitled "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company," have had the same under consideration, and herewith report the same back, and respectfully recommend that it do pass with the following amendment: In section four, line two, after the word "association," strike out the word "to" and insert the word "shall."

ASHLEY N. DENTON, for Committee.

The amendment having been adopted, the reading of the bill was dispensed with, and it passed to engrossment.

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

On motion of Mr. Kleberg the same committee were allowed to report further, when the following was submitted :

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

SIR: The Committee on State Affairs, to whom was referred a communication from the Governor and Attorney General, have had the same under advisement, and are of the opinion that the nature and importance of the subject demands its reference to a Judiciary Committee. They have, therefore, instructed me to report the same back to the House and to recommend its reference to Judiciary Committee No. 2.

M. E. KLEBERG, for Committee.

The report was adopted, and the reference made as per recommendation.

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

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

SIR: Your Committee on Immigration, to whom was referred a resolution to report to the House upon the expediency of taking the necessary steps to discontinue the Bureau of Immigration, have carefully considered the same, and instruct me to report that it is the sense of the committee that the Constitution should be so amended as to admit of abolishing the Bureau of Immigration, and that the Committee on Constitutional Amendments be requested to take into consideration the necessity for such constitutional amendment.

The committee further instruct me to report the resolution back, asking to be relieved from further consideration, and that the same be referred to the Committee on Constitutional Amendments.

JULIUS BERENDS, for Committee..

Minority report :

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

SIR: The undersigned, a minority of the Committee on Immigration, to whom was referred a resolution to report to the House upon the expediency of taking the necessary steps to discontinue the Bureau of Immigration, respectfully represent that we cannot agree with the sense of the majority, to abolish the Bureau of Immigration, but it is the opinion that the bureau should be continued, and by a liberal appropriation be enabled to act for the good of the State, as intended by the Constitution.

JULIUS BERENDS.

M. E. KLEBERG.

Mr. Morris moved to reconsider the vote of yesterday, instructing the Finance Committee to make a certain appropriation for the support of the Immigration Bureau.

The vote was reconsidered.

On motion of Mr. Brown of Dallas, the whole matter was referred to the Committee on Finance.

Mr. Bordeaux moved to take the charges made against Henry Manney, Judge of the . . . Judicial District, from the Committee on Judicial Districts and refer it to a special committee of five, of which Mr. Cook should be chairman.

The motion was adopted, and the Speaker appointed the following gentlemen said committee: Cook, Abbott, Kleberg, Rimes and Tilson.

Leave being granted, Mr. Denton offered the following resolution:

WHEREAS, There is now pending in this body a large number of bills of a private nature, which impedes the more important legislation of a general character demanded by the people, and indispensable to the general welfare of the country; therefore

Resolved, That this body will hereafter hold evening sessions, beginning at 3 P. M., for the special purpose of disposing of said private bills.

Read and laid over under the rules.

The special order was then announced, to-wit: Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railway Company." It being on its third reading, the bill was read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Berends, Booty, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Denton, Doyle, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Lane, Mabry, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Roberts, Russell, Salter, Sayers, Shaw, Short, Storey, Thurmond, Tilson, Tivy, Tom, Van Zandt, Walker, Westfall, Wilder, Winkler and Wood—56.

Nays—Messrs. Abbott, Bordeaux, Cunningham, Leyendecker, Moore, Rosborough, Shelton, Trolinger, Vanders and Washington—10.

Mr. Gaston moved to reconsider the vote of yesterday adopting the report of Judiciary Committee No. 1, adverse to the petition of Rev. Oreeneth Fisher.

The motion was carried.

On motion of Mr. Anderson, the petition referred to was referred to a special committee of three.

The Speaker appointed Messrs. Westfall, Harrison and Gaston said committee.

On motion of Mr. Payne, the rules were suspended, and leave being granted, he introduced a joint resolution authorizing the Comptroller of Public Accounts to notify the assessors in the several counties in this State to sus-

pend making out their rolls. Read first time and referred to the Committee on Finance.

Mr. Booty offered a petition from citizens of Panola county, protesting against the dismemberment of their county.

Also, a petition of citizens of Rusk, Panola, Shelby and Nacogdoches counties, asking the creation of a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Shelton presented a petition of citizens of Lamar county, asking the passage of a law prohibiting the sale of liquor within one and a half miles of Sylvan Academy, in said county. Referred to the Committee on Education.

Mr. Wilder presented a memorial of the citizens of Giddings, in Washington county, asking a charter of incorporation. Referred to the Committee on Town and City Corporations.

Mr. Rainey presented a memorial from the bar and citizens of Houston county. Referred to the Committee on Judicial Districts.

Mr. Booty introduced a bill authorizing and requiring the Secretary of State to open the returns and make report thereof in cases of special election for the Legislature. Read first time, rules suspended and ordered engrossed. On motion the rules were further suspended, the bill read third time and passed.

Mr. Veale offered the following concurrent resolution:

WHEREAS, It is believed that an effort has been, or will be made, to procure the pardon of Satanta and Big Tree, two Indian Chiefs convicted on murder in the first degree in the District Court of Jack county, in 1872, and now in confinement for said offense in the penitentiary of this State; therefore be it

Resolved by the House of Representatives, the Senate concurring, That his Excellency Governor E. J. Davis be respectfully requested not to grant said pardon if application should be made therefor.

The resolution was adopted by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriaance, Allison, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Day, Denton, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Hester, Hollingsworth, Ireland, Joseph,

Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Rosborough, Russell, Salter, Scott, Shaw, Shelton, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Westfall, Wilder and Wood—62.

Nays—None.

Mr. Westfall introduced a bill to be entitled, "An act to authorize the Police Court of Williamson county to levy and collect a special tax for the purpose of paying off outstanding liabilities, and repairing court house." Referred to Judiciary Committee No. 2.

Mr. Bordeaux introduced a bill to organize the county of Clay. Referred to the Committee on Counties and County Boundaries.

Mr. Joseph introduced a bill to incorporate the Texas University. Referred to the Committee on Town and City Corporations.

Mr. Leyendecker introduced a bill to authorize the Police Court of Colorado county to levy a special tax for the erection of a jail. Referred to Judiciary Committee No. 1.

Mr. Ireland introduced a bill to incorporate the San Antonio and Colorado Railroad Company. Referred to Judiciary Committee No. 1.

Mr. Gilpin introduced a bill for the relief of the heirs and assigns of James Walworth and Johanna Shaw. Referred to the Committee on Private Land Claims.

Mr. Ford introduced a bill to authorize the Police Court of Jasper county to levy and have collected a special tax for the purpose of building a jail in said county. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Gilpin introduced a joint resolution asking for telegraph lines on the frontier. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Denton introduced a bill to prohibit the sale or disposal of spirituous or other intoxicating liquors within two miles of Lavernia Male and Female High School.

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

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

Mr. Storey introduced a bill to amend "An act to adopt and establish a penal code for the State of Texas," approved August 26, 1856. Referred to Judiciary Committee No. 2.

Mr. Killough introduced a bill making appropriation to supply deficits in the appropriations of the Twelfth Legislature. Referred to the Committee on Printing and Contingent Expenses.

Mr. Shaw introduced a bill to incorporate the St. Louis and Mexican Gulf Railway, and to grant land to aid in the construction thereof. Referred to the Committee on Internal Improvements.

On motion of Mr. Brown, of Dallas, the committee on apportionment of congressional districts was granted leave to report, and submitted the following:

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

SIR: The Committee on Apportionment, composed of one member from each Senatorial District, some time since agreed to the accompanying bill to divide the State into six Congressional Districts. It has been withheld by the undersigned so as to be introduced, as nearly as might be, with another bill to apportion Senators and Representatives in the Legislature, a duty imperatively resting upon this Legislature, and which we cannot avoid without an omission of our duty to support the Constitution. The committee hope, in a few days, to report a bill for that purpose, and in the meantime recommend the passage of the accompanying bill.

J. H. BROWN, Chairman.

The bill was read first time.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read a second time, laid on the table, and one hundred copies ordered printed.

On motion of Mr. Harrison, the rules were suspended, and leave granted the Committee on State Affairs to report, whereupon they submitted the following:

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

SIR: The Committee on State Affairs have considered

Senate bill No. 44, to incorporate the Palestine Fire Company, at two several sittings; and as it is a singular bill, susceptible, under the name of a fire company, to become a dealer in real estate, without tax on its property, and clothed with the extraordinary power of imposing fines on its members, and collecting them by suit before a justice of the peace, it is a fitting place in which again to call the attention of the House to the value of the general law, "concerning private corporations." One of the most expensive evils connected with our legislation is the multiplied cases of local and private enactments, wholly unnecessary, were wise and comprehensive general laws in force on a few general subjects. Under the act "concerning private corporations," were it in legal force, all such companies as this, insurance, bridge, school, college, cemetery, land and other private corporations and associations could be incorporated without application to the Legislature, or expense to the State. So long as the Legislature continues to grant these charters, so long will it continue to waste its time and the people's money unwisely. The undersigned some time since introduced, and the House promptly passed, a bill to remedy the legal defect in the aforesaid act concerning private corporations, but it has not yet become a law. Were it in force, the Committee on State Affairs would report against every bill for a private corporation. Often, in the hurry of legislation, the most pernicious principles, embodied in these private acts, are overlooked and enacted into laws, by which a few shrewd and unscrupulous men are enabled to commit wrongs in the communities in which they live; and now, when our whole time, minds and hearts should be engrossed alone in enacting laws to undo wrong, and restore our people to the full enjoyment of republican liberty, we are beset at every step with these petty applications for corporate rights, or some exclusive privilege for personal gain.

Beyond this, as an individual opinion of the undersigned, the idea of legislative incorporation of a fire company in a town or city, is wrong, and should be discountenanced. Fire companies should be organized and controlled by the town or city governments in which they exist. They should hold all their authority from the mayor and aldermen of the town, and be subject to their control.

These are general principles, endorsed by every member of the Committee on State Affairs, so far as known to the undersigned; yet, until the act concerning private corporations shall be vitalized into legal existence, we do not feel warranted in rejecting these applications. Nor do we wish to be understood as intimating a wrong intent on those who seek a charter for the Palestine fire company, but only to intimate our conjecture that the bill was drawn carelessly, or by an inexperienced person in matters of this kind.

The premises considered, the committee recommend the passage of the bill, with the accompanying amendments:

J. H. BROWN, Chairman.

1. Strike out all after the word "suspend" in the fourth line of section second, and insert "or expel any member of the company after first allowing a full and fair opportunity for explanation or defense."

2. Strike out the words "militia duty and," in the third and fourth lines in section third.

3. Strike out "section five" and insert in lieu thereof "Sec. 5. That the ground and house, if any, owned and used by said company for their engine and operations, and their meetings, so long as so used by the consent and under the control of the municipal government of Palestine, shall be exempt from State, county and municipal tax; *provided*, that this charter is granted with the express understanding that said fire company shall be subject to all rules, regulations and ordinances now in force, or hereafter enacted by the mayor and council of Palestine."

The amendments were adopted.

The bill read second time and passed to third reading.

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

Leave being granted, on motion of Mr. Killough, the Committee on Private Land Claims reported as follows: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 498, entitled "An act for the relief of the heirs of Charles Forrester," have had the same under consideration, and 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 further suspended, the bill read a third time and passed by a two-thirds vote.

On motion of Mr. Shaw, he was allowed to withdraw a petition for the relief of Jesse Walker from the Committee on Private Land Claims.

The following communication from his Excellency the Governor was read :

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, April 1, 1873. }

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

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

House bill No. 372, "An act to amend an act amendatory of and supplementary to an act to incorporate the city of Dallas, approved April 20, 1871," approved March 13, 1873.

Senate bill No. 63, "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of Red Rock, in the county of Bastrop," approved March 13, 1873.

Senate bill No. 130, "An act to incorporate the Excelsior College, in Bastrop county," approved March 13, 1873.

Senate bill No. 15, "An act to incorporate the Rusk Masonic Institute, located in Rusk, Cherokee county, Texas," approved March 14, 1873.

Senate joint resolution No. 10, "Joint resolution requiring Jacob Keuchler, Commissioner of General Land Office, to cause to be published certain land certificates found in the office when he took possession of same," approved March 14, 1873.

Senate joint resolution No. 7, "Joint resolution in reference to the interment of the Texas soldiers who fell at the battles of Glorietta and Valverde, and also of those who were buried at Socorro, Albuquerque and Santa Fé, in New Mexico, during the late war," approved March 14, 1873.

House bill No. 57, "An act to prohibit the sale of intoxicating or spirituous liquors within one mile of the institution of learning situated at Caledonia, in Rusk county, Texas," approved March 14, 1873.

House bill No. 255, "An act to prohibit the sale or gift

of intoxicating or spirituous liquors within two miles of Leesburg Institute, in Upshur county, Texas," approved March 14, 1873.

House bill No. 361, "An act to prohibit the sale or disposition of spirituous, vinous or other intoxicating liquors within three miles of the town of Leesburg, in Gonzales county," approved March 15, 1873.

House bill No. 283, "An act to set apart one-half of the public domain for the support and maintenance of public schools," approved March 18, 1873.

House bill No. 436, "An act for the relief of the Eastern Texas Railroad Company," approved March 19, 1873.

Senate bill No. 131, "An act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose," approved March 20, 1873.

House bill No. 143, "An act to incorporate the Teutonia Association of Fayette county," approved March 21, 1873.

House bill No. 299, "An act re-incorporating the town of Liberty," approved March 21, 1873.

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 employes of the Thirteenth Legislature of the State of Texas," approved March 24, 1873.

House bill No. 224, "An act to incorporate the State Bank of Texas, Galveston," approved March 25, 1873.

House 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," approved March 28, 1873.

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," approved March 28, 1873.

House bill No. 338, "An act to incorporate the town of Quitman, in Wood county," approved March 28, 1873.

Senate bill No. 119, "An act authorizing the Commissioner of the General Land Office to employ additional draughtsmen and clerks," approved March 28, 1873.

House bill No. 374, "An act amendatory of an act to re-incorporate the city of Navasota," approved March 28, 1873.

Senate joint resolution No. 21, "Joint resolution awarding Winchester rifles to certain persons," approved March 28, 1873.

House 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," approved March 28, 1873.

House bill No. 64, "An act in aid of the financial condition of Cameron county," approved March 29, 1873.

House bill 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," approved March 29, 1873.

House bill No. 339, "An act to authorize the county of Dallas to issue bonds," approved March 29, 1873.

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," approved March 29, 1873.

Senate bill No. 49, "An act supplementary and amendatory to an act entitled an act to incorporate the Galveston Medical College Hospital, approved May 31, 1871," approved March 29, 1873.

House bill No. 233, "An act regulating elections," approved March 31, 1873.

House bill No. 532 "An act to amend an act regulating elections, passed at the present session of the Legislature," approved April 1, 1873.

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

House bill No. 202, "An act for the relief of Wm. J. Russell," passed February 19, 1873.

House bill No. 311, "An act to make legal and valid an election for Mayor, aldermen and constable of the town of LaGrange," passed March 3, 1873.

House bill No. 212, "An act to authorize Alexander English to erect a toll bridge over Bois d'Arc creek, two miles east of the town of Bonham, in the county of Fannin, Texas," passed March 3, 1873.

House bill No. 160, "An act to incorporate the town of Greenville, in Hunt county, passed March 3, 1873.

House bill No. 341, "An act making an appropriation to defray the contingent expenses of the first session of the Thirteenth Legislature of the State of Texas," passed March 5, 1873.

House bill No. 127, "An act to authorize Isaac Franklin to erect a pontoon bridge over the San Antonio river, in the county of Goliad, Texas," passed March 6, 1873.

Senate bill No. 133, supplement to an act entitled "An act to incorporate the Western Narrow Gauge Railway," passed March 11, 1873.

House bill No. 339, "An act to repeal the third, twenty-sixth and twenty-seventh sections, and to amend the first and eighth sections of an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State Guards and for the public defense, approved June 24, 1870, and to repeal the first section of an act to amend an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for public defense, approved June 24, 1870, approved April 12, 1871," passed March 18, 1873.

EDMUND J. DAVIS, Governor.

Senate joint resolution providing for adjournment *sine die* April 30, was, on motion of Mr. Short, postponed until April 25.

Senate bill No. 62, "An act to incorporate the Tyler Real Estate and Building Association," was read first time; rules suspended, read second time and passed to third reading.

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

House bill No. 188, "An act supplementary to and amendatory of an act to regulate the disposal of the public lands of the State of Texas, approved August 12, 1870," was read, together with the following substitute, offered therefor by the Senate:

Substitute A—"An act to regulate the disposal of the public lands of Texas."

Substitute B—"An act for the benefit of the actual occupants of the public lands."

On motion the rules were suspended, the substitutes were read second time, and on motion of Mr. Harrison referred to the Committee on Public Lands and Land Office.

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

On motion of Mr. Ghent, Mr. Denton was added to the Committee on Internal Improvements.

On motion of Mr. Manning, Mr. Carroll was added to the Committee on Counties and County Boundaries.

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

The resolution of Mr. Morris, providing that after due notice by the chairman of any standing committee of the time of any meeting thereof, one-third of the members thereof may constitute a quorum for the transaction of business, was adopted.

Senate bill No. 97, "An act to incorporate the Hallville Masonic Institute, at Hallville, Harrison county, Texas," was read first time and referred to the Committee on Town and City Corporations.

Senate bill No. 109, "An act to incorporate the town of Giddings, in Washington county," was read first time; rules suspended, read a second time and passed to a third reading.

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

Senate bill No. 88, "An act to amend the third section of an act entitled an act concerning divorce and alimony, approved January 6, 1841," was read first time and referred to Judiciary Committee No. 2.

Special leave being granted, Mr. Nelson introduced a bill amendatory of and supplementary to "An act entitled an act to organize and incorporate the East Line and Red River Railway Company, approved March 22, 1871." Referred to the Committee on Internal Improvements.

On motion of Mr. Westfall, Senate bill 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," was taken up, read first time and referred to the Committee on Finance.

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 compared and examined bill No. 240, "An act to incorporate the Grayson County Agricultural and Mechanical Association," and find the same correctly enrolled, and have this second day of April, at 11 o'clock, A. M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

Further report from the 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. 52, "An act prohibiting the sale of intoxicating, spirituous or vinous liquors in two miles of Pleasant Grove Academy, in Hunt county;" also, bill No. 308, "An act to authorize the county of Marion to audit and fund the debt of said county," and find the same correctly enrolled and have this second day of April, at 11 o'clock A. M., presented the same to the Governor for his approval.

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 carefully examined the following bills:

No. 105, a bill to be entitled "An act for the relief of certain citizens of Limestone and Walker counties."

No. 261, a bill to be entitled "An act to amend an act entitled an act to adopt and establish a penal code for the State of Texas."

No. 327, a bill to be entitled "An act to re-incorporate the town of Denton, State of Texas."

No. 125, a bill to be entitled "An act to prescribe the mode and manner of designating exempted homesteads in certain counties."

No. 205, a bill to be entitled "An act concerning the acquisition and alienation of lands by railroads, and to prevent landed monopolies."

No. 473, "An act to authorize the county of Bell to issue interest-bearing bonds."

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."

And find the same correctly engrossed.

BOOTY, Chairman.

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

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 3, 1873.

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

Absent—Mr. Ellett.

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

Mr. Winkler asked leave for the Committee on Internal Improvements to report concerning the Southern Pacific Railway. The House refused to suspend the rules to allow the report to be submitted.

Mr. Short presented a petition of the citizens of Shelby county protesting against the division of that county; Mr. Nelson, petition of citizens of Hopkins and Titus counties for a new county; Mr. Wood, petition of citizens of Robertson county on the subject of the county seat. All referred to the Committee on Counties and County Boundaries.

Mr. Ghent presented a petition of citizens of Milan county asking the enactment of a law granting pensions to citizens of Texas, who were disabled in the service of the Confederate States during the late war. Referred to the Committee on Pensions.

On motion of Mr. Thurmond, Mr. Gilpin was excused on account of sickness in his family.

Mr. Cook introduced a bill to cure irregularities in the manner of submitting to vote, which was by law authorized to be voted on, and to cure and validate bonds issued by any county in this State, in cases where the majority, etc. Referred to Judiciary Committee No. 2.

Mr. Payne introduced a bill to incorporate the Corpus Christi and Rio Grande Railway Company, and to aid in the construction of the same. Referred to the Committee on Internal Improvements.

Mr. Kleberg introduced a bill for the relief of Samuel Andrews. Referred to the Committee on Private Land Claims.

Mr. Thurmond offered the following resolution:

WHEREAS, The accumulation of important matter in the hands of the several standing committees, claiming rotation in this Legislature, is very great; therefore be it

Resolved, That hereafter reports from the several standing committees shall be called for from the Speaker's stand at least once in every week.

Laid over under the rules.

On motion of Mr. Brown, leave being granted, the rules were suspended to allow the Committee on Internal Improvements to report concerning the Southern Pacific Railway Company, whereupon the following reports were submitted:

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

Sir: Your Committee on Internal Improvements, to whom was referred House bill No. . . . , entitled, "An act amendatory of and supplemental to an act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean, passed on the twenty-fourth day of May, 1871, passed November 1, 1871," and House bill No. 467, entitled, "An act to authorize the Texas and Pacific Railroad Company to change the point of intersection of the Jefferson Branch of the Southern Trans-Continental with its main line," have had the same under careful consideration, and have instructed me to report the accompanying substitute for the two bills aforesaid, and recommend its adoption in lieu thereof.

WINKLER, Chairman.

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

Sir: The undersigned members of the Committee on Internal Improvements find themselves constrained to dissent from the views expressed in the majority report on the Texas Pacific Railroad.

This is an incorporation chartered by the government of the United States, which, so far as this question is concerned, is a foreign government. The company has its principal office in Philadelphia. The members mostly reside beyond the limits of the State. Neither the company, as an organization, or the members thereof, reside in the State, nor are they subject to her laws.

This House, at an early day in the session, adopted the report of a committee which asserted the fact that Texas did not owe that incorporation a dollar.

The company now admit that the road cannot reach Fort Worth by the first day of January, 1874, and that it will therefore lose all *claim* even to land and money:

under the bills enacted by the Twelfth Legislature. We therefore propose to deal with this company exactly as if it was an original applicant here for a charter.

It is true that it proposes to run through a sparsely settled portion of our country. It is to ply between the Atlantic and the Pacific. Our territory is a natural bridge for it to pass over between these two oceans. Because the road is inclined to *use* our territory for this purpose, we propose in the bill reported to make a pet of this company. This bill proposes to give twenty sections of land to the mile, which, we presume, is four sections more than will be given to any other road. It does more than this; it ties up, by way of reservation, a belt of eighty miles in width to El Paso. Thus it will be seen that instead of settling up and populating our country, as is the peculiar mission of these roads, according to the philosophy of subsidists, it indefinitely ties that territory up, and when the descendant of one who gave his life to rescue this country from Mexico goes out to locate the headright of his father, he comes to this great belt of country eighty miles in width, and attempts to locate it; he is met by this Thomas A. Scott, a citizen of Pennsylvania, and told that he has a superior claim to this territory.

Again, if this is not a monopoly, we are at a loss to know what would be.

Section eighteen, article two, of the Constitution, reads thus: "Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed."

Again, section two, article two, says: "All freemen, when they form a social compact, have equal rights, and no man or set of men is entitled to exclusive separate public emoluments or privileges."

There are other objections to this bill which can not well be noticed here, without making this report longer than it should be.

Another objection urged by us is that there are not the same restrictions incorporated in this bill that is imposed upon other railroad companies.

JOHN IRELAND,
J. PAYNE,
A. N. DENTON,
JOHN W. CARROLL.

On motion of Mr. Brown of Dallas, the substitute offered by the committee was adopted.

On motion of Mr. Payne the bill was laid on the table, one hundred copies ordered printed, and made the special order for Monday, April 7, at 3 P. M.

On motion of Mr. Shelton, Mr. Day was excused for fifteen days; and on motion of Mr. Van Zandt, Mr. Mills was excused indefinitely after April 15.

Mr. Gillette offered the following concurrent resolution:

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the sheriffs of the various counties of the State be and the same are hereby required to suspend the collection of the one per cent. school tax until after the adjournment of the present session of the Legislature, or until a general law is perfected.

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

The resolution was then carried by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Day, Denton, Doyle, Ford, Gallaway, Gaston, Gillette, Harrison, Hester, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Manning, Morris, Payne, Phelps, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Schmidt, Scott, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Westfall, Winkler and Wood—56.

Nays—Messrs. Berends, Green, Hoffman, Leyendecker, Mabry, Mills, Moore, Noeggerath, Roberts, Shaw, Washington and Wilder—12.

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

No. 97, "An act to regulate the conduct of public affairs."

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

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. 121, "An act making an appropriation to pay the mileage and per diem of presidential electors."

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. 90, entitled "An act to authorize the appointment of county attorney," have had the same under consideration, and have directed me to report the bill back with two amendments, and to recommend the passage of the bill with the said amendments.

G. W. SMITH, Chairman.

Strike out section two, and in lieu thereof let it read as follows: "SEC. 2. That the county attorney shall only charge a fee for attending to those cases in the courts of justices of the peace that may be finally tried by said justice, and in which the defendant may be convicted, and in case of examination before justices of the peace, and in which the accused may be ordered to answer to the charge in the District Court. In such cases the county attorney, when he acted before the justice of the peace, shall aid the district attorney in the event the accused be indicted, and shall be entitled to one-half the fee of the district attorney in such case when he may aid as aforesaid."

After the word State, in the fourth line of section one, insert the words "if deemed proper to do so."

Discussion of the matter was cut off by the announcement of the special order, House bill No. 47, a bill to be entitled "An act to amend the second and thirteenth sections of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railway Company, approved November 11, 1871."

The bill having been read, Mr. Thurmond offered the following amendment :

Amend the caption so as to read as follows: "An act supplementary to and amendatory of an act entitled an act to incorporate the Rockport, Laredo and Mexican Pacific Railway Company, passed November 11, A. D. 1871."

Insert after the word "donates" in forty-second line, section one, the words "to said company;" and in same line after the word "land," insert "per mile;" and in eighty-ninth line, same section, after the word "law," insert "and upon the further completion of any other section of ten consecutive miles of said road, said company shall be in like manner entitled to the same amount of land certificates, to be issued upon the same conditions.

and in the same manner as hereinbefore provided for the first section of ten miles of road.

The amendments were adopted.

Mr. Manning offered the following amendment: Add at the end of section one: "*provided*, that in no case shall the State be in any way liable for deficiency of vacant domain."

Adopted.

Mr. Denton offered the following amendment: Strike out in lines twenty and twenty-one, of section one, the words "or some other eligible point."

Adopted.

Mr. Anderson offered the following amendments: Amend by inserting after the word "hereafter" in line twelve, section two, "the company shall never lease, rent nor sell their road, nor the franchises thereof, to any other railroad company whatever owing or controlling any other line of railroad, nor to any person or persons, firm or company for the use or benefit of said other railroad company."

Mr. Brown of Dallas offered the following substitute for the above amendment:

"*Provided, further*, that said company shall not have the right to right to sell, rent, lease or consolidate with any parallel or competing railroads in this State."

The discussion was cut off by the hour for unfinished business.

Mr. Mills moved to suspend the rules to allow him to introduce a bill. House refused to suspend.

The following resolution, offered on yesterday, was taken up:

WHEREAS, There is now pending in this body a large number of bills of a private nature which impedes the more important legislation of a general character demanded by the people, and indispensable to the general welfare of the country; therefore,

Resolved, That this House will hereafter hold evening sessions on Tuesdays and Thursdays, beginning at 4 o'clock P. M., for the special purpose of disposing of said private and local bills; *provided*, railroad bills shall not be considered of a private or local nature.

The resolution was adopted.

Mr. Winkler moved that the Committee on Internal Improvements be excluded from the general rule adopted

yesterday, making one-third of the members of any standing committee a quorum, after due notice of the meeting by the chairman. Carried.

Senate bill No. 154, "An act to regulate the stoppage of passenger cars at railroad stations." was referred to the Committee on Internal Improvements.

Senate bill No. 151, "An act to incorporate the Mechanics' Real Estate and Building Association of Harris county," was referred to the Committee on Commerce and Manufactures.

Senate bill No. 155, "An act for the protection of the wool-growing interest of the State," was referred to the Committee on Agriculture and Stock Raising.

Senate bill No. 160, "An act for the relief of Obadiah P. Reams," was referred to the Committee on Private Land Claims.

Senate bill 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." Referred to the Committee on Roads, Bridges and Ferries.

Senate bill No. 170, "An act to incorporate the El Paso Real Estate, Trust and Immigration Company." Referred to the Committee on Commerce and Manufactures.

Senate bill No. 169, "An act authorizing the Police Court of Grayson county to contract for the building of a court house in said county." Referred to the Committee on State Affairs.

Senate bill No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of Linn Flat High Schoolhouse, in Nacogdoches county." Referred to the Committee on State Affairs.

Senate bill No. 187, "An act for the relief of R. B. Reagan." Referred to the Committee on Claims and Accounts.

Senate bill No. 205, "An act to authorize the County Court of Montague county to levy a special tax for the purpose of building a courthouse and jail, and to provide for the safe keeping and disbursement of the revenue arising therefrom." Referred to the Committee on State Affairs.

Senate bill No. 201, "An act to amend section three of an act entitled an act supplementary to an act to provide for the payment of the public debt of the State of Texas,

approved November 13, 1871." Referred to Judiciary Committee No. 1.

Senate bill No. 216. "An act to authorize the surveyor of Rusk county to transcribe certain records in his office, and make a general index." Referred to a special committee composed of the Rusk county delegation.

Senate bill 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." Referred to the Rusk county delegation committee.

Senate bill 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 18, 1870, approved May 23, 1871." was read first time; rules suspended, read a second time; rules further suspended, read a third time and passed.

Senate bill No. 66. "An act to dedicate to the use of Travis county certain land in the city of Austin, on which to erect a court house and jail, and to enable said county to build the same," was referred to the Committee on State Affairs.

Senate bill No. 200. "An act to amend an act incorporating the Houston and San Jacinto Canal and Navigation Company, approved August 13, 1870." Referred to the Committee on Commerce and Manufactures.

House bill No. 263, 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," was read third time and passed by the following vote:

Yeas—Messrs. Speaker, Adriaance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Cook, Cunningham, Day, Denton, Doyle, Gallaway, Gaston, Ghent, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Lane, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Salter, Sayers, Scott, Schmidt, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Watts, Westfall, Wilder, Winkler and Wood—63.

Nays—None.

House bill No. 412, "An act for the relief of G. W. Patterson and son," was laid on the table.

A communication was received from Mr. Gustave Loeffler, Superintendent of Immigration, enclosing a detailed statement of the expenditures of the Bureau of Immigration of the State of Texas, from July 21, 1871, to December, 1872. Referred to the Committee on Immigration.

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. 582, "An act authorizing and requiring the Secretary of State to open the returns and make report thereof in cases of special elections for the Legislature," and find the same correctly enrolled, and have this day at 12:30 o'clock presented the same to the Governor for his signature, and he has signed the same.

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 carefully examined the following House bills:

No. 180, a bill to be entitled "An act to define and regulate the punishment of theft."

No. 219, a bill entitled "An act concerning proceedings in the District Court."

No. 225, "An act for transcribing county records."

No. 395, a bill to be entitled "An act amendatory of and supplemental to an act concerning private corporations, approved December 2, 1871."

No. 424, "An act to amend an act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State."

BOOTY, Chairman.

On motion, the House adjourned until 3 o'clock, P. M.

AFTERNOON SESSION.

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

The following gentlemen were absent:

Abbott, Bewley, Ellett and Leyendecker.

Mr. Westfall introduced a bill amendatory of an act entitled "An act to incorporate the city of Austin," passed March, 1873.

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

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

Leave being granted, on motion of Mr. Veale, the Committee on Public Lands and Land Office reported as follows :

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

Sir: The joint committee on Public Lands and Land Office of the Senate and House of Representatives, to whom was referred House bill No. 133, entitled "An act to accurately define the Land District of Palo Pinto, and to make valid the surveys and locations heretofore made therein," has had the same under consideration, and has instructed us to report the same back and recommend that it do pass, with the accompanying amendments.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

Amendment offered by the committee :

Amend by adding to section two the following : "*Provided*, that this act shall not affect locations nor surveys previously legally made in the said territory by surveyors of any of the districts to which it formerly belonged."

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

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

Leave being granted, Mr. Joseph introduced a bill to amend an act passed at the present session of the Legislature, entitled, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841."

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

Mr. Cunningham introduced a petition asking for the incorporation of the town of Honey Grove, Fannin

County; also, a bill to incorporate the town of Honey Grove, in Fannin county. Referred to the Committee on Town and City Corporations.

Mr. Winkler introduced a bill creating the corporation of the Chambers Creek Bridge Company, in Navarro county, Texas. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Shaw introduced a bill to authorize Ezra Carpenter to build and keep a toll bridge on Big Cypress. Referred to the Committee on Roads, Bridges and Ferries.

On motion of Mr. Berends, leave was granted the Committee on Town and City Corporations to report, whereupon they recommended the passage of House bill No. 310, "An act to incorporate the city of San Antonio, and grant a new charter to said city, and to repeal an act entitled an act to incorporate the city of San Antonio, approved July 17, 1856, and an act entitled an act to amend the act to incorporate the city of San Antonio, approved February 11, 1860, and an act entitled an act to incorporate the city of San Antonio, and grant a new charter to said city, approved August 13, 1870."

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

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

Mr. Mills introduced a bill to require the taxes, collected for the purpose of building school houses, to be paid to the county treasurers of the respective counties, and to appropriate the same for the purposes for which it is collected. Read by caption and referred to the Committee on Education.

On motion of Mr. Bordeaux, leave being granted to the Committee on Private Land Claims to report, they submitted the following:

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. 470, has duly 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, being a bill to be entitled an "An act to compensate Aaron S. Mangum for services rendered as a sol-

dier in the army of the Republic of Texas, was read second time and ordered engrossed.

On motion of Mr. Bordeaux, the rules were suspended, the bill read by caption the 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. 457, having had the same under consideration, a majority of the same instruct me to report the same back to the House and recommend its passage.

ROBB, for Committee.

The bill, being a bill to be entitled "An act for the relief of Michael B. Botcham," was read second time and ordered engrossed.

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

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

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

SIR: Your Committee on Education, to whom was referred House bill No. 416, have considered the same, and instruct me to report the same back to the House and recommend that it do pass.

FORD, for Committee.

The bill, being a bill to be entitled "An act to prohibit the sale of spirituous liquors within six miles of Davilla Institute, Milam county, except for medicinal or sacramental purposes," was read second time and ordered engrossed.

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

Leave being granted, on motion of Mr. Russell, the Committee on Finance reported as follows :

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

SIR: Your Committee on Finance, to whom was referred Senate bill No. 95, and also petition of A. T. Howell and Edward Hovenkamp, have instructed me to report them back to the House and ask their reference to the Committee on Claims and Accounts.

VAN ZANDE, for Committee.

The report was adopted and reference made as per recommendation.

On motion of Mr. Winkler, leave was granted to the Committee on Town and City Corporations to report, and they submitted the following report:

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

SIR: Your committee, to whom was referred Senate bill No. 194, "An act to incorporate Concrete College," have examined the same, and instruct me to report it back with the recommendation that it do pass.

W. H. WESTFALL, for Committee.

The bill was read second time by caption 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 Town and City Corporations, to whom was referred House bill No. 13, to incorporate the city of Corsicana, Navarro county, have carefully considered the same, and instruct me to report the same back to the House with a substitute for the original bill, and recommend that said substitute do pass.

WOOD, Chairman.

The substitute was adopted, 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 to whom was referred Senate bill No. 22, to incorporate the town of Kaufman, have considered the same, and report the same back to the House and recommend that it do pass.

WOOD, Chairman.

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

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

On motion of Mr. Storey, Mr. Smith of Colorado was excused for eight days, beginning with Saturday next.

On motion of Mr. Prendergast, the Committee on Private Land Claims reported as follows :

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

SIR: The Committee on Private Land Claims, to whom was referred House bill No. 386, having had the same under consideration, unanimously direct the same to be reported back to the House, recommending its passage.

ROBB, for Committee.

The bill, being a bill to be entitled "An act to validate a certain land certificate therein named," was read second time and ordered engrossed.

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

On motion of Mr. Killough, 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 referred a petition from the citizens of Falls county, praying for a division of said county, have had the same under consideration, and have instructed me to report the same back to the House and recommend that said petition be granted, provided that the accompanying bill, herewith submitted, be ratified by your honorable body.

KILLOUGH, for Committee.

The bill, being a bill to create that part of Falls county west of the Brazos river into a new county, was read first time and referred to Judiciary Committee No. 1.

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

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

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

On motion of Mr. Washington, Mr. Ellett was excused for twelve days.

Mr. Mills was excused on account of sickness.

On motion of Mr. Russell, Mr. Nelson was excused for same cause.

A message was received from the Governor returning House bill No. 29, "An act to provide for the registration of voters," together with his objections to the same.

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

The following veto message from the Governor was then submitted:

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, April 3, 1873.)

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

SIR: I have to return to your house, where it originated, the act entitled "An act to provide for the registration of voters."

Among what seem to me objectionable features of this act, I must ask the attention of the House especially to the following:

1. It declares in the first section all previous registration within this State to be null and void. I suppose it might only intend in this to repeal the previous laws on that subject, but the repeal is provided for in the sixteenth section, and the declaration may be open to the construction of having a much more extensive purpose. It is certainly not competent for one Legislature to declare that the legislation of a previous Legislature is null and void.

2. It attempts to repeal the act relating to special elections under the act of May 31, 1871, without supplying a substitute therefor. It would thus be objectionable even if it did not otherwise violate the constitutional provision, article twelve, section seventeen, which directs that every law enacted by the Legislature shall embrace but one object, and that shall be expressed in its title.

There is reason to believe that the special registration act of May 31, 1871, was misused, and perhaps it should be repealed, but this ought to be by a separate act for that special purpose, and when repealed, some substitute should be provided for it. Probably the best substitute would be to require a general registry of all voters previous to each general election, which might then serve as a basis for ascertaining the number of voters required to make up the two-thirds who are necessary to the affirma-

tive of all questions of internal improvement submitted to the people of counties or towns. If the said act of May 31, 1871, be repealed, and no such general registry provided in its place, it would, in most counties, be impossible to get two-thirds of the registered voters, even though every actual voter of the county might vote. A general registry every two years of all the voters will, besides, have the good effect of purging the lists of the thousands of names which accumulate there of persons whose absence or death is never brought to the attention of the registering officers, and whose names may (and doubtless are) often, without much risk of discovery, be used by fraudulent voters.

3. The act returned seems, also, to be too complicated in its details. It could not be enforced in many parts of the State at all, and within nearly every county of the State the neglect or incompetency of any one of the numerous justices of the peace, who are made the registrars, might be expected to deprive many voters of the privilege of voting.

4. It requires each voter to state his age, nationality and color. The voter on registering, should be required to show that he is over twenty-one years of age, and to establish the place of his residence; but beyond this necessary information, further scrutiny into his private history, complexion or antecedents, should not be exacted of him and placed on record.

I have, therefore, to request that the same be reconsidered.

EDMUND J. DAVIS, Governor.

On motion of Mr. Brown of Dallas, the message and accompanying returned bill were referred to a special committee of five.

The Speaker appointed Messrs. Brown of Dallas, chairman, Green, Nelson, Powers and Winkler said committee.

On motion of Mr. Kemble, the special committee upon Hill county matters reported as follows:

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

SIR: The select committee appointed to investigate the subject of permanently locating the county seat of Hill county, have duly considered the same, and I am instructed by the committee to offer a substitute for the

bill to locate the county seat of said county, and recommend its adoption and passage.

J. RUSSELL, Chairman.

The bill, being a bill to be entitled "An act to provide for an election to permanently locate the county seat of Hill county," was read second time and ordered engrossed.

Mr. Anderson moved to amend so as to read, "two-thirds of the votes cast." Carried.

The bill was then read third time and passed.

Mr. Broaddus moved to reconsider the vote of yesterday evening, passing the supplementary bill incorporating the city of Austin.

Yeas and nays being called resulted as follows :

Yeas—Messrs. Allison, Armstrong, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Denton, Doyle, Ireland, Joseph, Kemble, Killough, Lane, Powers, Prendergast, Rosborough, Russell, Salter, Sayers, Scott, Short, Smith of Colorado, Storey, Tom, Veale, Westfall, Winkler—28.

Nays—Messrs. Speaker, Abbott, Adriance, Anderson, Berends, Bledsoe, Booty, Bordeaux, Cunningham, Ford, Gallaway, Gaston, Gillette, Green, Harrison, Hester, Hoffman, Hollingsworth, Kleberg, Leyendecker, Mabry, McDonald, Moore, Morris, Noeggerath, Payne, Phelps, Robb, Roberts, Schmidt, Shaw, Shelton, Tilson, Tivy, Trolinger, Van Zandt, Washington, Watts, Wilder—39.

Whereupon the motion to reconsider was declared to have been lost.

On motion of Mr. Booty, Messrs. C. J. Stockbridge, member elect for the Sixteenth Senatorial District to fill a vacancy caused by the death of Hon. Peter Diller, and C. B. Sabin, member elect for the Twelfth Senatorial District, to fill a vacancy caused by the death of the Hon. Alex. Rossy, were sworn in members of the House of Representatives of the Thirteenth Legislature of the State of Texas.

Leave being granted, Mr. Shaw introduced a joint resolution declaring a forfeiture of the rights, privileges and franchises, and also of the land donation granted to the Houston and Great Northern Railroad from the town of Crockett, in Houston county, to the town of Clarksville, in Red River county. Referred to Judiciary Committee No. 2.

On motion of Mr. Morris the Finance Committee were allowed to report, and submitted the following:

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

SIR: The Committee on Finance, to whom was recommended the 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 1870, 1871 and 1872, have again considered the same, and a majority of the committee have instructed me to report the same to the House with the following amendments, and recommend that the same do pass.

W. W. MORRIS, Chairman.

Amendments recommended:

Executive Department—After line twenty-one, add “salary of one corresponding clerk, \$1600; repairing of Governor’s mansion and grounds, \$400; for repairs of Governor’s mansion, \$400.”

State Department—Line twenty-four, strike out “\$2000” and insert in lieu thereof, “\$1700.”

Line twenty-five, strike out “\$1500” and insert “\$1300.”

Line twenty-six, strike out “recording clerk, \$1000.”

Comptroller’s Office—Line fifty-eight, strike out “\$480” and insert “\$200.”

Add under line fifty-nine, “one pension clerk, \$750, to April 1, 1873.”

Treasury Department—Line sixty-five, strike out “\$2000” and insert “\$1700.”

Line sixty-nine, strike out all but “porter hire,” and add “\$200.”

Line seventy, strike out all and insert “wood, \$500.”

Adjutant General’s Department—After line one hundred and twenty-seven, add “for house rent for arms and military stores, \$750.”

Deaf and Dumb Asylum—Strike out lines one hundred and forty-eight and one hundred and forty-nine.

Judiciary—Line one hundred and fifty-seven, strike out “\$10,000” and insert “\$37,500.”

Line one hundred and sixty-one, strike out “\$10,000” and insert “\$37,500.”

Line one hundred and sixty-six, strike out “\$3600” and insert “to April 1, 1873, \$2100.”

Line one hundred and sixty-seven, strike out "\$1200" and insert "\$400."

Line one hundred and sixty-eight, strike out "\$800" and insert "\$600."

Line one hundred and seventy-one, strike out "\$1200" and insert "\$1000."

Strike out line one hundred and seventy-three.

Line one hundred and seventy-five, strike out "\$122,500" and insert after judges, "salaries to first of May, 1873, \$81,666.66 $\frac{2}{3}$."

Line one hundred and seventy-eight, strike out "\$42,000," and insert "salary to first of May, 1872, \$28,000."

After line one hundred and eighty-eight, add "for furniture for the Supreme Court rooms, \$1000."

The further consideration of the bill was cut off by the special order.

On motion of Mr. Wood, Mr. Prendergast was excused for seven days from to-morrow.

The special order, being House bill No. 234, "An act to encourage stock raising, and for the protection of stock raisers," was then taken up.

The amendments proposed by the committee were read and adopted.

Mr. Booty moved to reconsider the vote just taken adopting the amendments. Lost.

Mr. Gallaway offered the following amendment:

Amend by providing that the counties of Smith, Wood, Upshur, Titus, Red River, Harrison, Fort Bend and Washington be excepted from the operation of this act.

Mr. Payne moved to lay the amendment upon the table. Carried.

Mr. Smith of Colorado offered the following amendment: Strike out all after the word "majority," in the fifth line, to the word "asking," in the sixth line, and insert in lieu thereof as follows: "Of the tax payers of the district, who may assess for taxation as many as one hundred head of cattle." Adopted.

Mr. Russell offered the following amendment: Strike out all after the word "treasury," in line twenty, section ten, and insert instead, "shall be used as other county funds." Adopted.

Mr. Morris offered the following amendment:

Provided, That the provisions of this bill shall not apply to the county of Rusk.

Mr. Tom moved the previous question, which, being seconded, was put.

The House refused to order the main question.

Mr. Sayers moved to lay the amendment on the table. Carried.

Mr. Brown of Dallas read to the House a letter from District Attorney John T. Ault and the justices of the County Court of Dallas county, advocating a sound, simple and stringent stock law.

Mr. Leyendecker offered the following amendment:

Strike out all before the word "having," in line four, section six, and insert, "each inspector shall procure at his own expense the necessary seal of office." Strike out all after the word "for," in line thirteen, and before the word "shall," in line twenty-one, section six. Adopted.

Mr. Smith of Colorado offered the following amendment: All marks and brands of cattle shall be recorded in the county or counties in which they usually range; and when any stock of cattle is sold the fact shall be noted on the record, opposite or near the record of its mark and brand, giving the names of the vendor and vendee and date of sale, and then recorded again in the name of the purchaser, and this shall be done as often as there shall be a sale.

It is made the duty of the inspector to procure certified copies of the marks and brands of his county for himself and his deputies, and shall have added thereto monthly the marks and brands that may be recorded.

It is made the duty of the inspector and his deputies carefully and personally to inspect and examine each animal separately, so as to see and know himself the marks and brands, ages, sex and number of cattle inspected; and he shall not trust to the statement of any person, and shall also carefully examine the bills of sale and lists of marks and brands for the cattle inspected by him, and if satisfied that the person claiming the cattle inspected has correct bills of sale, or chain of transfer in writing from the recorded owner, or is the owner himself in whole or in part of the mark and brand of each animal in his charge, drove, or herd which shall be inspected, and that he has none in his said inspected herd, or under

his control to be carried with it, he will then, and not until then, make out a certificate under his hand and seal, containing the number of cattle in each mark and brand, with the respective ages and sexes thus inspected, and that they appear to be the property of the person for whom they were inspected, naming him or her, as appears by bills of sale from the recorded owner of the marks and brands on the cattle inspected by him, or the owner of the mark and brand himself or herself, and has none either in his herd or under his control, that should be inspected, and that he intends to drive or ship them to (naming the place in the State for sale or slaughter) or if out of the State, he shall name the place on the border of the State.

And when he reaches said place of destination in this State, before he shall sell, or slaughter, or ship any of the said cattle, he shall have them inspected there; and it is made the duty of that inspector or deputy to carefully inspect all the cattle belonging to the herd in the manner prescribed for the first inspector, and compare the certificate of the first inspector with the cattle; and if it appears he has none in his herd or under his control but those mentioned or described in the inspection certificate, he will so certify in duplicate under his hand and seal, giving the date of the first certificate, by whom made, in what county, and the number of cattle found by him in each mark and brand, with ages and sexes. One of these certificates the inspector will immediately remit by mail, postage paid, to the first inspector, and the party will deposit the other with him in two months from the date of the original inspection, both to be kept by him in his office. And the inspector at the point of destination shall carefully examine and know, if possible, whether he has cattle under his control other than originally inspected, and if he have, then he will take charge of the same and sell them as under execution; and if not voluntarily delivered to him, then he may sue for and sequester them without giving bond or security, and by order of the justice of the peace or district judge of the court where the suit may be instituted on application of said inspector or his successor, the cattle shall be sold in like manner, and the proceeds of the sale, less one-fourth retained by him for compensation and costs of suit, to be deposited with the county treasurer for the owner of the cattle sold, for

one year, and if not called for, to vest in the county; and he shall also file with the treasurer a statement of the number in each mark and brand sold, and the amount each sold for.

If the owner of the inspected herd should desire to sell, slaughter or ship the cattle, or any of them, at any other than the place of destination named in his certificate of inspection, he may do so by first having his herd inspected, and certificates made and returned in the manner prescribed at the point of destination so far as applicable, and the duties of such inspector shall be the same as those prescribed for inspectors at the place of destination.

Mr. Sayers offered the following amendment to the above amendment:

Provided, That when cattle are gathered near the county line the bills of sale of the same shall be recorded in both counties.

Adopted.

The amendment offered by Mr. Smith, of Colorado, was then adopted.

Mr. Morris offered the following amendment, to come in line fourteen from the top after the word "so:"

Whenever called on by the presiding justice of the county to do so, or with his consent and approbation.
Lost.

The bill amended as above was then ordered engrossed.

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

On motion of Mr. Bordeaux, the vote of yesterday passing the bill for the relief of Aaron S. Mangum, was reconsidered, and it was referred to Judiciary Committee No. 2.

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

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

No. 259, "An act to authorize the County or Police Courts of Washington and Grimes counties to aid in the construction of the Brazos bridge near the town of Washington, in Washington county, Texas."

Also bill No. 542, "An act making an appropriation to pay F. E. McManus one month's salary as Judge of the Fifteenth Judicial District of the State of Texas."

And find them correctly enrolled, and have this the fourth day of April, at 12:50 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

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

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

No. 253, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within two miles of Hackberry Grove Academy, Collin county."

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

No. 275, "An act supplemental to and amendatory of an act entitled an act to incorporate the Odd Fellows Hall and Building Association of Bryan, Texas, approved December 1, 1871."

No. 58, "An act to incorporate the Odd Fellows Male and Female College, located at Pittsburg, in Upshur county, Texas."

And find the same correctly enrolled, and have presented the same this day, at 11 o'clock, to the Governor for his signature.

W. A. SHAW, Chairman.

Further report from same committee :

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 442, "An act to incorporate the town of Mexia, in Limestone county."

Also House bill No. 439, "An act 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."

Also House bill No. 97, "An act to regulate the conduct of public officers."

Also House bill No. 121, "An act making appropriation to pay the mileage and per diem of Presidential Electors."

And find the same correctly enrolled, and have presented the same this day, at 11 o'clock, to the Governor for his signature.

W. A. SHAW, Chairman.

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

No. 545, "An act 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. 259, "An act to authorize the County or Police Courts of Washington and Grimes counties to aid in the construction of the Brazos bridge, near the town of Washington in Washington county, Texas."

No. 146, "An act to amend an act to incorporate Austin College, approved November 22, 1849," with amendments by the Senate.

Also, of the passage of the following Senate bills :

No. 178, "An act to incorporate the Texas Library and Publishing Company."

No. 181, "An act regulating contested elections."

No. 223, "An act to submit the permanent location of the county site of El Paso county to a vote of the people of said county."

Also, that the Senate concurs in the amendments made by the House to Senate bill No. 7, "An act to incorporate the Colorado, Austin and Lampasas Railway Company."

Also, of the passage of House bill No. 601, "An act amendatory of an act entitled an act to incorporate the city of Austin, passed March, 1873."

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 bills :

No. 457, a bill to be entitled "An act for the relief of Michael B. Boteham."

No. 602, "An act to amend an act passed at this session of the Legislature, amending the charter of the Galveston Artillery Company."

No. 199, a bill to be entitled "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company."

No. 601, "An act amendatory of an act entitled an act to incorporate the city of Austin, passed March, 1873."

No. 416, "An act to prohibit the sale of spirituous liquors within six miles of Davilla Institute, Milam county, except for medicinal and sacramental purposes."

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

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Cook offered the following resolution :

Resolved, That the House has learned with deep regret of the death of Hon. A. S. Lipscomb, a member of this body from the Fourteenth Senatorial District.

Resolved, That although he has been prevented by the long and painful illness which terminated in his death from taking his seat among us, yet he is known and endeared to us by his high character as a useful citizen and a wise and devoted patriot.

Resolved, That this hall be draped in mourning for thirty days, and the House do now adjourn until 9:30 A. M. to-morrow in respect to the memory of the Hon. A. S. Lipscomb, and that these resolutions be placed upon the record of the House and a copy be forwarded to the family of the deceased.

The resolution was adopted and the House adjourned.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 5, 1873. }

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

Mr. Prendergast was absent.

On motion of Mr. Westfall, Mr. Davenport was excused indefinitely.

On motion, Mr. Nelson was excused on account of sickness, and Mr. Noeggerath until Wednesday next.

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

On further motion of Mr. Payne, the rules were suspended to allow him to introduce the following bill: "An act requiring the Commissioner of the General Land Office to issue patents upon certain surveys therein mentioned." Referred to the Committee on Private Land Claims.

On motion of Mr. Sayers, he was excused from serving on the special committee to visit the penitentiary, the interests of his constituents requiring his presence here.

Mr. Westfall presented a remonstrance of citizens of Travis county against the passage of "An act to prohibit the sale of spirituous liquors at Pleasant Hill Academy." Referred to to the Committee on Education.

Mr. Robb presented a petition from the grand jury of Houston county, asking that the Third Judicial District be not abolished, etc.

Also, petition from Houston county, asking that the Third Judicial District be not abolished, etc. All read and referred to the Committee on Judicial Districts.

Mr. Brown of Dallas introduced a bill to incorporate the City Bank of Dallas. Referred to the Committee on State Affairs.

Mr. Powers, a bill to incorporate the Central Wharf and Warehouse Company of Corpus Christi. Referred to the Committee on Town and City Corporations.

Also, a bill to validate the acts of Charles Conley as surveyor of Presidio county for the year 1870, to and including 1873. Referred to the Committee on Public Lands and Land Office.

Mr. McDonald, a bill for the relief of the heirs of Henry A. Boyate, deceased. Referred to the Committee on Public Lands and Land Office.

Mr. Gallaway, a bill to create and define the boundary lines of county, and to provide for its organization. Referred to the Committee on Counties and County Boundaries.

Mr. Leyendecker, a bill for the relief of J. W. E. Wallace, assignee of John T. Smith.

Mr. Westfall, a bill for the relief of the heirs of John H. Scaggs, deceased.

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

Mr. Ghent, a bill authorizing the issuance of patent in the name of Thomas J. Allen.

Mr. Hollingsworth, a bill for the relief of John Steel and Wm. S. Williamson. All referred to the Committee on Private Land Claims.

Mr. Sabin, a bill in relation to filing abstracts of title in actions of trespass to try title to lands. Referred to Judiciary Committee No. 1.

Mr. Salter, a bill to authorize the county of Robertson to audit and fund the debt of said county. Referred to the Committee on Finance.

Mr. Winkler, a bill for the relief of Bayland Orphan's Home.

Mr. Hollingsworth, a bill to fund the debt of Hays county. Referred to the Committee on State Affairs.

Mr. Watts, a bill to amend article seven hundred and two of the act entitled "An act to establish a Code of Criminal Procedure for the State of Texas," approved August 26, 1856.

Mr. Cook, a bill to exempt the lands and real estate of citizens from forced sale and liability for debt hereafter contracted. Referred to Judiciary Committee No. 2.

Mr. Sayers, a bill to attach the counties of Concho and McCulloch to San Saba land district. Referred to the Committee on Public Lands and Land Office.

Mr. Winkler, chairman of Committee on Internal Improvements, asked leave to transfer House bill No. 349, to require railroad companies to renew their securities to the State for money borrowed from the State, to the Finance Committee, which request was granted, and reference made.

Mr. Schmidt presented a bill to incorporate the city of Houston. Referred to the Committee on Town and City Corporations.

Mr. Hollingsworth offered the following resolution :

Be it resolved by the House of Representatives of the Thirteenth Legislature, That the committee appointed to visit and inspect the penitentiary, be authorized and empowered to administer oaths, and to send for persons and papers.

Adopted.

Mr. Trolinger introduced a bill amendatory of "An act supplementary to an act authorizing the sale and disposition of the university lands, approved August 30, approved November 12, 1866." Referred to the following special committee: Messrs. Anderson, chairman; Allison, Ireland, Russell and Trolinger.

The special order was then taken up, being the 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 1870, 1871 and 1872, the question being upon the amendments offered by the Finance Committee.

The amendments were taken up *seriatim*.

Mr. Russell moved to lay the first amendment on the table.

Yeas and nays being called, resulted as follows :

Yeas—Messrs. Speaker, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Brown of Upshur, Carroll, Cook, Cunningham, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gillette, Harrison, Hester, Hollingsworth, Kemble, Killough, Lane, Manning, McDonald, Payne, Rainey, Rimes, Robb, Russell, Sayers, Schmidt, Scott, Shaw, Short, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Walker and Westfall—46.

Nays—Messrs. Allison, Berends, Ford, Green, Hoffman, Joseph, Kleberg, Leyendecker, Mabry, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Roberts, Rosborough, Sabin, Shelton, Tivy, Washington, Watts, Wilder, Winkler and Wood—25.

Whereupon the resolution to lay on the table was declared to have prevailed.

The second amendment was then adopted.

The third amendment was taken up and adopted.

The fourth amendment was then taken up.

Mr. Payne moved to amend by striking out "\$1700" and inserting instead "\$1800."

Mr. Winkler moved to lay the amendment and the amendment to the amendment on the table, which carried.

The fifth amendment was then rejected.

The last amendment to the appropriations to Executive Department was then taken up.

Mr. Payne moved to strike out "\$1000" and insert "\$1200."

Mr. Denton moved to lay that amendment on the table. Carried. The amendment offered by the committee was then adopted.

Comptroller's Office—The first amendment was adopted. The second amendment was adopted.

Treasury Department—Mr. Payne moved to lay the first amendment on the table. Carried. The second and third amendments were adopted.

Adjutant General's Department—The amendment offered to this section was adopted.

Deaf and Dumb Asylum—The amendment thereto was adopted.

Judiciary—The first amendment was adopted.

The second amendment was adopted.

The third amendment was adopted.

Mr. offered the following to the fourth amendment: Strike out "\$1200" and insert "\$1000." Adopted.

The fourth amendment was then adopted.

The fifth amendment was rejected.

The sixth amendment was adopted.

The seventh amendment was adopted.

The eighth amendment was adopted.

The ninth amendment was adopted.

The tenth amendment was adopted.

Mr. Mills offered the following substitute for that portion of the bill relating to the Attorney General's office: "For salary of the Attorney General, \$3000; for salary of chief clerk, who may act, when necessary, as Assistant Attorney General, \$2500; for salary of two clerks, \$3600; for books and stationery, \$1000; for postage, porter hire, wood and contingent expenses, \$500; for printing and copying briefs, \$500; for legal fees in all State cases, \$1500; for telegraphing and express charges, \$100; for depositions in civil causes in which the State is interested, to be drawn as needed, on requisitions by the District Attorneys with the approval of the Attorney General, \$500."

Mr. Sayers moved to lay the amendment on the table, upon which the vote stood as follow:

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Brown of Upshur, Carroll, Cook, Cunningham, Denton, Doyle, Eastland, Gaston, Ghent, Gillette, Harrison, Hester, Hollingsworth, Ireland, Killough, Kleberg, Manning, McDonald, Payne, Rainey, Rimes, Robb, Rosborough, Russell, Sayers, Schmidt, Scott, Shelton, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Venters, Walker, Westfall, Winkler and Wood—46.

Nays—Messrs. Berends, Ford, Gallaway, Green, Hoffman, Joseph, Kemble, Lane, Leyendecker, Mabry, Mills, Moore, Morris, Phelps, Powers, Roberts, Sabin, Salter, Shaw, Short, Stockbridge, Tivy, Washington, Watts and Wilder.—26.

Whereupon the motion to table prevailed.

Mr. Powers offered the following substitute to the section of the bill relating to the General Land office:

"Salary of Commissioner, \$3000; salary of chief clerk, \$2000; salary of receiver, \$1,800; salary of one examining, one file and two corresponding clerks at \$1600 each

per annum, \$6400; salary of one recording and four patenting clerks, at \$1500 each per annum, \$7500; salary of two assistant clerks, at \$1400 each per annum, \$2800; salary of one translator, \$1800; salary of chief draughtsman, \$1800; salary of two compilers, at \$1700 each per annum, \$3400; salary of four assistant draughtsmen, at \$1600 each per annum, \$6,400; salary of four additional assistant draughtsmen, employed under act approved May 27, 1871, at \$1600 each per annum, \$6400; deficiency for last preceding four additional draughtsmen, employed under act approved May 27, 1871, being salary from May 1, 1872, to September 1, 1872, at \$1600 each per annum, \$2080; stationery, \$5000; deficiency for stationery for 1871 and 1872, \$2000; postage, porter hire, wood, contingent expenses, etc., \$2000; deficiency for 1871 and 1872, for postage, porter hire, wood and contingent expenses, \$1500; chemicals for photograph department, \$1000; office furniture, for desks, chairs, etc., \$2000; salary of five additional draughtsmen, to be employed under the law of the present Legislature, from April 1, 1873, to September 1, 1873, at \$1600 each per annum, \$3333.33; salary of ten additional clerks to be employed under the law of the present Legislature, from April 1, 1873, to September 1, 1873, at \$1500 each per annum, \$6250."

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

No. 239, a bill to be entitled "An act for the relief of W. M. Jackson," with amendments by Senate.

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

Also, the passage of the following Senate bills:

No. 240½, "An act to incorporate the Burleson Male and Female Academy in Bastrop county."

No. 137, "An act to incorporate the Kaufman Savings Bank."

No. 124, "An act to incorporate the town of Granberry, in Hood county, State of Texas."

No. 101, "An act for the relief of the heirs of Daniel Donaho, deceased."

No. 106, "An act for the relief of Joseph Hoya."

Mr. Robb was added to the committee to visit and inspect the penitentiary, in place of Mr. Sayers, relieved.

On motion of Mr. Brown of Upshur, Mr. Green was excused indefinitely on account of sickness.

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 7, 1873. }

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

The following gentlemen were absent:

Messrs. Hollingsworth and Mills.

On motion of Mr. Powers, Mr. Nelson was excused on account of sickness; and on motion of Mr Killough, Mr. Noeggerath was excused for the same cause.

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

On motion of Mr. Brown of Dallas, the special committee upon the Governor's veto of the registration bill was granted leave to report, and submitted the following:

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

SIR: The select committee to whom was referred the bill to provide for the registration of voters, and the veto of the Governor thereon, have carefully considered the subject, and instruct me to recommend to the House that said bill do lie upon the table, and that the accompanying bill, drawn by the undersigned at the request of the committee, be passed in lieu of said original bill.

The committee have sought to prepare as short, simple and fair a system of registration as seems to be attainable under the circumstances by which we are surrounded.

J. H. BROWN, Chairman.

The bill, being a bill to be entitled "An act to provide for registration of voters, and to repeal the act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads, and other works of internal improvements, approved April 12, 1871," was read.

Rules suspended, the bill read second time by caption.

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

made special order for Thursday, April 10, at 11 o'clock A. M., and one hundred copies ordered printed.

Mr. Harrison offered the following resolution :

WHEREAS, The investigation of the charges in the matter of the State of Texas against John G. Scott, referred to a special committee of this House, has and may elicit evidence of the guilt of the said John G. Scott for other crimes and misdemeanors in office; therefore, be it

Resolved, That the committee now sitting in the said matter inquire into any other crimes and misdemeanors in office which may come to their knowledge in the course of their investigation, and amend the charges already preferred, either in form or substance, as the evidence may warrant.

Adopted.

Mr. Broaddus presented a bill to require sheriffs and other officers to advertise the time and place of sale of property seized by virtue of executions.

Also, bill to authorize the County Court of Brazos county to levy and collect a special tax of one-fourth of one per cent., to complete the court house and make more secure the jail in said county. Referred to Judiciary Committee No. 2.

Mr. Manning presented a bill for relief of James H. Bostick.

Mr. Bordeaux presented a bill for the relief of the heirs of Thomas Ward, deceased. Referred to the Committee on Private Land Claims.

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

Mr. Shaw presented a bill to authorize Clark Welch to build a toll bridge over the Sulphur Fork of Red river. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Payne presented a bill to authorize the County Court of Victoria county to levy a special tax to repair the jail in said county. Referred to Committee on State Affairs.

Mr. Hester presented a bill for the relief of James Walker, guardian of Julia M. Turner. Referred to Committee on Finance.

Mr. Morris offered a joint resolution providing for two additional clerks in the Comptroller's office. Read; rules suspended and ordered engrossed.

Mr. Winkler presented a bill to incorporate the Middle Texas Fair Association. Read; rules suspended, read second time and ordered engrossed.

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

Mr. Hoffman presented a bill authorizing the mayor and city council of New Braunfels to amend their charter, and to give them exclusive authority over streets, etc. Referred to Committee on Town and City Corporations.

Mr. Watts introduced a bill to authorize the County Court of Chambers county to levy and collect a special tax for the purpose of building a jail. Referred to Judiciary Committee No. 2.

Mr. Brown of Dallas introduced the petition of William B. Miller, John M. Crockett, T. J. Pollard, and a large number of other citizens of Dallas county, asking relief against a special act to incorporate the Dallas Bridge Company. Referred to a special committee composed of Messrs. Wood, chairman, Ford, Manning, McDonald and Thurmond.

Mr. Ford introduced a bill to incorporate the Orange, Jasper and Shelby Railroad Company, and to aid in the construction of the road.

Mr. Bledsoe introduced a bill to incorporate the Fort Worth, Cleburne and Waco Railway Company, and granting land in aid of its construction. Referred to the Committee on Internal Improvements.

Mr. Trolinger introduced a bill to regulate the registration of births, marriages and deaths.

Mr. Storey introduced a bill to amend an act entitled "An act to adopt and establish a Penal Code," approved August 28, 1856. Referred to Judiciary Committee No. 2.

Mr. Ireland introduced a bill authorizing the Police Court of Guadalupe county to levy a special tax to build a jail.

Mr. Cook introduced a bill to amend article one hundred and sixty-six of the Penal Code. Referred to Judiciary Committee No. 1.

Mr. Gilpin introduced a bill to incorporate the Nueces Bridge, Ferry and Turnpike Company. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Sabin introduced a joint resolution asking Congress for the improvement of the bar and harbor of Gal-

veston. Referred to the Committee on Commerce and Manufactures.

Mr. Sabin introduced a bill providing for a pension for General Sydney Sherman, for eminent services in the war securing the independence of Texas. Referred to the Committee on State Affairs.

Mr. Bewley introduced a bill for the relief of Bernard Reilly. Referred to the Committee on Private Land Claims.

Mr. Thurmond introduced a bill to protect and encourage the agricultural interests of the State of Texas. Referred to the Committee on Agriculture and Stock Raising.

Mr. Wood offered the following resolution :

Resolved, That the Committee on Public Lands and Land Office be requested to inquire into the expediency of increasing the fees of the General Land Office, so as to make the same self-sustaining, and whether further appropriations are necessary to sustain the same. Also, the expediency of increasing the hours of labor in the Land Office to eight per day; and to inquire into the efficiency of the present attaches of said office; and to report how many of the pending patents to be issued are upon railroad certificates.

Adopted.

On motion of Mr. Winkler, Mr. Sabin was added to the Committee on Constitutional Amendments.

The special order, the bill to provide for the enclosure of commons for the pasturage of stock, was announced.

On motion of Mr. Storey, it was postponed until Saturday, April 12, at 11 A. M.

The appropriation bill upon which the House adjourned on Saturday was then taken up, the question being upon the amendment offered by Mr. Powers.

Mr. Wood moved to lay the amendment upon the table, which carried.

On motion of Mr. Morris, the House then went into committee of the whole upon the appropriation bill, Mr. Brown of Dallas, in the chair.

After considerable discussion the committee rose and reported the adoption of the following amendments :

1. Comptroller's Office—Add "for salary of pensioner clerk to April 1, 1873, \$875.00."
2. School Department—Strike out "For fees of scholastic census takers, \$1000."

3. Clauses, "for Lunatic, Deaf and Dumb, and Blind Asylum," stricken out.

4. Judiciary—"Porter hire, \$400."

5. Miscellaneous—All stricken out.

The above amendments adopted by the committee of the whole and reported to the House were adopted.

A message from the Senate announced the passage by that body of House joint resolution No. 590, asking for telegraphic lines on the frontier.

House bill No. 267, "An act to amend articles four hundred and twelve and four hundred and eighteen of the penal code as amended by act passed May 11, 1871."

No. 99, "An act to amend section twenty-third 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."

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. 380, "An act to incorporate the South Sulphur Bridge and Turnpike Company," and find the same correctly enrolled, and have presented the same this day at 11 o'clock to the Governor for his signature.

SHAW, Chairman.

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

SIR: Your Committee on Enrolled Bills have carefully examined the following bill, No. 314, "An act to enlarge the county of Medina," and find the same correctly enrolled, and have this...day of April, at one o'clock, presented the same to the Governor for his approval.

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 thoroughly examined the following bills, to-wit:

No. 498, "An act for the relief of the heirs of Charles Forrester."

No. 388, a bill providing for an election to permanently locate the county seat of Hill county.

No. 470, a bill to be entitled "An act to compensate

Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas."

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

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

No. 591, a bill to be entitled "An act to prohibit the sale or disposition of spirituous or other intoxicating liquors within two miles of Lavernia Male and Female High School."

And find the same correctly engrossed.

BOOTY, Chairman.

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

On motion of Mr. Brown of Dallas, the House adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

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

The special order, being House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean," was taken up and read second time.

On motion of Mr. Ghent, the House went into committee of the whole to consider the bill.

After discussion, the committee arose, reported little progress, and asked leave to sit again at 3 P. M. Wednesday, April 9, which was granted.

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 8, 1873. }

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

The following gentlemen were absent: Messrs. Adrance, Cook, Joseph, Sabin and Short.

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

Mr. Salter presented a petition of citizens of Robertson county, in regard to the settling of the county site.

Mr. Rosborough presented a petition of citizens of Milam, Williamson and Bell counties, asking the formation of a new county to be called Davilla.

Mr. Killough presented a petition of citizens of Fayette county, protesting against dismemberment of that county. All referred to the Committee on County and County Boundaries.

Mr. Van Zandt presented a petition of citizens of Tarrant county, asking for repeal of "An act prohibiting the sale of spirituous liquors in the vicinity of the town of Birdville, in said county."

Mr. Westfall presented a petition of citizens of Bell and Coryell counties, asking passage of a law prohibiting the sale of intoxicating liquors in vicinity of Shiloh school house, in Coryelle county.

Mr. Rosborough presented a petition of citizens of Bell county, asking the passage of a law prohibiting the sale of intoxicating liquors within five miles of Pleasant Hill Institute. All referred to Committee on Education.

Mr. Trolinger presented petition of Rufus Johnson for relief.

Mr. Winkler presented petition of Ahrenbeck brothers for relief. Both referred to Committee on State Affairs.

Mr. Gallaway introduced a bill to authorize and require L. P. Harris, treasurer of the board of school commissioners of Upshur county, to pay over to the treasurer of said county, certain funds therein named for certain purposes. Referred to a special committee composed of the Upshur county representatives.

Mr. Salter introduced a bill for the relief of A. B. Silliman, deceased; also, for the relief W. S. Silliman, deceased.

Mr. Wood introduced a bill for the relief of heirs of James Erwin, James L. Erwin, John A. Erwin, Alexander K. Erwin and George G. Erwin. All referred to the Committee on Private Land Claims.

Mr. Hester introduced a bill to incorporate the Lavaca County Tap Railway Company.

Mr. Abbott introduced a bill to amend "An act amending sections two and twelve of an act to incorporate the Hempstead Eastern and Western Trunk Railroad Company. Both referred to the Committee on Internal Improvements.

Mr. Booty introduced a bill to authorize the employment of special bailiffs to serve grand juries. Referred to Judiciary Committee No. 2.

Mr. Berends introduced a bill to pay the expenses of the Immigration Company, and making appropriation therefor. Referred to Committee on Finance.

Mr. Abbott introduced a bill to promote and encourage manufacturing in the State of Texas. Referred to the Committee on Commerce and Manufactures.

Mr. Ireland introduced the following concurrent resolution:

Resolved by the House of Representatives, the Senate concurring, That a joint committee of three from the House and two from the Senate be raised, whose duty it shall be to take into consideration the question of a general election during the present year, and that said committee report by bill or otherwise.

Adopted.

Mr. Rainey introduced the following concurrent resolution:

Resolved, That the House of Representatives, the Senate concurring, do hereby declare that they desire an early adjournment, and in order to facilitate that kind of business which will benefit the whole State, do further declare that they will take up in consecutive order and dispose of the following measures, before acting upon other matters of a private nature, viz., "An act to establish a system of free schools;" "An act to reduce the number of judicial districts;" "An act to reapportion the State;" "An act for the benefit of stock raisers;" "An act concerning the general revenue;" "An act regulating agricultural contracts;" *provided further,* that this resolution shall only apply to the morning sessions.

Read and laid over under the rules.

Mr. Brown of Dallas offered the following resolution:

Resolved, That a select committee of five be appointed with instructions to take into consideration the propriety of adopting what is known as the Bayland's Orphan Home on Galveston bay, as a State institution, and trans-

ferring, for its endowment and support, the lands set apart by the State in the year 1856, for founding and endowing a State Orphan Asylum, and that they be instructed to report as early as may be practicable, by bill or otherwise.

Adopted, and the Speaker appointed the following gentlemen said committee: Joseph, chairman; Van Zandt, Walker, Kleberg and Broaddus.

Mr. Thurmond introduced a joint resolution directing that criminal proceedings against Santo Benavides, Major A. J. Hogan and others, for acts done by them under the authority of the United States government, be dismissed. Read and referred to the Committee on Military Affairs.

On motion of Mr. Westfall, the Committee on Indian Affairs reported as follows:

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

SIR: Your Committee on Indian Affairs, to whom was referred Senate bill No. 159, "An act to provide for frontier defense, and for the organization of a regiment of cavalry for that purpose," have had the same under careful consideration, and instruct me to report it back and recommend the two accompanying bills as substitutes therefor.

VEALE, Chairman.

The original bill having been read, the first substitute, being a bill to remit certain taxes to the residents of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall; Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same, 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.

The second substitute, being "An act to provide for the protection of life and property in certain counties in the State," was read; the rules suspended and read by caption a second time.

Mr. Brown, of Dallas, moved to fill the blank in section second with "two thousand dollars." Adopted.

Mr. Bordeaux moved to fill the blank in section second, relating to term of office, with "two years." Adopted.

Mr. Bordeaux moved to fill the blank in section third, relating to the salary of assistant inspectors, with "one thousand each." Adopted.

The bill was then read second time and ordered engrossed.

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

The special order, being House bill No. 47, a bill to be entitled "An act to amend the second and thirteenth sections of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railway Company, approved November 11, 1871," was taken up, the question being the amendment offered by Mr. Anderson.

The amendment was adopted.

The bill was then passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Bledsoe, Booty, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Cook, Denton, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Ireland, Joseph, Kemble, Kilgough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Morris, Payne, Phelps, Powers, Rainey, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Shaw, Shelton, Stockbridge, Storey, Thurmond, Tilson, Tivy, Tom, Van Zandt, Washington, Watts, Westfall, Wilder and Winkler—59.

Nays—Messrs. Cunningham and Leyendecker—2.

The second special order, being House bill No. 483, "An act to aid in the construction of the Gulf, Western Texas and Pacific railway," was then taken up.

After reading, Mr. Sayers moved to consider the bill by sections, which carried.

Mr. Manning moved to amend section one by adding the following proviso :

"*Provided*, that in no case shall the State be in any way liable for deficiency of vacant domain."

Adopted.

The second section was then adopted.

Mr. Kleberg moved to amend section third as follows: Strike out in section third, lines seven and nine, the words, "in the direction of," and insert the word "to."

Adopted.

Mr. Denton offered the following amendment :

"And the said company may establish and build a branch or main trunk road from Seguin to New Braunsfels."

Mr. Ireland moved a call of the House, which being

seconded was made, and the following gentlemen failed to answer to their names :

Messrs. Abbott, Berends, Carroll, Hoffman, Leyendecker, Morris, Rimes, Schmidt, Veale, Venters and Wood.

The call was then suspended, a quorum being present.

The third section was then adopted.

Mr. Denton offered the following substitute for the first part of section third :

“That the said company shall alienate all lands granted by virtue of this act, or any other act of the Legislature, except so far as may be necessary for the running of its road, as follows, to wit: one-fourth in six years, one-fourth in eight years, one-fourth in ten years, and one-fourth in twelve years, from the location and survey of their certificates.”

Adopted.

The third section was then adopted.

The fourth section was then adopted.

Mr. Anderson offered the following amendment to section five :

“Said company shall never sell, lease nor give control of said railway, nor the franchise thereof, to any company owning any parallel or competing railway ; and shall not purchase nor lease nor obtain control of any parallel or competing railway, under penalty of forfeiting the franchises herein and heretofore granted.”

Adopted.

Mr. Broaddus offered the following amendment: In section three, line six, after 1873, add, “and for every ten miles of road so completed the company shall be entitled to receive the sixteen sections of land per mile, as provided for in the second section of this act.”

Adopted.

Mr. Berends offered the following substitute for section two :

“SEC. 2. As soon as said company shall have completed and put in good running order, as provided in this act, that section of its road from its present terminus to the city of San Antonio, it may give notice to the Governor of this State, whose duty it shall be to appoint some skillful engineer, if there be no State engineer, to examine said section of road ; and if, upon the report of said engineer under oath, it shall appear that said section of

the road has been constructed in a good and substantial manner, and in accordance with the provisions of the charter of this company, this act and the general laws of this State in force at the time regulating railroads, thereupon it shall be the duty of the Commissioner of the General Land Office to issue to said company certificates of six hundred and forty acres each, equal in amount to twenty sections per mile of road so constructed and completed, which said certificates shall be located and surveyed in alternate sections, field notes and maps returned to the General Land Office, and the odd sections patented to said company, and all the alternate or even sections shall be reserved, set apart and appropriated to and constitute a part of the common school fund, as provided by the laws of the State now or hereafter enacted; and whenever said company hereafter shall have completed and put in good running order a section of ten miles or more of its road consecutively, either beyond the city of San Antonio, in the direction to the Pacific, or from the city of Gonzales, through the town of Lockhart, in the direction of Austin, it may give notice to the Governor of this State, and certificates of six hundred and forty acres each, equal in amount to twenty sections per mile of road so constructed and completed, shall be issued in the same manner as before prescribed."

Section three, line six, strike out after the words first day of May, 1873, "and build its road," and insert the words "in the direction of Austin" (line ten).

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

No. 189, "An act concerning private corporations."

No. 161, "An act to incorporate the Kaufman County Agricultural, Mechanical and Blood Stock Association."

No. 149, "An act to amend an act entitled an act to incorporate the German Casino of Columbus, Texas."

No. 146, "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."

No. 10, "An act for the relief of the heirs of Luke A. Falvel, deceased."

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 care-

fully examined the following bills, and find the same correctly engrossed :

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

House joint resolution No. 634, "Joint resolution authorizing the Comptroller of Public Accounts to employ two additional clerks."

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

BOOTY, Chairman.

Mr. Berends, yielding to a motion to adjourn, the House then, on motion of Mr. Hester, adjourned until 4 P. M. this evening.

AFTERNOON SESSION.

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

Senate bill No. 10, "An act for the relief of the heirs of Luke A. Falvel, deceased." Referred to the Committee on Private Land Claims.

Senate bill No. 101, "An act for the relief of the heirs of Daniel Donaho, deceased." Referred to the Committee on Private Land Claims.

Senate bill No. 124, "An act to incorporate the town of Granberry, in Hood county, State of Texas." Referred to the Committee on Town and City Corporations.

Senate bill No. 149, "An act to amend an act entitled: an act to incorporate the German Casino, of Columbus, Texas." Referred to the Committee on Town and City Corporations.

Senate bill No. 137, "An act to incorporate the Kaufman Savings Bank." Referred to the Committee on State Affairs.

Senate bill No. 106, "An act for the relief of Joseph Hoya." Referred to the Committee on Claims and Accounts.

Senate bill No. 161, "An act to incorporate the Kaufman County Agricultural, Mechanical and Blood Stock Association." Read first time; rules suspended, read second time and passed to third reading. On motion of Mr. Winkler the rules were further suspended, the bill read third time and passed.

House bill No. 146, "An act to amend an act to incor-

porate Austin College, approved Nov. 22, 1849." Taken up and the House concurred in the amendments offered by the Senate. The bill thus amended then passed.

Senate bill No. 178, "An act to incorporate the Texas Library and publishing Company." Read first time; rules suspended, read second time and passed to third reading. On motion of Mr. Brown, of Dallas, the rules were suspended, the bill read third time and passed.

Senate bill No. 240½, "An act to incorporate the Burleson Male and Female Academy, in Bastrop county." Read first time and referred to the Committee on Town and City Corporations.

On motion of Mr. Brown of Dallas, Mr. Stockbridge was added to the committees on Internal Improvements and Town and City Corporations.

On motion of Mr. Payne the Committee on Internal Improvements was granted leave to report and submitted the following:

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

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 247, entitled, "An act to incorporate the San Antonio River Valley Canal Company," have examined the same, and finding some defects in the original bill, have prepared a substitute therefor, and have instructed me to report the same to the House and recommend its adoption and passage instead of the original.

WINKLER, Chairman.

The substitute recommended by the committee was read and adopted.

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

Amend section twelve by striking out all after the word "section," in ninth line, and insert:

"That said canal company shall be entitled to and receive from the State a grant of sixteen sections of land for every mile of its canal constructed and put in good order; and whenever said company shall have completed and put in good order a section or sections aggregating ten miles or more of said canal, the company may give notice to the Governor of this State of such completion, whose duty it shall be to appoint some skillful engineer, if there be no State engineer, to examine said section of canal; and

if upon the report of said engineer, under oath, it shall appear that said section or sections of said canal has been constructed in a good and substantial manner, and in accordance with the provisions of this act, it shall be the duty of the Commissioner of the General Land Office to issue to said company certificates of six hundred and forty acres each, equal in amount to sixteen sections per mile of canal so completed; which said certificates shall be located and surveyed in alternate sections, and field notes and maps shall be returned to the General Land Office, and the odd sections patented to said company, and the alternate or even sections shall be reserved and held, and appropriated to and constitute a part of the public free school fund of the State.

“The lands herein granted to said company by virtue of the provisions of this act, said company shall proceed to alienate the same, except so far as may be necessary to the maintenance of its said canal, as follows, to-wit: One-fourth thereof in six years, one-fourth in eight years, one-fourth in twelve years, and one-fourth in sixteen years from the time of acquiring such lands; *provided, however,* that said lands shall in no instance be alienated to any other corporation, directly or indirectly, for its use, except so far as may be necessary for the proper use and conduction of the business of such company. And on failure to alienate the lands as herein provided, then the said company shall be proceeded against as provided by law now or hereafter to be enacted.”

Amend the caption by adding “and to grant lands in aid of the construction of the same.”

Mr. Ireland offered the following amendment which was adopted:

“*Provided,* that if said canal shall not be completed by the year 1885, then said company shall forfeit to the State all donations of land herein granted.”

Mr. Manning offered the following amendment:

“*Provided,* that in no case shall the State of Texas be responsible for deficiency of vacant domain.”

Adopted.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Denton,

Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Ireland, Joseph, Kemble, Kleberg, Leyendecker, Mabry, Manning, McDonald, Morris, Payne, Phelps, Powers, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Stockbridge, Storey, Thurmond, Tilson, Tivy, Tom, Van Zandt, Walker, Washington, Westfall, Williams, Winkler and Wood—62.

Nays—Messrs. Cunningham, Lane, Moore, Short, Trolinger and Wilder—6.

Leave being granted, Mr. Rimes introduced a bill amendatory of "An act entitled an act to incorporate the Falls County Turnpike, Road and Bridge Company," approved April 12, 1871, which was read; rules suspended, read second time and ordered engrossed.

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

On motion of Mr. Bordeaux, the Committee on Roads, Bridges and Ferries was granted leave to report, and submitted the following:

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

SIR: Your Committee on Roads, Bridges and Ferries, to whom was committed bill No. 552, to be entitled "An act to incorporate the Bridgeport Bridge Company, in Wise county," have carefully examined the same, and recommend that it pass with the accompanying amendments.

H. MANNING, for Committee.

In section one, tenth line, strike out "twenty-five" and insert "fifteen years."

In section two, third line, after the word "shall," insert "within twelve months."

Strike out section three, and in lieu thereof insert: "SEC. 3. That no bridge or ferry shall be established on or over said stream within three and one-half miles of said bridge, on which toll shall be charged or collected for crossing the same; *provided*, this section shall not prohibit or interfere with any free crossing or bridge."

In section nine, strike out "twenty-five" and insert "fifteen."

The amendments were adopted and the bill ordered engrossed.

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

Further report from same committee :

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

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 605, "An act to authorize Ezra Carpenter and his associates and successors to construct, own and keep a toll bridge on Big Cypress," have had the same under consideration, and the committee have instructed me to report the same back to the House and recommend its passage.

HARRISON, Chairman.

The bill was read second time and ordered engrossed.

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

The Committee on State Affairs made the following report :

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

SIR: The Committee on State Affairs unanimously instruct me to return to the House Senate bill No. 72, for the relief of Bertha Staffel, of Kendall county, and recommend its passage.

J. H. BROWN, Chairman.

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

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

The Committee on Town and City Corporations made the following report :

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

SIR: Your committee to whom was referred a bill to be entitled "An act to prohibit the sale of intoxicating or spirituous liquors within three miles of the institution of learning situated near Mount Enterprise, in Rusk county, Texas," have examined the same, and instructed me to report it back and recommend its passage.

GASTON, for Committee.

The bill was read second time and ordered engrossed.

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

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 9, 1873. }

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

On motion the reading of the journal was dispensed with.

Mr. Payne moved that the committee to investigate the charges against Judge T. C. Barden, be allowed to sit during the session of the House. Carried.

Mr. Chambers presented two memorials from citizens of Collin county. Referred to Judiciary Committee No. 2.

House bill No. 483, a bill to aid in the construction of the Gulf, West Texas and Pacific railway, was taken up, pending the amendment offered by Mr. Berends.

The House refused to adopt the amendment.

Mr. Westfall offered the following amendment:

Insert in line ten, section three, after the word "depot," "on the east side of the Colorado river."

Mr. Denton offered the following substitute for section three:

"That this company shall not be entitled to the benefits of this act, unless it shall complete at the rate of at least ten miles of its railroad consecutively every four months from and after the first day of May, 1873, and build its road direct from the town of Cuero, the present terminus of said road, by the town of Sutherland Springs, in Wilson county, to San Antonio, and from the said town of Cuero to Gonzales, and from the said town of Gonzales to Seguin and New Braunfels; and also a branch from said town of Gonzales to Lockhart and Austin, and shall establish depots within one-half mile of the court house of each of said towns mentioned in this section."

The House refused to adopt the substitute.

The amendment offered by Mr. Westfall was then put and lost.

The bill was then ordered engrossed.

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

Yeas—Messrs. Speaker, Allison, Adriance, Anderson, Armstrong, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Denton, Doyle,

Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Ireland, Joseph, Kil-lough, Mabry, Manning, McDonald, Morris, Nelson, Phelps, Powers, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Stockbridge, Storey, Thurmond, Tilson, Tivy, Tom, Van Zandt, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—60.

Nays—Messrs. Leyendecker and Moore—2.

Special order, House bill No. 482, to aid in the construction of the Galveston, Harrisburg and San Antonio Railway, was taken up, and, on motion of Mr. Anderson, laid on the table.

Special order, House bill, No. 490, "An act to establish a system of public free schools in Texas," was taken up, and, on motion of Mr. Rainey, laid on the table, to await the action of the Senate on the same subject.

Mr. Storey moved that Judiciary Committee No. 1 be permitted to report. Lost.

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 the petition of a number of citizens of Montague county, asking that a tract of eighty acres of land be donated to Dr. A. Gordon, near him, have had the same under consideration, and have instructed me to report that in their opinion section six of article ten of the State Constitution prevents the grant of the land to him as asked. It prohibits the grant of lands to any "person or persons, and also the sale of certificates to any person except actual settlers upon the same, and in lots not exceeding one hundred and sixty acres." There is no pretense that he is an actual settler on this land, and if there were he could then buy it as prescribed by law. Therefore the petition is reported back to the House, with the request that they be discharged from the further consideration of the same.

SMITH, Chairman.

Report adopted.

Further report from same committee :

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

SIR: The Judiciary Committee No. 1 have had under

consideration House bill No. 216, "An act to amend the charter of Baylor University," and report the original bill, with a substitute, and recommend the passage of the substitute.

SMITH, for the Committee.

The substitute offered by the committee was adopted, 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: Judiciary Committee No. 1, to whom was referred House bill No. 217, entitled "An act to incorporate the trustees of the Hempstead Baptist Church, in the town of Hempstead, Austin, county, Texas," have considered the same, and instruct me to report the bill back to the House, with two amendments herewith reported and to recommend its passage with the said amendments.

G. W. SMITH, Chairman.

1. After section four insert as follows: "SEC. 5. That this charter shall continue for fifty years, unless forfeited by non-user or other good cause."

2. Strike out the words "section five" and insert "section six."

The amendments were adopted, the bill 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: Judiciary Committee No. 1, to whom was referred House bill No. 319, entitled "An act to provide for a change of venue in civil causes," have considered the same, and have instructed me to report the bill back to the House, with a substitute for the bill, and to recommend the adoption and passage of the said substitute herewith reported.

G. W. SMITH, Chairman.

The substitute was adopted and bill read second time.

Mr. Wood moved to strike out "five" in the first section, and insert instead "three." The amendment was adopted.

Mr. Ireland offered the following amendment: "That when there exists such a prejudice on the part of the presiding judge against the litigant or his attorney that he cannot get a fair and impartial trial before said judge for this cause for change of venue, it shall be sufficient, to procure said change, for the affidavit to be made by said party or his attorney; and in all cases when the venue is changed under the fifth specification of causes the case shall go to the nearest county site not in the same district."

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

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

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., entitled "An act to amend an act entitled an act to incorporate the Merchants' Mutual Insurance Company," have had the same under consideration and have instructed me to report the bill back, with a substitute for the same, and to recommend that the said substitute be adopted and passed.

GEO. W. SMITH, Chairman.

The substitute was adopted, read second time by caption and ordered engrossed.

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

Report from Judiciary Committee No. 2:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Judiciary Committee No. 2, to whom was referred House bill No. 466, "An act to amend the penal code," etc., beg leave to report that they have carefully considered the same, and have instructed me to report the same back and recommend that it do pass.

TILSON, for Committee.

The bill was read second time.

Mr. Rainey moved to amend by adding Houston county. Adopted.

The bill was then 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 Judiciary No. 2 have carefully examined House bill No. 135, entitled "An act for the protection of purchasers at sales made by executors and administrators, by requiring certain deeds to be recorded within a certain time," which was to said committee referred, and direct me to report the same, with the accompanying substitute, and recommend the passage of the substitute.

J. M. ANDERSON, Chairman, *pro tem.*

The substitute recommended by the committee was adopted, and bill read second time.

Mr. Wood offered the following amendment :

"*Provided, further*, if it should appear, after the purchase at such sale, and before the payment of the purchase money by the purchaser, it shall turn out that the intestate or testator had no title to the land so sold, on the establishment of such fact by the purchaser, and proof that he had no notice of such defect of title before the purchase, it shall be good defense to any suit to recover the purchase money."

Mr. Joseph moved to lay the bill and amendment on the table, make it special order for Monday, April 14, at 12 M., and that one hundred copies be printed. Carried.

Further report from same committee :

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

SIR: Judiciary Committee No. 2, to whom was referred resolution requiring said committee to report a bill to prevent ignorant persons from being swindled by lotteries, etc., report the accompanying bill and recommend its passage.

J. M. ANDERSON, for Committee.

The bill, being "An act to amend title thirteen, chapter two, of the penal code—title of lotteries and raffles—and to prohibit all gift enterprises, dollar stores, sales of pictures on chance, and all other possible kinds of dealings in chances and lotteries and to define and punish the same," was read; rules suspended, read second time and ordered engrossed.

On motion of Mr. Anderson, 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. 2, to whom was referred House bill No. 406, a bill to provide for the payment of damages done by dogs, have had the same under consideration, and have instructed me to report the accompanying substitute and recommend its passage.

WATTS, for Committee.

The substitute, being a bill to be entitled "An act imposing a tax on dogs, and fixing a penalty for its non-payment," was read and adopted.

Mr. Washington moved to table the bill. Lost.

Mr. Sayers moved to amend by providing that the revenue derived from the tax be paid over to the general school fund.

The discussion was cut off by the hour for unfinished business.

By leave, Mr. Manning offered the following resolution:

Resolved, That hereafter no member shall speak more than five minutes, and not more than twice, on any question without the unanimous consent of the House. Read and laid over under the rules.

The resolution offered by Mr. Rainey on yesterday providing for the taking up of business of a general nature in opposition to that of a private and local nature, was taken up.

Mr. Rainey offered the following substitute therefor:

Resolved, That the House of Representatives do hereby declare that the rules of this House from this date for the remainder of this session shall not be suspended in the morning session, except for purposes of a general interest, and that the regular order of business shall not be interfered with for the purpose of calling up railroad bills out of their regular order, except by unanimous consent of the House.

2. *Resolved,* That this resolution shall be read from the clerk's desk every morning after roll call.

Adopted.

House bill No. 634, "Joint resolution authorizing the Comptroller to employ two additional clerks," was read third time and passed.

Senate bill No. 189, "An act concerning private corporations," was referred to the Committee on Town and City Corporations.

Senate bill No. 146, "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," was referred to Judiciary Committee No. 2.

Senate bill No. 181, "An act regulating contested elections," was referred to the Committee on Privileges and Elections.

Senate bill No. 223, "An act to submit the permanent location of the county site of El Paso county to a vote of the people of said county," was referred to the Committee on Counties and County Boundaries.

Report from Committee on Internal Improvements:

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

SIR: Your Committee on Internal Improvements, to whom was referred a resolution of inquiry as to the proceedings had in reference to the sale of the Houston Tap and Brazoria Railway, have obtained the information sought, which is embraced in two several documents herewith submitted, marked Nos. 1 and 2. The first is a communication from his Excellency the Governor, and the second a copy of the bond of Moses Taylor and others, to the Governor of the State.

C. M. WINKLER, Chairman.

[No. 1.]

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, March 11, 1873.

Hon. S. Powers, Chairman of House Sub-Committee on Internal Improvements, Austin, Texas:

DEAR SIR: In compliance with the resolution recently adopted by the House of Representatives, and presented by you, calling on me for information in regard to the sale of the Houston Tap and Brazoria Railway, etc., I have to say, that in accordance with the "Joint resolution authorizing the Governor to dispose of the Houston Tap and Brazoria Railway," etc., approved May 18, 1871, I issued my proclamation, inviting bids for the purchase of the said road, and the charter rights of said company, etc., to be addressed to me up to July 21, 1871, and up to that time I received proposals for same.

On opening and examining the bids, I ascertained that the one most favorable to the State was that received from

Masterson & Wagley, of Houston, Texas, who proposed to purchase said road, etc., for the sum of \$130,000 in United States currency, payable within fifteen days after notice of acceptance by me of their bid, and binding themselves to retain said road intact, and repair and operate it for the use of the people on the line of said road. I accordingly accepted their bid, and on the tenth of August, 1871, the sum of \$130,000 in United States currency was received from them, and deposited in the State Treasury to the credit of the permanent school fund.

I enclose copy of the bond received from Moses Taylor, to whom said bid of Masterson & Wagley was transferred by my consent. I cannot say whether the conditions of this bond have been complied with or not, but presume they have.

EDMUND J. DAVIS, Governor.

[No. 2—Copy.]

Know all men by these presents, that we, Moses Taylor, of the city of New York, as principal, and B. A. Shepherd and William M. Rice, of the city of Houston, Texas, as sureties, are held and firmly bound unto Edmund J. Davis as Governor of the State of Texas, and his successors in office, in the sum of fifty thousand dollars, lawful money of the United States of America, to be paid to the said Edmund J. Davis, Governor of the State of Texas, or his successors in office, for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents, sealed with our seals, dated the eighth day of August, one thousand eight hundred and seventy-one.

The condition of the above obligation is such that, whereas, Masterson and Wagley, of Houston, Texas, did, on the twenty-first day of July, 1871, purchase the Houston Tap and Brazoria Railroad, their bid having been accepted by the Governor of the State of Texas; and whereas, by consent of said Governor, said bid was transferred to Moses Taylor by the said Masterson and Wagley; and whereas, by the terms of said acceptance said Masterson and Wagley were required to execute a bond to the Governor in the sum of fifty thousand dollars, conditioned to retain said road intact, and repair and operate the same for the use of the people on the line of

said road: Now, therefore, if the said Moses Taylor, assignee of the said Masterson and Wagley, shall retain said road intact, and repair and operate the same, furnishing the people on its line with the usual facilities and accommodations, then this obligation shall be void, otherwise to remain in full force and effect.

Signed, sealed and delivered in presence of

EDWIN F. COREY,	}	ss to l. ss	(Signed)	1. MOSES TAYLOR,
A. WONDON,				2. B. A. SHEPHERD,
WM. FULTON,	}	ss to c.		3. W. M. RICE.
A. WETTERMARK,				

The above bond approved August 18, 1871.

(Signed) EDMUND J. DAVIS, Governor.

UNITED STATES OF AMERICA, STATE OF NEW YORK, CITY AND COUNTY OF NEW YORK—ss.—I, Edwin F. Corey, Jr., Commissioner in said State, appointed by the Governor of the State of Texas to administer oaths and affirmations, and to take depositions, affidavits, and the acknowledgment and proof of deeds, etc., to be used or recorded in the said State of Texas, and duly commissioned and sworn, and dwelling in the city of New York, do hereby certify that Moses Taylor and Wm. M. Rice, who are to me well known, this day personally came before me, and acknowledged that they signed, sealed and delivered the annexed instrument of writing as the voluntary act and deed for the consideration and purposes therein expressed.

In testimony whereof I, Edwin F. Corey, Jr., commissioner as aforesaid, have hereunto set my hand and affixed my official seal as such commissioner the ninth day of August, A. D. 1871.

(Signed) EDWIN F. COREY, JR.,
Commissioner in the State of New York, appointed by the Governor of the State of Texas.

STATE OF TEXAS, COUNTY OF HARRIS.—Before me, John W. McDonald, justice of the peace and *ex officio* notary public in and for the State and county above named, this day personally came Benjamin A. Shepherd, to me personally well known, and signed and acknowl-

edged his signature to the foregoing instrument of writing, for the purposes therein contained.

Witness my hand and official seal, at the city of Houston, this eighteenth day of August, 1871.

(Signed) JOHN W. McDONALD,
Justice of Peace and *ex officio* Notary Public, Harris county, Texas.

Report from the conference committee on the Senate bill amending the charter of the Texas and New Orleans Railway Company :

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

SIR: Your committee appointed to confer with a like committee from the Senate to take into consideration amendments proposed by the House to Senate bill No. 33, "An act amendatory of and supplemental to an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company," have had the same under consideration, and have agreed to recommend that the House recede from its amendment.

Your committee have agreed to recommend the following amendments :

1. Amend section two, in line fifteen, after the word "company," insert "coming from New Orleans, Louisiana, at the Texas line."

2. Add to section four the following : "Said company shall have no power to sell, rent or lease to or consolidate with any competing or parallel road in this State, and a violation of this provision shall work a forfeiture of its charter."

WEBSTER FLANAGAN,
Chairman Senate Committee.
JOHN HENRY BROWN,
Chairman House Committee.

The amendments were adopted and the bill passed. The discussion of the bill taxing dogs was then resumed. Mr. Shaw moved to strike out of Mr. Sayers' amendment the word "school" and insert instead "jury."

Yeas and nays being called resulted as follows :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, An-

derson, Bordeaux, Broaddus, Brown of Upshur, Cook, Cunningham, Doyle, Eastland, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Ireland, Joseph, Killough, Manning, McDonald, Morris, Nelson, Rainey, Rimes, Russell, Sabin, Salter, Scott, Shaw, Shelton, Short, Smith of Houston, Thurmond, Tilson, Tivy, Van Zandt, Veale, Venters, Walker, Westfall and Williams—45.

Nays—Messrs. Berends, Bledsoe, Booty, Carroll, Chambers, Denton, Ford, Ghent, Green, Kemble, Kleberg, Leyendecker, Mabry, Moore, Payne, Phelps, Powers, Roberts, Sayers, Schmidt, Stockbridge, Storey, Tom, Trolinger, Washington, Watts, Wilder, Winkler and Wood—29.

The amendment was declared to have carried.

The amendment thus amended was then rejected.

Mr. Russell moved to strike out "two dollars per head," and insert, "dogs shall be assessed as all other property in this State upon the *ad valorem* system."

A message from the Senate announced the passage of House concurrent resolution providing for a joint committee to enquire into the expediency of holding a general election this year.

The Speaker appointed the following gentlemen said committee on the part of the House: Ireland, Shelton and Armstrong.

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 and find the same correctly engrossed:

No. 381, "An act to incorporate the town of Ladonia, in Fannin county."

No. 662, "An act to return certain taxes to the residents of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same."

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

And find the same correctly engrossed.

BOOTY, Chairman.

Further report from same committee:

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. 552, "An act to incorporate the Bridgeport Bridge Company, in Wise county, Texas."

No. 605, "An act to authorize Ezra Carpenter to build and keep a toll bridge on Big Cypress."

No. 664, a bill to be entitled "An act to amend section three of an act entitled an act to incorporate the Falls county Turnpike Road and Bridge Company, approved April 12, 1871."

And find the same correctly engrossed.

BOOTY, Chairman.

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

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, April 10, 1873. }

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

Absent—Mr. Wilder.

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

The resolution governing course of business was read.

Mr. Broaddus moved to take up House bill No. 232, "An act supplemental to an act to provide for the establishment of the Agricultural and Mechanical College."

The House refused to suspend the rules.

Mr. Anderson moved to take up House bill No. 546, to provide for the sale of all lands heretofore given to counties for a public school fund, and make it special order for Tuesday, April 15, at 11 A. M. Carried.

On motion of Mr. Russell, the Agricultural and Mechanical College bill was made special order for Saturday, April 12, at 11 A. M.

On motion of Mr. Brown, of Dallas, House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific coast," was made

special order for Friday, 3 P. M., April 11, and from day to day until disposed of.

Special business, House bill No. 406, a bill imposing a tax on dogs, and fixing a penalty for its non-payment, was announced, pending the amendment of Mr. Russell.

Mr. Russell asked to withdraw his amendment. Granted.

Mr. Gallaway moved to exclude Upshur and Gonzales counties from the operation of the bill.

Mr. Cook offered the following amendment:

“*Provided*, that the frontier counties, Cooke, Wise, Denton, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and south-west of the same, be excepted from the operation of the bill.”

Mr. Sabin moved to lay the bill and amendments upon the table, which was carried by the following vote:

Yeas—Messrs. Abbott, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cook, Gallaway, Green, Hoffman, Kemble, Killough, Lane, McDonald, Moore, Morris, Noeggerath, Phelps, Powers, Rainey, Roberts, Russell, Sabin, Sayers, Schmidt, Short, Smith of Houston, Stockbridge, Tivy, Tom, Venters, Washington and Williams—37.

Nays—Messrs. Speaker, Adriance, Anderson, Brown of Dallas, Carroll, Cunningham, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Kleberg, Leyendecker, Mabry, Manning, Nelson, Payne, Rimes, Rosborough, Salter, Scott, Shaw, Shelton, Storey, Tilson, Trolinger, Van Zandt, Watts, Westfall, Winkler and Wood—36.

Mr. Brown of Dallas presented a petition of citizens of Lancaster, in Dallas county, asking a prohibitory liquor law for said town. Referred to the Committee on Town and City Corporations.

Mr. Westfall presented a petition of John D. Morrison.

Mr. Venters presented a petition of citizens of Denton county, asking authority to levy a special tax to build a court house.

Mr. Gillette presented a petition from the County Court of Hill county, asking authority to issue county bonds to fund the indebtedness of said county. Referred to the Committee on State Affairs.

Mr. Ghent presented a remonstrance against the prohi-

bition of the sale of intoxicating spirits within three miles of Carter's Institute.

Also, a petition asking the prohibition of the sale of intoxicating spirits within three miles of Carter's Institute, Milam county.

Mr. Rainey presented a petition of citizens of Houston county, asking relief for the building of a school house. Referred to the Committee on Education.

Mr. Taylor presented a communication from W. S. Biles, asking relief for W. C. Crawford. Referred to the Committee on Finance.

Mr. Booty introduced a bill to amend the sixth section of "An act to incorporate the Galveston and Eastern Texas Railway Company, approved December 1, 1871."

Mr. Gaston introduced a bill to grant lands to encourage the construction of the Tyler Tap Railway. Referred to the Committee on Internal Improvements.

Mr. Kleberg introduced a bill to amend section seven of "An act to organize the Bureau of Immigration, approved May 23, 1871."

Mr. Sabin introduced a bill to provide for the change of venue in the District Courts of this State in civil cases, for certain causes herein named. Referred to Judiciary Committee No. 1.

Mr. Winkler introduced a bill to provide for the newspaper publication of the opinions of the Supreme Court. Referred to Judiciary Committee No. 2.

Mr. Gillette introduced a bill to authorize the County Court of Hill county to issue interest bearing bonds for the purpose of funding the outstanding indebtedness of said county.

Mr. Brown of Dallas introduced a bill to incorporate the Mechanics' Real Estate, Building and Saving Association of Dallas. Referred to the Committee on State Affairs.

Mr. Abbott introduced a bill for the relief of Johnson Hensley. Referred to the Committee on Private Land Claims.

Mr. Sabin introduced a bill to provide artificial legs and arms to those who have lost their limbs, or any of them, in the late war in the United States, while serving in any army engaged therein. Referred to the Committee on Military Affairs.

Mr. Ghent introduced a bill authorizing the County

Court of Milam county to issue bonds for the purpose of aiding and encouraging immigration to said county. Referred to Judiciary Committee No. 1.

Mr. Russell offered the following resolution :

WHEREAS, By request of the engrossing clerk of the House of Representatives, the services of Dr. J. R. Mills were solicited to aid in said department ; and

Whereas, The said Mills has faithfully assisted, and has received no pay ; therefore be it

Resolved by the House, That the Speaker be, and he is hereby authorized to appoint the said Mills immediately to assist the engrossing clerk of the House in the duties of his office, and that he be allowed remuneration from April 10, 1873.

Adopted.

Mr. Powers offered the following resolution :

Resolved, That the special committee of investigation into the accounts and official conduct of the Superintendent of Public Instruction be authorized to have three hundred copies of their report and evidence printed for the use of the House.

Adopted.

On motion of Mr. Winkler, Mr. Wood was granted leave of absence for eight days, beginning with the eleventh inst.

A message from the Senate announced the passage by that body of House bill No. 384, to levy and collect a special tax in Lavaca county to build a court house and jail for said county, with amendments by the Senate.

A message from His Excellency the Governor submitted a communication from His Excellency James S. Smith, Governor of Georgia, relative to the proposed Atlantic and Great Western Canal.

Also returning "An act to authorize the County or Police Courts of Washington and Grimes counties to aid in the construction of the Brazos bridge near the town of Washington, in Washington county, Texas," with his objections thereto.

A message from the Senate announced the passage by that body of House bill 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," with sundry amendments by the Senate.

On motion of Mr. Sayers, the House went into commit-

tee of the whole upon the 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 1870, 1871 and 1872, Mr. Brown, of Dallas, being called to the chair.

After due discussion the committee rose, and reported the following amendments adopted by the committee :

“Blind Asylum—For boys’ dormitory, \$4500.

“Deaf and Dumb Asylum—For amount expended for 1872, \$1600 ; for fencing for current fiscal year, \$400.

“Immigration Bureau—For salary of superintendent to May 1, 1873, \$1,333.33 ; for salary of four commissioners to May 1, 1873, at \$2333 each, \$9,333.32 ; for salary of agent at Galveston, \$800 ; for salary of one clerk, \$1000 ; for stationery, \$400 ; for foreign and domestic postage, \$1000 ; add at the end of the bill, to pay to health officers employed under quarantine laws at the stations on the Gulf coast, \$3000.

“School Department—For salary of Superintendent of Education, \$3000 ; for fees of scholastic census takers, \$10,000. The appropriation under the heading of school department to come out of the income of the school fund, and the receipts from taxes properly belonging to the school fund.

“Lunatic Asylum, 1873—Salary for superintendent, \$2500; for dry goods and clothing, \$6000; for groceries, \$17,000; for fuel and feed, \$4550; for furniture, \$3000; for medical supplies, \$1200; for lights, \$950; for laundries, \$800; for live stock, \$700; for tools and blacksmithing, \$760; assistant physician, \$2000; steward, \$1200; book-keeper and treasurer, \$1200; matrons, \$900; seamstress, \$240; night-watch, female, \$300; night-watch, male, \$480; house servant, \$240; eight attendants at \$300 each, \$2400; one chief attendant, \$360; four dining-room attendants at \$300 each, \$1200; coachman, \$360; first cook, \$480; second cook, \$360; first laundress, \$300; four laundresses at \$200 each, \$800; five laborers at \$300 each, \$1500; one hostler, \$360; one carpenter, \$600; one carpenter, \$480; one baker, \$600; one house servant, \$200; one painter, \$420; one mason, \$480; one gardener, \$480; one gardener, \$300; assistant seamstress, \$200; one teamster, \$300; one cook (private), \$300; three farm hands at \$240 each, \$720; printing, postage and stationery, \$400; garden implements and seeds, \$500; transportation of

patients, \$150; drayage and freights, \$640; sundries, \$1000."

The amendments were adopted.

Mr. Sabin offered the following amendment.

Strike out line one hundred and ten, and all subsequent lines down to and inclusive of line one hundred and twenty-seven, and insert in lieu thereof the following, viz :

"For salary of present Adjutant General, being for nine and one-half months, \$2850; for salary of chief clerk, \$2000; for salary of one clerk, \$1500; two clerks, at \$1400 salary for each, in all \$2800; for telegraphing and printing, \$1000; for books and stationery, \$1000; for postage and porter hire, \$1000; for rent of house as arsenal, \$750; for salary of arsenal keeper, \$600."

Mr. Payne moved to lay the amendment on the table.

Carried by the following vote :

Yeas—Messrs. Speaker, Adriance, Allison, Berends, Bledsoe, Booty, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Chambers, Cunningham, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Morris, Nelson, Payne, Powers, Rainey, Robb, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, Winkler and Wood—62.

Nays—Messrs. Green, Mills, Moore, Phelps, Sabin, Stockbridge, Washington and Williams—8.

The bill was then ordered engrossed.

On motion of Mr. Payne, leave being granted, the following report was submitted :

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

SIR: Your special committee, appointed to report as to the expediency of modifying the tax laws, etc., and to whom was referred, by your Finance Committee, House bill No. 453, entitled "An act regulating taxation," have had the same under consideration, and request me to report the accompanying bill as a substitute for House bill No. 453, with the recommendation that it do pass.

PAYNE, Chairman.

On motion of Mr. Payne the substitute was adopted; the bill laid on the table, made special order for Wednes-

day, April 16, at 10:30 A. M., and one hundred copies were ordered printed.

Mr. Sabin submitted the following communication :

AUSTIN, TEXAS, April 11, 1873.

Hon. C. B. Sabin, House of Representatives :

SIR: The committee of arrangements, whose duty it is to supervise the funeral rites of Captain Thomas W. Williams, deceased, respectfully invite the House of Representatives, through yourself, to participate in the ceremonies and attend the funeral in a body at 10 A. M. on Friday.

THOMAS F. PURNELL, for Committee.

And offered the following resolution :

Resolved by the House of Representatives of the State of Texas, That this House do accept the invitation to attend the funeral of Captain Thomas W. Williams, and will attend the same in a body at 10 o'clock A. M. on Friday, April 11, 1873, and that when we adjourn this day that we adjourn to meet at 2 o'clock P. M. to-morrow.

Mr. Cook called for division of the resolution.

Mr. Gillette moved to lay the whole matter on the table, which carried by the following vote :

Yeas—Messrs. Allison, Anderson, Armstrong, Bledsoe, Broaddus, Brown of Upshur, Carroll, Chambers, Cook, Cunningham, Denton, Doyle, Eastland, Gallaway, Gaston, Gillette, Gilpin, Hester, Ireland, Kemble, Killough, Leyendecker, Manning, Morris, Nelson, Payne, Rainey, Robb, Rosborough, Russell, Scott, Shaw, Shelton, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, and Wood—45.

Nays—Messrs. Speaker, Abbott, Adriance, Berends, Booty, Green, Joseph, Lane, Mabry, McDonald, Mills, Moore, Phelps, Powers, Roberts, Sabin, Salter, Sayers, Stockbridge, Washington, Williams and Winkler—22.

Special order, House bill No. 630, a bill to be entitled "An act to provide for the registration of voters, and to repeal an act to provide for a special registration of voters preparatory to an election under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads, and other works of internal improvement, approved April 12, 1871," was then announced, and taken up by sections, the bill having been printed.

Section one was adopted.

Mr. Ireland moved to amend section two by inserting after the word "refusing," in line thirteen, the words "willfully and corruptly."

Adopted.

The second section was then adopted.

Mr. Payne offered the following amendment to section three:

Amend by adding the following: "*Provided, that should there be a special election in any county in this State before the next general election, the registration shall be conducted in said county in the same manner provided for general elections.*"

Adopted.

Mr. Sabin offered the following amendment:

Strike out section three and insert: "SEC. 3. The board of registration shall at all times be open for registration, in the office of the district clerk."

Lost.

Section three was then adopted.

Mr. Storey moved to amend section four as follows:

Add to section four: "And it shall also be the duty of said clerk, or his deputies, to enter the name of any person on the list of registered voters of the proper precinct, known by him to be entitled to register in said precinct, whether such person applies for registration or not."

Lost.

Mr. Ireland moved to strike out the words "to demand" in line two, section five. Adopted.

Section five was then adopted.

Section six was then adopted.

Section seven was adopted.

Mr. Wood moved to insert after the word "revision" in line eighteen, section eight, the words "willfully or corruptly." Adopted.

Mr. Sayers moved to insert the words "willfully or corruptly" after the word "or" in line twenty, same section. Adopted.

The eighth section was then adopted.

Mr. Joseph offered the following amendment: "After the word "conviction" in line twenty-two, insert "shall be guilty of a misdemeanor and."

Adopted.

Mr. Washington moved to adjourn until 4 P. M., this evening. Lost.

Section nine was then adopted.

Section ten was adopted.

Mr. Ireland moved to add the following to section eleven: "That any person who shall swear falsely under any of the provisions of this act, shall be deemed guilty of perjury, and on conviction shall be punished by confinement in the penitentiary for a term of two years."

Adopted.

Section eleven was then adopted.

Mr. Sabin offered the following amendment to section twelve:

Add as follows: "Provided, that such repeal shall in no case invalidate any registration heretofore lawfully had or made."

Lost.

Section twelve was then adopted.

Mr. Joseph moved to amend section two, line thirteen, by adding after the word "shall" the words "be guilty of a misdemeanor and." Adopted.

Mr. Brown of Dallas moved to strike out the figures "1873" in section three. Adopted.

Also to strike out "April 12" in the latter part of the caption, and also in section twelve, and insert "May 15." Adopted.

The bill thus amended was ordered engrossed.

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

The Committee on Enrolled Bills submitted the following report:

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

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

Bill No. 267, "An act to amend articles four hundred and twelve and four hundred and eighteen of the penal code, as amended by act passed May 11, 1871;" bill No. 99, "An act to amend sections twenty-three and twenty-four of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870;" also, joint resolution No. 590, asking for telegraphic lines on the frontier; and find them correctly enrolled, and have this day,

... of April, at 12 M. o'clock, presented the same to the Governor for his approval.

W. A. SHAW, Chairman.

On motion of Mr. Sayers, the House then adjourned until 4 o'clock, P. M.

AFTERNOON SESSION.

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

The following gentlemen were absent :

Messrs. Leyendecker, Mills, Noeggerath, Rainey, Rimes, Shaw, Walker and Wilder.

On motion of Mr. Smith, of Houston, Mr. Green was excused for ten days.

Report from Judiciary Committee No. 1 :

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

SIR: The Committee on Judiciary No. 1, to whom was referred House bill No. 150, entitled "An act to amend an act incorporating the Home Insurance and Trust Company of Texas," have carefully examined the same, and report substitute for caption and first section, and recommend the passage of the bill thus amended.

POWERS, for Committee.

1. "An act amendatory of and supplementary to an act entitled an act to incorporate the Home Insurance and Trust Company of Texas, approved December 1, A. D. 1871.

2. "SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the first section of the above recited act shall be so amended as to read as follows: That R. D. Johnson, S. H. Gilman, A. Kory, S. K. Labatt, Selim Rinker, W. B. Sorley, Henry Pendleton, S. Heidenheimer, J. K. Speers and S. W. Sydnor, of the county of Galveston, and State of Texas, and their associates and successors be, and they are hereby, constituted a body corporate and politic, under the name and style of the Home Insurance and Banking Company of Texas, and under said name may sue and be sued, plead and be impleaded, defend and be defended in all courts whatsoever in this State, and make contracts and be contracted with, and may have and use a common seal, and do all other acts, and have all rights and privileges heretofore

granted said company under the name and style of the Home Insurance and Trust Company of Texas, and shall be bound by all the obligations and contracts existing in like manner as though said name had not been changed as herein provided, and shall in like manner be liable for every debt, due, demand and claim under the new as the former name."

The amendments were adopted, the bill read second time and ordered engrossed. On motion the rules were suspended, the bill read by caption third time and passed.

House bill No. 239, a bill to be entitled "An act for the relief of W. M. Jackson," was taken up, the amendments offered by the Senate were adopted and the bill passed.

House bill No. 384, a bill to be entitled "An act to levy and collect a special tax in Lavaca county to build a court house for said county," was taken up, the Senate amendments concurred in, and the bill passed.

House bill 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," was taken up, the amendments offered by the Senate concurred in, and the bill passed.

On motion of Mr. Broaddus Judiciary Committee No. 1 was granted leave to report, and submitted the following:

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

Sir: Your Judiciary Committee No. 1, to whom was referred House bill No. 171, beg leave to report that we have had the subject matter of the same under consideration, and the committee have instructed me to report the said bill back to the House and recommend its passage.

POWERS, for Committee.

The bill, being a bill to be entitled "An act amendatory of and supplementary to an act entitled an act to incorporate the Central Bank, passed March 31, 1871," was read second time and ordered engrossed.

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

On motion of Mr. Green, the Committee on Counties and County Boundaries were granted leave to make a special report, and submitted the following: