

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 411, to be entitled "An act to create the county of Hempstead," have had the same under consideration, and have instructed me to report the bill back to the House with the accompanying amendments and recommend its passage.

NELSON, for Committee.

1. Amend by striking out all that portion of territory proposed to be taken from Harris county.

2. Strike out "Hempstead" wherever it occurs and insert "Waller."

3. In section two insert after the word "Austin" the word "or," and strike out "or Harris."

The amendments were adopted, the bill read by caption second time and ordered engrossed.

On motion of Mr. Abbott, the rules were suspended, the bill read third time and put upon its passage with the following result:

Yeas—Messrs. Speaker, Abbott, Allison, Booty, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Doyle, Gallaway, Gaston, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Mabry, Manning, McDonald, Moore, Nelson, Phelps, Powers, Robb, Rosborough, Russell, Sabin, Salter, Shaw, Smith of Houston, Stockbridge, Storey, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall, Williams and Winkler—44.

Nays—Messrs. Armstrong, Berends, Bledsoe, Eastland, Harrison, Hester, Ireland, Kleberg, Leyendecker, Payne, Rainey, Scott and Shelton—13.

Whereupon it was seen there was no quorum present.

Mr. Brown, of Dallas, moved a call of the House, which was seconded.

The call being made, the following gentlemen were found to be absent:

Messrs. Bordeaux, Cook, Denton, Ford, Mills, Noeggerath, Rimes, Roberts, Sayers, Schmidt, Short, Tilson, Venters, Walker, Washington and Wilder.

The call was suspended, the bill again put upon its passage, and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Allison, Booty, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cun-

ningham, Doyle, Gallaway, Gaston, Gillette, Gilpin, Green, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Mabry, Manning, McDonald, Moore, Nelson, Phelps, Powers, Rainey, Robb, Rosborough, Russell, Sabin, Salter, Shaw, Smith of Houston, Stockbridge, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall, Williams, Winkler—44.

Nays—Messrs. Anderson, Armstrong, Berends, Bledsoe, Chambers, Eastland, Harrison, Hester, Ireland, Kleberg, Leyendecker, Morris, Payne, Scott, Shelton, Storey—16.

Further report from same committee.

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred a bill to create and provide for the organization of Gregg county, have had the same under consideration, and have instructed me to report the accompanying bill as a substitute and recommend that it do pass.

NELSON, for Committee.

The substitute recommended by the committee was read and adopted.

Mr. Winkler moved to amend the caption by adding "named in honor of the late General John Gregg." Adopted.

The bill was then ordered engrossed.

On motion the rules were suspended to put the bill on its third reading.

Mr. Ireland moved to adjourn until 9:30 A. M. to-morrow, there being no quorum present.

House refused to adjourn.

Mr. Russell moved a call of the House, which being seconded, was made, and the following gentlemen found to be absent :

Messrs. Ford, Ireland, Lane, Mills, Morris, Noeggerath, Roberts, Sayers, Schmidt, Short, Tilson, Walker, Washington and Wilder.

On motion of Mr. Broadus, the call was suspended, and the bill passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Allison, Anderson, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Doyle, Gallaway, Gaston, Gillette, Gilpin, Green, Harrison, Hollingsworth,

Joseph, Kemble, Killough, Mabry, Manning, McDonald, Moore, Nelson, Phelps, Powers, Rainey, Robb, Rosborough, Russell, Sabin, Salter, Scott, Shaw, Smith of Houston, Stockbridge, Thurmond, Tivy, Tom, Trolinger, Watts, Westfall, Williams and Winkler—48.

Nays—Messrs. Armstrong, Berends, Bledsoe, Chambers, Eastland, Hester, Hoffman, Kleberg, Leyendecker, Payne, Shelton, Storey, and Venters—13.

Mr. Rimes was excused from voting.

On motion of Mr. Anderson, Judiciary Committee No. 2, being granted leave to report, submitted the following: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Judiciary Committee No. 2, to whom was referred Senate bill No. 190, entitled "An act to incorporate the City Bank of Sherman," have carefully considered the same, and report the same and recommend its passage.

IRELAND, Chairman.

The bill was read third time.

The Committee on Engrossed Bills submitted the following reports:

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

SIR: Your Committee on Engrossed Bills have carefully examined the following bills, and find the same correctly engrossed: House bill No. 310, entitled, "An act to incorporate the city of San Antonio, and grant a new charter to said city;" House bill No. 217, entitled, "An act to incorporate the Hempstead Baptist Church," and House bill No. 148, entitled, "An act amendatory of and supplementary to an act entitled an act to incorporate the Merchants' Mutual Insurance Company," and find the same correctly engrossed.

BOOTY, Chairman.

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

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

No. 216, "An act to amend an act incorporating the trustees of Baylor University, passed by the Congress of the Republic of Texas, February 1, 1845."

No. 247, "An act to incorporate the San Antonio River Valley Canal Company, and to grant lands in aid of the construction of the same."

No. 446, "An act to amend the penal code of the State of Texas."

No. 483, "An act to aid in the construction of the Gulf, West Texas and Pacific Railway."

No. 665, "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."

No. 666, "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 or chance, and all other possible kinds of dealings in chances and lotteries, and to define and punish the same."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Bordeaux, Mr. Veale was excused on account of sickness.

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

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HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, April 11, 1873. (

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

On motion of Mr. Brown, of Dallas, some mistakes in the journal were corrected, and its reading was dispensed with.

On motion of Mr. Sayers, Senate bill No. 52, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one of an act entitled an act prescribing the mode of proceeding in District courts in matters of probate, approved August 15, 1870," was taken up, read first time and referred to Judiciary Committee No. 1.

Senate bill No. 190, "An act to incorporate the City Bank of Sherman," was read by caption third time and passed.

Mr. Payne presented a petition of citizens of Washington county against a fence law. Referred to the Committee on Agriculture and Stock Raising.

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

Mr. Smith, of Houston, also presented a protest of citizens of Harrison county against division of that county. Referred to the Committee on Counties and County Boundaries.

Mr. Scott presented a petition of W. A. Johnson. Referred to the Committee on Private Land Claims.

Mr. Tom presented a bill to incorporate the Leona Irrigation and Manufacturing Company.

Mr. Doyle introduced a bill to be entitled "An act to incorporate the Cleburne Cross-Timber and Granberry Railway Company." Referred to the Committee on Internal Improvements.

Mr. Tilson introduced a bill to be entitled "An act to amend the first section of an act to regulate the fees of officers, approved February 1, 1850." Referred to the Committee on Public Lands and Land Office.

Mr. Russell introduced a bill to protect laborers on railroads and other works of internal improvement. Referred to the Committee on State Affairs.

Mr. Storey offered the following resolution :

*Resolved*, That hereafter bills and resolutions relative to internal improvement may be considered at evening sessions.

Read and laid over under the rules.

Mr. Thurmond introduced a bill to be entitled "An act legalizing certain locations in Nueces county." Referred to the Committee on State Affairs.

Mr. Anderson introduced a bill to authorize the mayor and board of aldermen of the city of Waco to assess and collect a tax on the real property situate within the fire limits of said city.

Mr. Eastland introduced a bill to be entitled "An act to prohibit the sale of intoxicating liquors within certain limits of Concord School House, in Anderson county, Texas." Referred to Committee on Education.

Mr. Thurmond introduced a bill to prevent the spread of disease. Referred to the Committee on State Affairs.

Mr. Brown of Upshur introduced a bill for the relief of

W. H. Payne and P. S. Harris, of Upshur county, Texas." Referred to the Committee on Claims and Accounts.

Mr. Kleberg offered the following resolution :

*Resolved*, That the Speaker be instructed to appoint a committee of five, to revise the present immigration laws of the State, and to reorganize the Bureau of Immigration.

Adopted.

The Speaker appointed the following gentlemen said committee, under the resolution: Killough, chairman; Ireland, Kleberg, Lane and Westfall.

The following message from the Governor was then submitted :

EXECUTIVE OFFICE, STATE OF TEXAS, )  
AUSTIN, April 10, 1873. )

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

SIR: I return to your house, where it originated, the act entitled "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."

This act was inadvertently signed by me among a number of other bills. I find, on closer examination, that it is directly violative of section thirty-two of article twelve of the Constitution, which provides that county courts may aid works of internal improvement only after consent of two-thirds of the qualified voters of the county. My approval thus inadvertently given to this act I have erased.

I therefore ask that the act be reconsidered.

Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Mr. Brown of Dallas, the message and bill were referred to Judiciary Committee No. 2.

Report from Judiciary Committee No. 2 :

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

SIR: Your committee to whom was referred House bill No. 575, beg leave to report that they have considered said bill, and return the same to the House, and recommend that it do pass.

JNO. IRELAND, Chairman.

The bill, being a bill for the relief of the estate of John T. Storey, was read second time and ordered engrossed.

On motion of Mr. Sayers, 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. 2, to whom was referred House bill No. 163, have had the same under consideration, and instruct me to report, that if said bonds were originally legal, that they now require no legislative aid, and if illegally issued, they ought not to be legalized. The committee are informed that the legality of said bonds is now involved in a suit pending in the courts, and therefore report the bill back with the recommendation that it do not pass.

IRELAND, Chairman.

The report was adopted, and the bill, being a bill to validate the Brazoria county bonds, voted by the people thereof, and paid out by the commissioner's court of the said county, to the Houston Tap and Brazoria Railway Company, indefinitely postponed.

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 the memorial and petition and accompanying documents, for the relief of T. C. Jordan, in regard to one hundred and sixty acres of land situate in Hood county, being a part of the land surveyed for the purposes of education, for Milam county, have carefully considered the same, and instruct me to report the accompanying bill, entitled "An act to authorize T. C. Jordan to purchase one hundred and sixty acres of land situate in the county of Hood, being a part of the land surveyed for the county of Milam for the purposes of education," and recommend its passage.

ANDERSON, for Committee.

The bill was read ; rules suspended and read second time.

Mr. Bledsoe offered the following amendment :

"*Provided*, that nothing in this act shall be so construed as to affect the rights of any other person in and to said lands."

Adopted. The bill was then ordered engrossed.

On motion the rules were further 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: Judiciary Committee No. 2, to whom was referred a resolution instructing said committee to inquire into the legality and expediency of enacting a general law to prohibit the sale of intoxicating liquors in certain localities, have carefully considered the same, and in response to said resolution, instruct me to report the accompanying bill, and recommend that it do pass.

W. H. TILSON, Chairman.

The bill, being a bill to prohibit the sale of spirituous liquors within certain localities in the State of Texas, was read first time; the rules suspended and read second time.

Mr. Harrison moved to amend by inserting after the words "county seat," the words "town or city."

Mr. Leyendecker moved to lay the bill on the table.

The House refused to table.

Mr. Brown, of Dallas moved to amend by inserting after the words "county seat," the words "any incorporated town or city."

Mr. Killough moved to recommit the bill and amendment to the Committee on State Affairs. Lost.

Mr. Brown, of Dallas, moved to recommit the bill and amendment to the Committee on State Affairs, which carried, and the bill was recommitted.

Further report from same committee :

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

SIR: Your committee to whom was referred House bill No. 351, a bill to be entitled "An act to amend section ninety of an act entitled an act to regulate proceedings in the District Court, approved May 13, 1846," beg leave to report the same back and recommend its passage.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

Further report from same committee :

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

SIR: Your committee to whom was referred a bill to be entitled. "An act to exempt certain property therein



named from forced sale," beg leave to report herewith a substitute for the original bill, and ask its passage.

IRELAND, Chairman.

The substitute was read and adopted. On motion the rules were suspended, and the bill read second time.

Mr. Allison moved that the bill be laid on the table, made special order for Wednesday, April 16, at 11 A. M., and that one hundred copies be printed. Lost.

Mr. Mills offered the following amendment:

"And enough of the products raised on the land upon the farm to clothe and feed the family, say five hundred dollars; *provided*, that nothing in this act shall impair the landlord's lien for the payment of rents due, or which may fall due."

The amendment was adopted.

Mr. Nelson moved to strike out the word "or," in section two, after the word "horses," and insert in lieu thereof the word "and," and to strike out after the word "oxen," in same section, the words, "or one horse and one yoke of oxen."

Yeas and nays were called, with the following result:

Yeas—Messrs. Adriaance, Bordeaux, Cook, Chambers, Cunningham, Denton, Doyle, Gillette, Gilpin, Hollingsworth, Joseph, Kemble, Lane, Mabry, Manning, Mills, Moore, Nelson, Noeggerath, Phelps, Powers, Rainey, Sabin, Salter, Smith of Houston, Stockbridge, Thurmond, Tivy, Washington, Wilder and Williams—31.

Nays—Messrs. Speaker, Allison, Anderson, Armstrong, Bledsoe, Broaddus, Brown of Upshur, Eastland, Ford, Gallaway, Gaston, Ghent, Harrison, Hester, Ireland, Killough, Kleberg, McDonald, Morris, Payne, Prendergast, Rimes, Robb, Rosborough, Russell, Saylor, Schmidt, Scott, Shaw, Shelton, Short, Storey, Tilson, Tom, Trolinger, Van Zandt, Veale, Venters, Watts, Westfall and Winkler—41.

Whereupon the amendment was declared to have failed to carry.

Mr. Manning offered the following amendment:

Strike out in city "five thousand" and insert "two thousand." Lost.

Mr. Storey offered the following amendment:

"*Provided*, that no property shall be exempt from forced sale under any judgment rendered on any note given, or account accruing for the purchase money of said property;

*provided*, that the property is in the hands of the original purchaser against whom the judgment is rendered."

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

Mr. Hester offered the following substitute for the bill and amendment:

"SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That all laws for the collection of debts contracted from and after the passage of this act be and the same are hereby abolished, and that from and after that date all debts contracted shall be deemed debts of honor.

"SEC. 2. That this act take effect and be in force from and after the first day of January, 1874."

Mr. Harrison moved to indefinitely postpone the bill, amendment and substitute. Lost.

Mr. Mills moved to lay the substitute on the table. Carried.

Mr. Watts moved the previous question, which, being seconded, was put, but the House refused to order the main question.

Mr. Morris offered the following substitute to the above amendment:

"*Provided*, that the contracts for the sale of personal property shall be recorded in the county where the contract is made."

Mr. Nelson moved that the bill and amendments be committed to a special committee of three.

The House refused to commit.

Mr. Payne moved to lay the substitute and amendment offered by Mr. Morris on the table. Carried.

The amendment offered by Mr. Storey was adopted.

Mr. Sayers offered the following amendment:

"*Provided*, that one year's provisions of corn shall not exceed three hundred bushels for each family."

Mr. Payne moved to lay the amendment on the table, which was carried.

Mr. Nelson offered the following amendment:

Strike out "five cows and calves" and insert "ten cows and calves."

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

Mr. Prendergast moved the previous question, which being seconded, was put, the main question ordered, and the bill ordered engrossed.

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Chambers, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hester, Hollingsworth, Ireland, Joseph, Killough, Lane, Mabry, Manning, McDonald, Mills, Morris, Payne, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sayers, Scott, Shaw, Storey, Thurmond, Tilson, Tivy, Van Zandt, Veale, Venters, Westfall and Winkler—50.

Nays—Messrs. Abbott, Berends, Bordeaux, Cunningham, Ford, Harrison, Hoffman, Kleberg, Leyendecker, Moore, Nelson, Noeggerath, Phelps, Powers, Roberts, Sabin, Schmidt, Shelton, Short, Smith of Houston, Stockbridge, Trolinger, Washington, Watts, Wilder and Williams—26.

Mr. Cook moved to reconsider the vote of yesterday on the final passage of the registration bill. Carried.

On motion of Mr. Ireland, the bill was then made special order for 1 P. M., to-day.

On motion of Mr. Ireland, Senate bill No. 53, amending the probate laws of the State, was transferred from Judiciary Committee No. 2, to Judiciary Committee No. 1.

Further report from Judiciary Committee No. 2 :  
*Hon. M. D. K. Taylor, Speaker of the House of Representatives :*

SIR: Your committee, to whom was referred House bill No. 382, a bill to legalize an ordinance adopted by the Convention on the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railway, in Falls and McLennan counties, approved June 18, 1870, beg leave to report the same back, and recommend its passage.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

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

Leave being granted, Mr. Denton introduced a bill to be entitled "An act to prohibit all civil officers in this State from accepting free passes on railroads." Read and referred to Judiciary Committee No. 2.

Further report from the same committee:

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

SIR: Your committee to whom was referred House bill No. 446, beg leave to report said bill back, and recommend its passage with the accompanying amendment.

IRELAND, Chairman.

Substitute for section third: "SEC. 3. *Be it further enacted*, That there is hereby levied an *ad valorem* tax on all the taxable property in said county, not exceeding one-half of one per cent., for the purpose of paying the interest and providing a sinking fund to meet the payment of the principal of said bonds. That said taxes shall be assessed and collected as other taxes are; *provided*, no tax shall be collected under this act until said bonds have been issued and placed on the market, and then only a sufficiency to meet the amounts required."

The amendment was adopted, the bill 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: Judiciary Committee No. 2, to whom was referred the bill, No. 390, to change the name of L. Jane Price, are of opinion that the relief asked for can be obtained through the courts. (See act of February, 1856.)

The committee therefore recommend that the bill do not pass.

IRELAND, Chairman.

The report was adopted.

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. 209, "An act to regulate the issuance of land patents in certain cases." instruct me to report said bill back and recommend its passage.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

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

Further report from same committee:

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

SIR: Your Judiciary Committee No. 2, to whom was referred House bill No. 462, validating acts of J. W. Irwin, surveyor of Navarro county, instruct me to report said bill back, with the recommendation that the same do pass.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

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

Further report from same committee :

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

SIR: Your committee to whom was referred House bill No. 399, providing for the registration of births, instruct me to report the same back with some amendment and recommend its passage.

IRELAND, Chairman.

Amend third third section by making penalty five instead of thirty-five dollars, and giving six months instead of two months.

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

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

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

*Resolved,* That the Comptroller of Public Accounts be and he is hereby instructed to furnish this House with the amount expended for repairs and furniture of the Governor's mansion and for improving the mansion grounds, with the different items therefor, from August, 1866, to August, 1867, and the amount expended for like purposes since that time to the present, and also any expenditures that have been made that have not been paid for.

Adopted.

Mr. Storey moved that Judiciary Committee No. 1 be allowed to report upon the bill relating to probate matter.

The House refused to allow the report to be made.

Further report from same committee :

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

SIR: Your committee to whom was referred House bill

No. 433 beg leave to report the same back and recommend that the same do not pass.

IRELAND, Chairman.

The report was adopted, and the bill, being a bill to be entitled "An act regulating the salary and fees of district attorneys," was indefinitely postponed.

Further report from same committee :

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

SIR: Your committee to whom was referred petitions of citizens of Smith county beg leave to report same back with the remark that the prayer of the memorialists be not granted.

IRELAND, Chairman.

The report was adopted.

Further report from the same committee :

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

SIR: Your committee, to whom was referred the "Resolution of inquiry relative to suits against insurance companies," are informed that the subject matter of this resolution is now under consideration by Judiciary Committee No. 1. The committee therefore recommend the reference of the resolution to Judiciary Committee No. 1.

IRELAND, Chairman.

The report was adopted and reference made.

Further report from same committee :

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

SIR: Your committee to whom was referred House bill No. 419, "An act to amend section one of an act concerning private corporations, approved December 2, A. D. 1871," beg leave to report the same back and recommend its passage.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

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

Further report from same committee :

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

SIR: Your committee to whom was referred House bill No. 522, beg leave to report said bill back and recommend its passage.

IRELAND, Chairman.

The bill, being "An act to prohibit the sale of intoxicating liquors within four miles of Bosqueville Male and Female College, situated at Bosqueville, McLennan county," was read second time and ordered engrossed.

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

Further report from same committee:

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

SIR: Your committee, to whom was referred House bill No. 525, beg leave to report said bill back and recommend its passage. IRELAND, Chairman.

The bill, being a bill to incorporate the Hebrew Benevolent Association of Waco, was read by caption second time and ordered engrossed.

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

Mr. Russell asked leave for the Committee on Public Lands and Land Office to make a report.

House refused to suspend its rules.

Further report from same committee.

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

SIR: The committee to whom was referred a resolution of inquiry into the mode of electing justices of the peace, beg leave to state that the first section of the act of 1870, session acts of 1870, page 87, prescribes that each justice's precinct shall elect one justice of the peace.

IRELAND, Chairman.

Further report from same committee.

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

SIR: The committee to whom was referred House bill No. 302, instruct me to report said bill back, with a substitute, and recommend its passage.

IRELAND, Chairman.

The substitute being a bill to amend section four of "An act to punish certain offenses committed on Sunday," was read and adopted.

The bill was then read second time.

Mr. Berends moved to lay the bill on the table; make it special order for Monday, April 21, and that one hundred copies be printed for the use of the House. Lost.

Mr. Mills offered the following amendment:

"In all cities and towns the markets on Sunday may be opened until nine o'clock for the sale of provisions and all marketing, but in no case shall any kind of spirituous or malt liquor be sold; *provided*, that all material for burial purposes shall not be prohibited at any time from being sold."

Mr. Powers moved to strike out "twelve o'clock Saturday night," and insert "nine o'clock Sunday morning."

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Bledsoe, Booty, Broaddus, Brown of Upshur, Carroll, Chambers, Cunningham, Denton, Doyle, Eastland, Ford, Gaston, Gillette, Hester, Hollingsworth, Kemble, Manning, Moore, Nelson, Payne, Phelps, Prendergast, Robb, Roberts, Rosborough, Russell, Scott, Shaw, Shelton, Storey, Tilson, Trolinger, Van Zandt, Venters, Washington, Westfall, Wilder, Williams, Winkler—43.

Nays—Messrs. Anderson, Berends, Brown of Dallas, Cook, Gilpin, Harrison, Hoffman, Joseph, Kleberg, Lane, Lyendecker, Mabry, McDonald, Mills, Morris, Noeggerath, Powers, Rainey, Sabin, Sayers, Schmidt, Stockbridge, Thurmond, Tivy, Tom and Walker—26.

Mr. Venters moved to reconsider the vote just taken. House refused to reconsider.

Mr. Powers offered the following amendment:

"*Provided*, that the Third Senatorial District, the Twenty-ninth Senatorial District, and the counties of Galveston, Harris and Fort Bend be excepted from the provisions of this bill."

Mr. Ireland offered the following substitute for the bill and amendments: "That the city and town governments of this State may enact laws to enforce the observance of the Sabbath."

The Speaker then announced the special order, being the registration bill.

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. 23, "An act to create and provide for the organization of the county of Gregg."



No. 319, a bill to be entitled "An act to provide for a change of venue in civil cases."

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Leyendecker moved to adjourn until three P. M. this evening. Carried.

AFTERNOON SESSION.

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

The following gentlemen were absent:

Messrs. Anderson, Hoffman and Mills.

On motion of Mr. Nelson, Mr. Lane was excused for the evening.

On motion of Mr. Russell, Mr. Gallaway was excused until Tuesday.

The special order, being the Texas Pacific Railway bill, was taken up.

Pending the amendment offered by Mr. Payne, Mr. Denton moved that the House go into committee of the whole.

The House refused.

Mr. Rimes moved to postpone the further consideration of the bill, and make it the special order for Monday, April 14, at 12 M. Carried.

On motion of Mr. Denton, Mr. Rimes was granted leave of absence until Tuesday next.

The registration bill having been special order for 1 P. M. this day, was then taken up.

Mr. Brown, of Dallas, offered the following amendments:

Strike out of section three, all after the word "registered," in thirty-first line, and insert: "*Provided, however,* that the first general registration under the provisions of this section shall commence not less than sixty nor more than ninety days from and after the passage of this act, to be conducted in all respects, as to notice, duration of time, revision by the board of revision, and otherwise, according to the provisions of this section; *provided further,* that the board of revision for the first registration shall assemble for such revision on the second Monday after the commencement of said first registration."

The amendment was adopted. The bill then passed by the following vote.

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Joseph, Kemble, Killough, Kleberg, Leyendecker, Mabry, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Robb, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Watts, and Winkler—61.

Nays—Messrs. Abbott, Moore, Phelps, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—9.

Leave being granted, on motion of Mr. Sayers, Judiciary Committee No. 1 reported as follows:

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

SIR: Judiciary Committee No. 1, to whom was referred Senate bill No. 52, entitled "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one, of an act entitled an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870," have had the same under consideration, and report the same back with amendments and recommend its passage, as a substitute for House bills Nos. 88 and 76, referred to your committee.

W. B. SAYERS, for Committee.

The bill and amendments reported by the committee were, on motion of Mr. Sayers, laid on the table and one hundred copies thereof ordered printed.

On motion of Mr. Kemble, the Committee on State Affairs submitted the following report:

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

SIR: The Committee on State Affairs, to whom was referred House bill No. 367, entitled "An act to incorporate

Marvin College," having had the same under consideration, unanimously recommend that it do pass.

VENTERS, for Committee.

The bill was read second time and ordered engrossed.

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

Leave being granted, on motion of Mr. Westfall, the Committee on State Affairs submitted 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. 448, entitled "An act to incorporate the Austin Trust Company," have had the same under consideration, and a majority of the committee have instructed me to report the bill back with the accompanying amendments and to recommend the passage of the bill with said amendments.

SMITH, Chairman.

Amend by adding to section nine the following :

"*Provided*, that the said company shall be under the control of the Legislature, and subject to such laws as shall from time to time be passed amendatory of the same."

The amendment was adopted.

The bill read second time and ordered engrossed.

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

On motion of Mr. Bordeaux, leave being granted, the Committee on State Affairs reported as follows :

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

SIR: Your Committee on State Affairs, to whom was referred House bill No. 223, to be entitled "An act for the relief of A. T. Watts," have considered the same, and herewith report the same back to the House and recommend that it do pass.

DENTON, for Committee.

The bill was read second time and ordered engrossed.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Cham-

bers, Cook, Cunningham, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Scott, Schmidt, Shaw, Shelton, Short, Smith of Houston, Stockbridge, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Washington, Westfall, Williams, and Winkler—71.

Nays—None.

Leave being granted, Mr. Booty introduced a bill making an appropriation for mileage for the recently elected and newly seated members of the House of Representatives. The bill was read first time; rules suspended, read second time and ordered engrossed. On motion of Mr. Booty the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Leyendecker, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Washington, Westfall, Winkler and Williams.—67.

Nays—None.

On motion of Mr. Brown of Dallas leave was granted the Committee on State Affairs to report, and they submitted the following:

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

SIR: The Committee on State Affairs have examined a bill to incorporate the Mechanics' Real Estate, Building and Savings Association of Dallas, and recommend its passage.

J. H. BROWN, Chairman.

The bill 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. Kemble the Committee on Claims and Accounts submitted the following report :

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

SIR : Your committee to whom was referred House bill No. 211, for the benefit of C. R. Gibson, beg leave to report the same back and recommend the passage of the substitute herewith submitted.

GASTON, Chairman.

The substitute was read and adopted and ordered engrossed.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Sabin, Salter, Sayers, Scott, Shaw, Shelton, Stockbridge, Thurmond, Tivy, Tom, Trolinger, Van Zandt, Veale, Venters, Walker, Washington, Watts, Westfall, Williams and Winkler—60.

Nays—Messrs. Leyendecker, Smith of Houston, Storey and Tilson—4.

On motion of Mr. Powers, the Committee on Internal Improvements submitted the following report :

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

SIR : Your Committee on Internal Improvements have had under consideration House bill No. 557, entitled "An act to incorporate the Brazos Santiago and Rio Grande Canal Company," and have instructed me to report the same back to the House and recommend its passage.

WINKLER, Chairman.

The bill was read second time and ordered engrossed.

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

On motion of Mr. Broadus, 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 the petition of Walter Campbell, for 370 $\frac{1}{2}$  acres of land, have carefully examined the evidence in said case, and report the accompanying bill, with the recommendation that it do pass.

P. R. SCOTT, for Committee.

The bill, being a bill to validate headright land certificate No. 102, dated February 15, 1838, issued to Walter Campbell for 369 acres of land, instead of 370 $\frac{1}{2}$  acres, as now stated in said certificate, was read second time and ordered engrossed.

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

Mr. Rainey moved to reconsider the vote on the final passage of the bill creating the county of Waller. The House refused to reconsider.

On motion of Mr. Russell, the joint committee on House bill No. 188, submitted the following report:

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

SIR: The joint committee of the Senate and House of Representatives, on Public Lands and Land Office, to whom was referred Senate substitute for House bill No. 188, would respectfully report that we have had the subject matter of said bill under consideration, and said joint committee instruct us to report said substitute to the House, and recommend its passage by the adoption of the accompanying amendment, to stand as the first section of said bill, after the enacting clause; and that the actual sections comprising said substitute be numbered respectively, to correspond to the proposed amendment.

A. J. BALL,

Chairman Senate Committee.

S. POWERS,

Chairman House Committee.

Amendment offered by committee: "That any person who shall occupy any portion of the public domain as a homestead under existing law, shall have the same surveyed and the field notes returned to the Land Office within twelve months after settling upon the same, or as provided in section two of this act; and such person or

his assignee or assignees shall be entitled to a patent therefor upon filing in the Land Office an affidavit to the effect that such person or his assignees has occupied and improved said land for three years in good faith, and has complied with the requirements of this act, and paid all fees, which affidavit shall be corroborated by the affidavits of two disinterested and credible citizens of the county in which the land is situated, all of which affidavits shall be subscribed and sworn to before the district clerk, who shall certify to the same, and the credibility of said citizens, under the seal of his office."

The amendment offered by the committee was adopted.

The bill thus amended 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. Gaston, the Committee on Education submitted the following report :

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

SIR: Your Committee on Education, to whom was referred the petition of sundry citizens of Lamar county, asking the prohibition of the sale of spirituous liquors within one mile and a half of Sylvan Academy, in said county, have duly considered the same, and a majority of the committee instruct me to recommend the passage of the bill.

LANE, 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 Education, to whom was referred House bill No. 393, have had the same under consideration, but having doubts as to the constitutional right of the Legislature to make the appropriation as asked for in section one of said bill, have instructed me to report the same back to the House and ask its reference to Judiciary Committee No. 2 for their consideration and advice as to the authority of the Legislature to make said appropriation.

ARMSTRONG, Chairman.

The bill referred to was a bill providing for the establishment of the Texas Military Institute.

The report was adopted and reference made.

Further report from the same committee :

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

SIR: Your Committee on Education, to whom were referred House bills Nos. 391 and 392, have considered the same, and instruct me to report said bills back to the House and recommend that the same do pass.

FORD, for Committee.

House bill No. 392, a bill to incorporate the Garden Valley Seminary, in Smith county, Texas, was read second time and ordered engrossed.

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

House bill No. 391, a bill to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas, was read second time and ordered engrossed.

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

Ex-Governor Clark was invited to a seat within the bar of the House, and its freedom extended him during his stay in the city.

Further report from same committee :

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

SIR: Your Committee on Education, to whom was referred House bill No. 566, a bill to be entitled, "An act to incorporate Cotton Gin Seminary," have considered the same, and instruct me to report said bill back to the House, and recommend that the same do pass.

FORD, for Committee.

The bill, being a bill to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, in Freestone county, Texas, was read second time and ordered engrossed. On motion the rules were suspended, the bill read third time and passed.

House bill No. 682, a bill to incorporate Cotton Gin Seminary, was read ; rules suspended, read second time and ordered engrossed. On motion the rules were suspended, the bill read third time and passed.

On motion of Mr. Hollingsworth, the Committee on State Affairs submitted the following report :



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

SIR: Your Committee on State Affairs, to whom was referred House bill No. 617, entitled, "An act to fund the debt of Hays county," have considered the same, and instructed me to report the same back, with recommendation that it do pass.

VENTERS, for Committee.

The bill 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. Tom, the Committee on Private Land Claims submitted the following report:

*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. 477, to be entitled "An act to authorize the Commissioner of the General Land Office to issue land warrant to William Caruthers," have had the same under consideration, and instruct me to recommend the adoption and passage of the accompanying substitute in lieu of the original bill.

LEYENDECKER, for Committee.

The substitute was read and adopted and ordered engrossed.

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

Further report from same committee :

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

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 305, to be entitled, "An act to authorize and require the Commissioner of the General Land Office to issue certain land certificates therein named," have carefully examined the same, and instruct me to recommend the adoption and passage of the accompanying substitute in lieu of the original bill.

LEYENDECKER, for Committee.

The substitute was read and adopted and ordered engrossed.

Mr. Washington moved that the House adjourn until 9:30 A. M. to-morrow. House refused to adjourn.

Mr. Shaw moved to recommit the bill to Judiciary Committee No. 2. The House refused to recommit.

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

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

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

House met pursuant to adjournment. Prayer by Rev. Mr. Sweeney. Roll called; quorum present.

Mr. Cook was absent.

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

Messrs. Carroll and Russell were excused on account of sickness.

Mr. Stockbridge presented application of Wm. B. Royall, of Brenham, Texas, for legislative aid in introducing for the public benefit Royall's cotton worm destroyer. Referred to Committee on Agriculture and Stock Raising.

Mr. Rosborough presented a petition of citizens of Coryell county asking the passage of a law prohibiting the sale or otherwise disposing of intoxicating liquors within two miles of the Academy at Rainey's Creek Village, Coryell county. Referred to the Committee on Education.

Mr. Ghent presented remonstrance of citizens of Milam county against the division of that county. Referred to Committee on Counties and County Boundaries.

Mr. Joseph presented a memorial to the Legislature from Eliza Keenan. Referred to the Committee on Claims and Accounts.

Mr. Scott presented a protest of citizens of Cass county against the dismemberment of that county. Referred to the Committee on Counties and County Boundaries.

The unfinished business of the session of yesterday morning was resumed, being House bill No. 302, a bill to amend section four of an act to punish certain offenses committed on Sunday.

Pending the substitute offered by Mr. Ireland, and the amendments offered by Mr. Powers, Mr. Anderson moved to recommit the bill and amendments to a special committee of five, which carried.

The following gentlemen were appointed: Anderson, chairman; Booty, Moore, Nelson and Trolinger.

On motion of Mr. Killough, Mr. Cook was added to the committee; and on motion of Mr. Ireland, Mr. Hoffman was also added.

Mr. Booty introduced a bill to admit Edward Harris to practice law in the several courts of this State. Referred to Judiciary Committee No. 2.

Mr. Robb introduced a bill for the relief of Geo. Gibson, assignee of Webb. Wofford. Referred to Committee on Private Land Claims.

Mr. Kemble offered a concurrent resolution relative to the employment of a clerical force by the Superintendent of Public Instruction. Referred to Judiciary Committee No. 2.

Mr. Anderson introduced a bill to amend chapter three, title three, articles ninety-one and ninety-two of the Penal Code. Referred to Judiciary Committee No. 2.

Mr. Gillette introduced a bill for the relief of John S. Eads. Referred to the Committee on Claims and Accounts.

Mr. Prendergast introduced a bill to provide for the publication, in the official journal, of the general laws of the Legislature, and of abstracts of the decisions of the Supreme Court. Referred to Judiciary Committee No. 2.

Mr. Schmidt introduced a bill granting land to the Buffalo Bayou Ship Channel Company, in aid of the improvement of the navigation from Bolivar Channel, near the Gulf of Mexico, to the city of Houston. Referred to the Committee on Internal Improvements.

Mr. Kleberg introduced a bill granting authority to the Cuero Bridge Company to survey and open a public road between Cuero and San Antonio. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Joseph introduced a bill to declare valid bounty land certificate No. 1784, for six hundred and forty acres of land, issued to William T. Austin, January 12, 1838, for services in the army of the Republic of Texas. Referred to the Committee on Private Land Claims.

Mr. Payne introduced a bill to authorize holders of conflicting land titles to sue the State. Referred to Judiciary Committee No. 2.

Mr. Westfall introduced a bill for the relief of George W. Poe. Referred to the Committee on Private Land Claims.

Mr. Hollingsworth introduced a bill regulating the order of paying off county scrip, etc. Referred to the committee on State Affairs.

Mr. Booty introduced a bill to amend article three hundred and ninety-four, chapter two, of the Penal Code. Referred to Judiciary Committee No. 2.

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

Mr. Prendergast introduced a bill to declare valid the acts of deputies of justices of the peace done after the repeal of the law authorizing their appointment, and before the official publication of such repealing law. Referred to Judiciary Committee No. 2.

Mr. Robb introduced a bill for the relief of John M. Haygood. Referred to the Committee on Private Land Claims.

Report from Judiciary Committee No. 2.

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

SIR: Your committee, to whom was referred House bill No. 355, instruct me to report the substitute here submitted and ask its passage.

IRELAND, Chairman.

The substitute, being a bill regulating the disposition of fines and forfeitures in the mayor's court of Waxahachie, was read and adopted, and ordered engrossed.

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

The resolution offered by Mr. Storey, allowing the consideration of matters relative to internal improvements at evening sessions, was adopted.

Further report from same committee :

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

SIR: Your committee, to whom was referred House bill No. 297, and proposed substitute, beg leave to report the same back and recommend a substitute for both bills.

IRELAND, Chairman.

The substitute offered by the committee, being a bill to be entitled "An act to prevent horse racing in certain places," was read and adopted, 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: The committee, to whom was referred House bill No. 428, beg leave to report the same back to the House with the recommendation that the same do not pass.

IRELAND, Chairman.

The bill, being a bill to change the judicial relation of Houston county, was read, the report adopted, and the bill indefinitely postponed.

Further report from same committee :

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

SIR: Your committee, to whom was referred House bill No. 272, authorizing Mrs. L. A. Davenport to establish a ferry and toll bridge over Lake Fork of Sabine river, beg leave to report said bill back to the House with the recommendation that the same do pass.

IRELAND, Chairman.

The bill, being a bill to authorize Mrs. L. A. Davenport to keep and run a toll bridge over the Lake Fork of Sabine river, in Wood county, was read second time and ordered engrossed.

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

Further report from same committee :

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

SIR. Your committee, to whom was referred House bill No. 343, to provide for pay to witnesses in certain cases, beg leave to report the same back with the recommendation that the same do not pass.

IRELAND, Chairman.

The report was adopted, and the bill, being a bill to provide for pay to witnesses in certain State cases, was indefinitely postponed.

Further report from same committee :

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

SIR: Your committee to whom was referred House bill No. 401, beg leave to report said bill back with the recommendation that the same do not pass.

IRELAND, Chairman.

The report was adopted, and the bill, being a bill to amend "An act entitled an act to establish a code of criminal procedure for the State of Texas, approved August 26, 1856," was indefinitely postponed.

Further report from same committee :

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

SIR: Your committee, to whom was referred House bill No. 373, beg leave to report said bill back with a proposed amendment of the caption, and the passage of the bill as amended.

IRELAND, Chairman.

Amend caption so as to read as follows: A bill to be entitled "An act supplementary to an act entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5, 1858."

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

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

Further report from same committee :

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

SIR: Your committee to whom was referred House bill No. 229, beg leave to report the same back, with the recommendation that the same do pass.

IRELAND, Chairman.

The bill, being a bill to amend article one hundred and eighty-seven of "An act regulating attachments," approved January 16, 1850, was read second time and ordered engrossed.

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

Further report from same committee :

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

SIR: Your committee to whom was referred House bill No. 242, beg leave to report same back and recommend its passage.

IRELAND, Chairman.

The bill, being a bill to secure good bonds from public officers, was read second time.

Pending the discussion, the hour for the special order arrived.

On motion of Mr. Ireland, the special order, being House bill No. 273, "An act to provide for the enclosure of commons for the pasturage of stock," was postponed and made special order for 12 M. to-day.

After further discussion, Mr. Kleberg moved to postpone the further consideration of the bill until Wednesday, April 10, 11 A. M. The House refused to postpone.

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

Yeas—Messrs. Speaker, Abbott, Allison, Anderson, Armstrong, Berends, Bledsoe, Bordeaux, Carroll, Chambers, Cunningham, Denton, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Ireland, Kemble, Kleberg, Leyendecker, Manning, McDonald, Moore, Morris, Nelson, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Sayers, Schmidt, Scott, Shaw, Shelton, Stockbridge, Storey, Tilson, Tom, Trolinger, Van Zandt, Veale, Washington, Watts, Westfall, Williams and Winkler—54.

Nays—Messrs. Adriance, Booty, Broaddus, Brown of Upshur, Doyle, Hollingsworth, Joseph, Killough, Lane, Mabry, Noeggerath, Rainey, Sabin, Smith of Houston, Tivy, Walker and Wilder—17.

Whereupon the main question was ordered.

The bill was then ordered engrossed by the following vote :

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Bledsoe, Bordeaux, Brown of Dallas, Carroll, Chambers, Denton, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Ireland, Kemble, Kleberg, Manning, McDonald, Nelson, Payne, Prendergast, Robb, Rosborough, Sayers, Schmidt, Scott, Shaw, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Veale, Watts, Westfall and Winkler—43.

Nays—Messrs. Abbott, Adriance, Berends, Booty, Broaddus, Brown of Upshur, Cunningham, Doyle, Hollingsworth, Joseph, Killough, Lane, Leyendecker, Mabry, Moore, Morris, Noeggerath, Phelps, Powers, Rainey, Roberts, Sabin, Shelton, Smith of Houston, Stockbridge, Tivy, Walker, Washington, Wilder and Williams—30.

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

On motion of Mr. Sayers, the bill was taken up by sections.

Mr. Kleberg offered the following amendment :

Add to section one as follows: "*Provided*, it be not otherwise agreed by the owner of the land, or if public land be enclosed, it shall be used only for grazing purposes, and not otherwise injured, and without prejudice to the right of the State to the land; and *provided further*, that the consent of the owner herein mentioned shall be given in writing, and duly recorded in the county in which the land is situated, and that this act shall not be construed to grant any exclusive privileges to or upon any vacant land." Adopted.

Mr. Brown, of Dallas moved to amend by adding in lines four and sixteen, of section first, after the word "him," the words "or her." Adopted.

The first section was then adopted.

Mr. Payne moved to strike out all in section two after the word "travelers," in line fourteen.

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

The House refused to table.

The amendment was then put, and failed to carry.

The second section was then adopted.

Mr. Kleberg offered the following amendment to section three: Strike out in 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." Adopted.

Section three was then adopted.

Mr. Payne offered the following amendment to section four: Insert after the word "recover," in line fourteen, the words "and cost of suit." The amendment was adopted.

Mr. Kleberg offered the following amendment: After the word "evidence," in section fourth, line twelfth, add the words "and the verdict of the jury fixes the number of stock in the enclosure in excess of what the defendant may be entitled to have in the same." The amendment was adopted.

Mr. Killough offered the following amendment: Amend so that no one shall put in more than one head of stock to five acres.

Mr. Powers offered the following amendment thereto: "*Provided*, that . . . . head of cattle and . . . . head of horse-stock shall be deemed the medium proportion of this class of stock per league in such enclosure, unless otherwise ordered by the owners of such enclosure."



Mr. Powers then withdrew his amendment and offered the following substitute for Mr. Killough's amendment: Insert after line three, section fourth, as follows; "beyond the proportion which may be agreed upon by the parties owning or interested in said pasture," and strike out in the fourth line the words "his or their right of pasturage therein."

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

The fourth section was then adopted.

Mr. Ireland moved to strike out section five, which carried.

Section sixth was then adopted.

Section seventh was then adopted.

Mr. Allison offered the following amendment to the bill: Amend by exempting the counties of Tarrant, Palo Pinto, Parker, Panola, Rusk, Cass, Upshur, Fort Bend, Wood, Matagorda, Harrison, Brazoria, Lamar, Fannin and Red River.

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

Mr. Leyendecker offered the following amendment: Strike out the words "materially" and "material" wherever they appear in section second. Strike out "may" in section two, line fourteen, and insert "shall if the public interest requires it." Strike out all after the word "gate" in line sixteenth and before the word "whose" in line seventeen, section two. Strike out "now" after the word "are" in line twenty-one, section four. Adopted.

Mr. Powers offered the following amendment: Add to the end of section first the following: "Provided, that the proportion of stock to be pastured therein shall be agreed on and specified in writing by the parties making such enclosure." Adopted.

Mr. Mills offered the following additional section: "SEC. 7. That it shall be lawful for the County Court at any time to open said gates when the owners fail to keep, as this act requires, porters at each gate where any public road runs through such pastures, upon the affidavit of two respectable persons."

Mr. Sayers moved to lay the amendment upon the table, which carried by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Arm-

strong, Bledsoe, Brown of Upshur, Brown of Dallas, Chambers, Denton, Eastland, Ford, Gaston, Gilpin, Harrison, Hester, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, McDonald, Moore, Nelson, Payne, Powers, Prendergast, Rainey, Robb, Roberts, Rosborough, Sayers, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Watts, Westfall and Winkler—42.

Nays—Messrs. Abbott, Allison, Berends, Cunningham, Doyle, Gillette, Hoffman, Leyendecker, Mabry, Manning, Mills, Noeggerath, Sabin, Salter, Shelton, Van Zandt, Venters, Washington, Wilder and Williams—20.

Mr. Tivy offered the following amendment: "That if the owner or owners of any portion of lands so enclosed should not desire to avail themselves of the benefits of the use of their lands thus enclosed, and the parties enclosing the same have not made any agreement with such owners, then the parties shall pay to the owner or owners a yearly rent for the use of the same of twelve per cent. per annum upon the value of such lands, the value to be ascertained by reference to the price placed upon it on the assessment rolls."

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, to-wit:

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

No. 441, a bill to be entitled "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872."

BOOTY, Chairman.

On motion of Mr. Smith of Houston, the House then adjourned until 9:30 A. M., Monday, April 14.

HOUSE OF REPRESENTATIVES,  
AUSTIN, TEXAS, April 14, 1873.

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

On motion of Mr. Williams, Mr. Washington was excused for this day.

On motion of Mr. Broaddus, Mr. Ghent was excused for four days, beginning with to-morrow.

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

Mr. Carroll moved to reconsider the vote taken on Saturday, on the final passage of House bill No. 272, a bill to authorize Mrs. L. A. Davenport to keep and run a ferry, and build a toll bridge over the Lake Fork of Sabine river, in Wood county.

Mr. Russell exhausting the five minutes allowed for speaking by the rule of the House, asked leave to proceed for a very short time longer.

Mr. Mills moved that such leave be granted. The House refused further time.

The vote was reconsidered.

Mr. Russell offered the following amendment: "*Provided*, nothing herein contained shall in any way interfere with the bridge already built by Wood county, or with the use, possession and enjoyment thereof, and the control and management of the same by the proper authorities."

The amendment was adopted.

The bill thus amended then passed.

The consideration of House bill No. 273, to provide for the enclosure of commons for the pasturage of stock, was resumed, pending the amendment offered by Mr. Tivy.

Mr. Tivy withdrew his amendment.

Mr. Ireland offered the following amendment: "SEC. . . That no person shall fence up any public road, under the provisions of this act, when such fence or enclosure would deprive the stock of any neighborhood of free access to running water, when the stream constitutes the division lines between original surveys of land."

Mr. Mills moved to lay the bill and amendment on the table. The motion was lost.

The amendment was then adopted.

The bill was then ordered engrossed.

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

Mr. Doyle presented a petition of citizens of Hood county, asking a charter for a ferry on the Brazos river, at the stage crossing from Cleburne to Granberry. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Carroll presented a remonstrance of citizens of Milam county, protesting against the passage of a law authorizing the County Court of said county to levy a tax for immigration purposes. Referred to Judiciary Committee No. 1.

Mr. Broaddus presented a remonstrance from citizens of Milam county, against authorizing the County Court of Milam county to issue bonds in aid of immigration to that county. Referred to Judiciary Committee No. 1.

Mr. Tivy presented a petition of citizens of Centre Point, Kerr county, asking for the prohibition of the manufacture or sale of spirituous liquors within three miles of that place. Referred to the Committee on Education.

Mr. Brown of Upshur moved to refer House bill No. 252, a bill to prohibit the sale or gift of intoxicating or spirituous liquors within two miles of Odd Fellows Male and Female College, located at Pittsburg, Upshur county, to the Committee on Education, which reference was made.

Mr. Payne introduced a bill to validate a land certificate of Stanford Lindsey. Referred to the Committee on Private Land Claims.

Mr. Thurmond introduced a bill to authorize the County Court of Refugio county to levy a tax to build a court house and jail at the county seat. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Sabin introduced a bill relative to writs of garnishment. Referred to Judiciary Committee No. 2.

Mr. Ireland introduced a bill to be entitled "An act to amend the thirty-sixth section of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870." Read first time; rules suspended, read second time by caption and ordered engrossed.

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

Mr. Ireland introduced a bill granting land to the International Railway Company. Referred to the Committee on Internal Improvements.

Mr. Allison introduced a bill in relation to bonds of county surveyors. Referred to Judiciary Committee No. 2.

Mr. Storey introduced a bill to be entitled "An act in relation to certain land claims. Referred to Judiciary Committee No. 2.

Mr. Leyendecker introduced a bill to amend an act entitled "An act to establish a code of criminal procedure for the State of Texas," approved August 26, 1856. Referred to Judiciary Committee No. 1.

Mr. Sayers moved to take up House bill No. 441, to be entitled "An act making appropriations for the support of the State government for the fiscal year beginning September 1, 1872, and ending August 31, 1873, and for deficiencies for 1870, 1871 and 1872." The bill was taken up and read third time.

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

Mr. Prendergast moved to postpone the further consideration of the bill until Monday, April 21, at 11 A. M. The House refused to postpone.

Mr. Kleberg offered the following amendment as a substitute for the appropriations in the bill for the immigration bureau: "Salary of agent at Galveston from March, 1872 to April, 1873, five months, at \$1500, \$625; salary of private clerk from December, 1872, to April, 1873, at \$1200, \$500; salary of superintendent from December, 1872, to April, 1873, at \$2000, \$833.33; for deficiencies for agents of Bureau of Immigration at Saint Louis, Great Britain, New York and Bremen, salaries and contingent expenses, \$6423.25." The amendment was adopted.

Mr. Denton moved to postpone the bill and amendment until Monday, April 21.

Yeas and nays being called, resulted as follows:

Yeas—Messrs. Armstrong, Bledsoe, Brown of Upshur, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Ford, Harrison, Ireland, Kemble, Manning, Prendergast, Rainey, Robb, Russell, Salter, Scott, Shaw, Shelton, Short, Smith of Houston, Storey, Tivy, Tom. Trolinger, Veale and Watts—30.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Booty, Bordeaux, Broaddus, Brown of Dallas, Eastland, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Lane, Lyendecker, Mabry, McDonald, Mills, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Rosborough, Sabin, Sayers, Schmidt, Stockbridge, Thurmond, Tilson, Van Zandt, Venters, Walker, Westfall, Wilder and Winkler—45.

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

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Eastland, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Lyendecker, Mabry, McDonald, Mills, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Rainey, Roberts, Rosborough, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Walker, Westfall, Wilder, Williams and Winkler—62.

Nays—Messrs. Armstrong, Bledsoe, Davenport, Denton, Doyle, Ford, Harrison, Ireland, Manning, Prendergast, Robb, Russell, Short, Tom, Veale and Watts—16.

Special order, House bill No. 232, a bill supplemental to "An act entitled an act to provide for the establishment of the Agricultural and Mechanical College, approved April 17, 1871," was taken up.

Mr. Payne moved that the House go into committee of the whole upon the bill. The House refused.

Mr. Broaddus offered the following amendment :

Amend by striking out the third section, and inserting in lieu thereof the following :

"SEC. 3. That the State of Texas hereby grants and donates to the State Agricultural and Mechanical College, located in the county of Brazos, in this State, two hundred sections of land of six hundred and forty acres each, out of the public lands of the State not already granted or otherwise disposed of ; and it is hereby made the duty of the Commissioner of the General Land Office to issue to the commissioners hereinbefore named, for the

sole use and benefit of the said college, certificates for the said two hundred sections of land; and the said commissioners are hereby authorized to select said land, have it surveyed, and the field notes returned to the General Land Office, and receive patents for the same for the sole use and benefit of said college; or, if in the judgment of said commissioners the interest of the college will be best promoted by a sale of a part or all of said land certificates, then they are hereby fully authorized and empowered to sell said certificates, or a part thereof, for the best price they can obtain, and assign and transfer such as may be thus sold to the purchaser or purchasers, and the money received from such sale shall be used by said commissioners in erecting and completing such buildings as may be needed for the use of said college; and after the erection and completion of all needed buildings for said college, should there be any unexpended balance of money or land, such money or land shall be used, under the direction of such officers hereafter to be appointed by the Legislature, to promote the objects for which said college is created."

Amend further by adding the following section as the fifth section, and changing the number of fifth section to sixth, and sixth to seventh:

"SEC. 5. The commissioners hereby appointed shall, at the end of every six months, from the time of the passage of this act, make a full report, under oath, to the Governor of all contracts made by them for the erection of buildings, the progress of the work on such buildings, and all sales of land certificates, the price obtained therefor, and the person or persons to whom sold, and the manner in which the money has been expended; and the Governor shall, at the commencement of each session of the Legislature, lay such reports before that body."

On motion of Mr. Denton, the bill and amendments were referred to Judiciary Committee No. 2.

On motion of Mr. Winkler, Mr. Kleberg was excused on account of sickness.

Special order, House bill No. 135, a bill for the protection of purchasers of real estate from executors and administrators, was then taken up, pending the amendment offered by Mr. Wood.

Mr. Armstrong offered the following amendments to the pending amendment:

1. In twenty-second line, after the word "actual," add the words "or constructive."

2. In twenty-third line, after the word "payment," add these words: "*And provided*, that the records of the courts of the county where the land lies, and all the proceedings of the court where such estate was administered, and order made and pertaining to such estate, shall be held as constructive notice to all purchasers at such sale, and those holding under them, of all illegalities and nullities that may be found in said proceedings; and such illegalities and nullities shall be held and determined against said purchasers, and those holding under them, in any suit or decision involving the possession or title to real estate claimed under, through, or by virtue of any such order of sale."

Mr. Sayers moved to lay the bill and amendments on the table.

Yeas and nays being called resulted as follows :

Yeas—Messrs. Abbott, Allison, Armstrong, Berends, Brown of Upshur, Carroll, Cook, Cunningham, Davenport, Denton, Doyle, Ford Gilpin, Harrison, Hoffman, Lane, Leyendecker, Manning, Mills, Moore, Morris, Payne, Phelps, Powers, Prendergast, Rainey, Roberts, Russell, Sabin, Sayers, Scott, Shelton, Short, Smith of Houston, Storey, Stockbridge, Thurmond, Tivy, Trolinger, Walker, Watts, Wilder and Williams—43.

Nays—Messrs. Speaker, Adriance, Anderson, Bledsoe, Booty, Broaddus, Chambers, Eastland, Gaston, Gillette, Hester, Hollingsworth, Ireland, Joseph, Kemble, Mabry, McDonald, Noeggerath, Robb, Rosborough, Salter, Schmidt, Shaw, Tilson, Tom, Van Zandt, Venters, Westfall and Winkler—29.

Whereupon the motion to lay upon the table was declared to have prevailed.

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

No. 236, "An act to repeal an act entitled an act to establish a State police and provide for the regulation and government of the same, approved July 1, 1870; also to repeal an act entitled an act to amend an act entitled an act to establish a State police and provide for the regulation of the same, approved May 2, 1871."

No. 53, relating to appeals to Supreme Court from interlocutory judgments in the district courts.



The Committee on Enrolled Bills submitted the following reports :

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

SIR: Your Committee on Enrolled Bills have carefully examined 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," and find the same correctly enrolled, and have, this fourteenth day of April, presented the same to the Governor, at 12 o'clock M., 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 bill, No. 146, "An act to amend an act to incorporate Austin College, approved November 22, 1849," and find the same correctly enrolled, and have, this twelfth day of April, at 12 o'clock M., presented the same to the Governor for his approval.

W. A. 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. 384, "An act to levy and collect a special tax in Lavaca county, to build a court house for said county."

No. 239, "An act for the relief of W. M. Jackson."

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

W. A. SHAW, Chairman.

The Committee on Engrossed Bills submitted the following reports :

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

SIR: Your Committee on Engrossed Bills have thoroughly examined the following :

No. 557, a bill to be entitled "An act to incorporate the Brazos, Santiago and Rio Grande Canal Company."

No. 691, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within one and one-half (1½) miles of Sylvan Academy, in Lamar county."

No. 171, 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."

No. 566, a bill to prohibit the sale of intoxicating liquors within two miles of Cotton Gin Seminary, in Freestone county, Texas.

No. 690, "An act making an appropriation for mileage for the recently elected and newly seated members of the House of Representatives."

No. 150, "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."

No. 617, "An act to authorize the County Court of Hays county to issue bonds for the purpose of funding the indebtedness of said county, and to provide for their payment."

No. 223, "An act for the relief of A. T. Watts."

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

No. 211, a bill to be entitled "An act making an appropriation for C. R. Gibson."

No. 305, a bill to be entitled "An act authorizing and requiring the Commissioner of the General Land Office to issue certain land certificates therein named.

And find the same correctly engrossed.

BOOTY, Chairman.

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

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

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."

No. 419, "An act to amend section first of an act concerning private corporations, approved December 2, 1871."

No. 575, a bill to be entitled "An act for the relief of the estate of John T. Storey."

No. 525, "An act to incorporate the Hebrew Benevolent Association of Waco."

No. 209, "An act to regulate the issuing of land patents in certain cases."

No. 692, "An act to incorporate Cotton Gin Seminary."

No. 351, a bill to be entitled "An act to amend section ninety of an act entitled an act to regulate proceedings in the District Courts, approved May 13, 1846."

No. 399, "An act to provide for the registration of births."

No. 382, a bill entitled "An act to repeal an act to legalize an ordinance adopted on the twelfth day of December, 1868, authorizing a special tax to be levied for the Waco Tap Railroad in Falls and McLennan counties, approved June 18, 1870."

No. 367, "An act to incorporate Marvin College."

No. 188, "An act for the benefit of the actual occupants of the public lands."

No. 297, a bill to be entitled "An act to prevent horse-racing in certain places."

No. 242, a bill to be entitled "An act to secure good bonds from public officers."

No. 229, a bill to be entitled "An act to amend article one hundred and fifty-seven of an act regulating attachments," approved January 16, 1850.

No. 373, a bill to be entitled "An act supplementary to an act entitled an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane, approved February 5, 1858."

And find the same correctly engrossed.

BOOTY, Chairman.

Special order, House bill No. 467, a bill 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, then came up.

Mr. Brown, of Dallas, moved to postpone the bill until Wednesday, April 10, at 11 A. M.

Mr. Mills moved to amend by substituting Monday, April 21.

The motion to substitute was lost.

Mr. Brown, of Dallas, then withdrew his motion.

On motion of Mr. Ireland, Mr. Rhodes, sergeant-at-arms, was granted leave of absence for eight days.

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

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

House met pursuant to adjournment. Prayer by the Rev. B. H. Carroll, of Waco. Roll called; quorum present.

On motion, Messrs. Nelson, Kleberg and Trolinger were excused for the day on account of sickness.

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

Mr. Winkler presented a petition of Abraham Eddins for one third of a league of land. Referred to the Committee on Private Land Claims.

Also, a petition of the heirs of Theophilus Eddins for one-third of a league of land. Referred to the Committee on Private Land Claims.

Mr. Shelton introduced a bill regulating estrays. Referred to the Committee on Agriculture and Stock Raising.

Mr. Cook introduced a bill to be entitled "An act to make the clerk of the Supreme Court *ex officio* librarian, and to define the duties of the office. Referred to Judiciary Committee No. 1.

Mr. Hollingsworth introduced a bill to provide for the sale of alternate sections of school land reserved to the State." Referred to the special committee on school lands.

Mr. Payne introduced a bill for the preservation of the public health. Referred to a special committee, consisting of Messrs. Payne, chairman, Denton, Doyle, Trolinger and Westfall.

Mr. Anderson offered the following resolution :

WHEREAS, The county courts of this State have authority to grant charters for the building of bridges and the establishment of ferries; and

Whereas, Said county courts know better than the Legislature what amount should be charged for tolls and ferrriage; therefore,

*Resolved*, That this House will consider no more bills granting authority to construct bridges or establish ferries unless the cost of the same exceed five thousand dollars.

Mr. Winkler moved to refer the resolution to the Committee on State Affairs. The House refused to refer. The resolution was then adopted.

On motion of Mr. Smith of Houston, Mr. Manning was excused for two days, beginning with to-morrow.

Mr. Payne moved to suspend the rules and grant the special committee on the general tax law leave to report, which motion carried, and the committee submitted the following :

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

SIR: Your committee to whom was referred the duty of drafting a general tax bill, regulating the assessment and collection of taxes in this State, beg leave herewith to report the accompanying bill for the consideration of the House.

TILSON, for Committee.

On motion of Mr. Payne, the bill, being a bill to regulate the assessment and collection of taxes, was laid on the table, and made the special order for Friday, April 18, at 11 o'clock A. M., and one hundred copies ordered to be printed.

Mr. Brown of Dallas introduced a bill to incorporate the Dallas Insurance Company. Read first time and referred to the Committee on State Affairs.

Mr. Walker offered the following resolution :

*Resolved*, That the Governor be requested to furnish this House the following information, to-wit :

1. The amount of State bonds which have been issued since the adoption of the present Constitution, under the several acts of the Legislature of this State.
2. The amount of each which have been sold, and at what rate.
3. The amount of State bonds which have been hypothecated, to whom, and the amount received for such hypothecation.
4. The names of the agents who have been entrusted with the sale, hypothecation and safe keeping of said bonds.
5. The amount and kinds of bonds which are yet unsold, and in whose possession they now remain.

6. The amount of commissions paid, and to whom paid, for the sale, hypothecation or custody of the said bonds.

7. The amount of cash recived from the sale and hypothecation of the bonds of the State, and the disposition made of the same.

Mr. Bledsoe offered the following as a substitute for the resolution :

*Resolved*, That the special committee charged with the investigation of the Treasurer's and Comptroller's offices, be also required to inquire into the sale and hypothecation of State bonds by the Governor, and also to examine the vouchers on file, in regard to the disbursement of the funds derived from the sale and hypothecation of said bonds, now on hand in any of the departments of this State, and to report such information to this house.

On motion of Mr. Morris, the resolution and substitute were referred to a special committee of three.

The Speaker appointed Messrs. Walker, Bledsoe and Morris said committee.

The special order, being the bill to adjust and define the rights of the Texas Pacific Railway in Texas, and to encourage the speedy construction of a railway through the State to the Pacific Ocean, was announced.

Pending the amendments offered by Mr. Payne, Mr. Sayers moved to take up the bill by sections, which carried.

Mr. Venters offered the following amendment to section first : Amend by striking out in section one, line thirty-two, all after the word "that" down to the word "and" in line thirty-six, and insert the following : "Said depots shall be erected in the towns of Bonham, Sherman, Pilot Point and Denton upon the grounds now agreed upon and donated to said railway company by said towns." The amendment was adopted.

Mr. Ireland moved to amend section one by striking out the preamble. The House refused to strike out the preamble.

Mr. Scott offered the following amendment by way of proviso : "That said railway company hereby releases all claim to any bonded subsidy heretofore pretended to be granted by any city, town or county along the line of said road." The amendment was lost.

Mr. Van Zandt offered the following amendment :

Strike out the words "or near" in lines twenty-three, fifty-two and fifty-six. The amendment was adopted.

Mr. Shelton offered the following amendment: Amend section one, line eighteen, by inserting "Honey Grove" between the words "Paris" and "Bonham." The amendment was adopted.

Mr. Veale offered the following amendment: Amend section one by inserting after the word "Weatherford," in line seventy-nine, "*provided*, that if the line of said road shall pass through any portion of the county of Palo Pinto, said company shall be required to make a depot within one-half mile of the public square of the present county site of said county, said county site donating to said company all necessary grounds for switches and depots, not to exceed twenty-five acres."

Mr. Watts offered the following substitute therefor: "*provided*, that if the direct and practicable route of said road shall be within five miles of the town of Palo Pinto, then said company shall establish a passenger and freight depot at said town; *provided*, said town shall donate to said company the necessary land for right of way, turn-outs, switches and depot buildings, not to exceed twenty acres."

Mr. Veale moved to lay the substitute on the table, which carried by a rising vote of forty to twenty-nine.

The amendment being put, yeas and nays were called, with the following result:

Yeas—Messrs. Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Carroll, Cook, Cunningham, Davenport, Denton, Doyle, Eastland, Gillette, Hester, Ireland, Kemble, Lane, Leyendecker, Manning, Mills, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Russell, Salter, Sayers, Scott, Short, Smith of Houston, Storey, Tilson, Tom, Van Zandt, Veale, Washington, Wilder and Williams—43.

Nays—Messrs. Speaker, Abbott, Adriance, Anderson, Brown of Dallas, Chambers, Ford, Gaston, Gilpin, Harrison, Hollingsworth, Joseph, Killough, Mabry, McDonald, Moore, Morris, Noeggerath, Phelps, Robb, Roberts, Rosborough, Sabin, Schmidt, Shaw, Shelton, Stockbridge, Thurmond, Tivy, Walker, Watts, Westfall and Winkler—33.

Whereupon the amendment was declared to have been adopted.

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

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

No. 340, to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same, with amendments by the Senate.

No. 690, making an appropriation for mileage for the recently elected and newly seated members of the House of Representatives.

No. 263, making an appropriation to pay the salary of Hon. Lipscomb Norvell as special judge of the District Court of Tyler county.

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

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

No. 195, to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, the jail and court house, and for all other purposes for which the said County Court is by law authorized to levy a tax.

And that the Senate had amended the House concurrent resolution appointing a committee to take into consideration the subject of a general election this year, by striking out "two" and inserting "three" as a committee on the part of the Senate, and adopted the resolution thus amended, and appointed Senators Dohoney, Henry and Fountain said committee on the part of the Senate.

Also, the passage, by the Senate, of Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas."

By consent of the House the consideration of the pending bill was temporarily suspended to take up the bills acted upon by the Senate.

House bill No. 340, to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same, was taken up, and the amendments offered thereto by the Senate read.

Mr. Rainey moved that the House refuse to concur to the Senate amendments. The motion was carried.

The concurrent resolution appointing a joint committee



to inquire into the propriety of holding a general election this year, was taken up and Senate amendment thereto read.

The House concurred in the amendment.

Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," was taken up.

Mr. Payne moved to lay the bill upon the table, make it the special order for Thursday, April 16, at 11 o'clock A. M., and that one hundred copies be printed for the use of the House, which motion carried.

The consideration of the Texas Pacific railroad bill was then resumed.

On motion of Mr. Russell the House adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

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

The following gentlemen were absent:

Messrs. Bledsoe, Hollingsworth, Noeggerath, Veale and Wilder.

On motion of Mr. Phelps, Mr. Washington was excused on account of sickness.

On motion of Mr. Robb, the Committee on Counties and County Boundaries were granted leave to report, and submitted the following:

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 537, "An act to change the dividing lines between the counties of Houston and Trinity," having had the same under consideration, instruct me to report the same back to the House and recommend that it do not pass.

TROLINGER, Chairman.

The report was adopted, and the bill indefinitely postponed.

Further report from same committee.

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 538, "An

act to establish and organize the county of Neches," having had the same under consideration, instruct me to report the same back to the House, with a substitute, and unanimously recommend said bill as amended do pass.

TROLINGER, Chairman.

The substitute was read and adopted.

The bill was read second time and ordered engrossed.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Denton, Doyle, Ford, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hoffman, Joseph, Kemble, Killough, Lane, Mabry, McDonald, Mills, Nelson, Noeggerath, Phelps, Powers, Robb, Rosborough, Russell, Sabin, Salter, Schmidt, Scott, Short, Storey, Thurmond, Tilson, Tivy, Tom, Walker, Watts, Westfall, Wilder, Winkler—51.

Nays—Messrs. Armstrong, Berends, Chambers, Eastland, Leyendecker, Manning, Moore, Payne, Prendergast, Rainey, Roberts, Sayers, Shelton, Smith of Houston, Van Zandt, Venters, Williams—17.

Further report from same committee:

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred House bill No. 536, "An act to change and define the boundary lines of Trinity county, and to provide for the further organization of the same," having had the same under consideration, unanimously instruct me to report it back to the House, with a substitute for the first section thereof, and recommend said bill, as amended, do pass.

TROLINGER, Chairman.

The substitute having been read, Mr. Rainey offered the following amendment to the substitute:

"*Provided*, that all of East Prairie, and all of that portion of Tyler prairie lying in Trinity county, including the town of Pennington, be added to Houston county."

The House refused to adopt the amendment.

The substitute to section one was then adopted, and the bill as thus amended, read a second time and ordered engrossed.

On motion of Mr. Robb, the rules were suspended, the

bill read a third time by caption and passed by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Denton, Doyle, Ford, Gallaway, Gaston, Gillette, Gilpin, Hoffman, Ireland, Kemble, Killough, Lane, Mabry, Manning, McDonald, Nelson, Powers, Prendergast, Rainey, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Shaw, Storey, Stockbridge, Tilson, Tivy, Tom, Van Zandt, Walker, Watts, Westfall and Winkler—50.

Nays—Messrs. Armstrong, Berends, Eastland, Leyendecker, Mills, Moore, Noeggerath, Payne, Roberts, Shelton, Smith of Houston, Venters, Wilder and Williams—14.

On motion of Mr. Walker, the Committee on Counties and County Boundaries were granted further leave to report, and submitted the following :

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

SIR: Your Committee on Counties and County Boundaries, to whom was referred the petition of citizens of Cherokee county, asking for the creation of a new county to be called Dillard, from the northern portion of said county, together with a protest against the same, have duly considered the subject, and instruct me to recommend the passage of the accompanying bill.

TROLINGER, Chairman.

The bill was read ; rules suspended and read a second time.

Mr. Smith of Houston offered the following amendment: "*Provided*, said line of Dillard county shall not be so run or made to come less than twelve miles of Rusk, in Cherokee county."

The amendment was adopted.

Mr. Taylor moved to fill the blank in the last line of section two with the name of Dillard, which motion carried.

The bill was then ordered engrossed.

On motion of Mr. Bordeaux, the rules were suspended, the bill read by caption third time and put upon its passage with the following result :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Bordeaux, Broaddus, Brown of Upshur, Carroll, Cook,

Cunningham, Davenport, Denton, Doyle, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hoffman, Kemble, Mabry, McDonald, Moore, Nelson, Noeggerath, Powers, Rainey, Robb, Russell, Sabin, Salter, Shaw, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Walker, Watts, Westfall, Wilder, Williams and Winkler—44.

Nays—Messrs. Anderson, Armstrong, Berends, Chambers, Ireland, Leyendecker, Payne, Prendergast, Roberts, Shelton, Smith of Houston and Van Zandt—12.

Whereupon it was found a quorum was not present.

Mr. Russell moved a call of the House, which, being seconded, was made, and the following gentlemen found absent: Bledsoe, Ford, Hollingsworth, Killough, Lane, Manning, Mills, Morris, Phelps, Rimes, Sayers, Schmidt and Veale.

A quorum being present, the call was suspended.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Denton, Doyle, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hoffman, Joseph, Kemble, Mabry, McDonald, Moore, Nelson, Noeggerath, Powers, Rainey, Robb, Rosborough, Russell, Sabin, Salter, Scott, Shaw, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Walker, Watts, Westfall, Wilder and Winkler—50.

Nays—Messrs. Armstrong, Berends, Chambers, Hester, Ireland, Leyendecker, Payne, Prendergast, Roberts, Shelton, Van Zandt, and Williams—12.

Mr. Eastland was excused from voting.

On motion of Mr. Storey, Judiciary Committee No. 1 was granted leave to report, and submitted the following: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Judiciary Committee No. 1, to whom was referred House bill No. 577, entitled "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871," have considered the same, and have instructed me to report a substitute for the original bill and recommend its passage.

GEO. W. SMITH, Chairman.

The substitute recommended by the committee was adopted.

Mr. Broadus moved to lay the bill on the table, make it the special order for Thursday, April 17, at 4 P. M., and have one hundred copies printed, which motion carried.

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. 446, a bill to be entitled "An act to authorize the Police Court of Burnet county to issue coupon interest-bearing bonds, for the building of a court house for said county, and to levy a tax for the same."

No. 686, "An act to authorize T. C. Jordan to purchase one hundred and sixty acres of land situated in the county of Hood, being a part of the land surveyed for the county of Milam for the purposes of education."

No. 448, "An act to incorporate the Austin Trust Company."

No. 355, a bill to be entitled "An act to amend article eight hundred and seven of the code of criminal procedure."

No. 273, a bill to be entitled "An act to provide for the enclosure of commons for the pasturage of stock."

No. 462, a bill to be entitled "An act to validate the acts of J. W. Irwin as county surveyor of Navarro county."

No. 477, a bill to be entitled "An act to authorize the Commissioner of the General Land Office to issue land warrant to William Caruthers."

No. 272, a bill to be entitled "An act to authorize Mrs. L. A. Davenport to keep and run a ferry, and erect a toll bridge over the Lake Fork of Sabine river, in Wood county."

No. 711, a bill to be entitled "An act to amend the thirty-sixth section of an act to organize the courts of justices of the peace and County Courts, and to define their jurisdiction and duty, approved August 13, 1870."

No. 708, to authorize the County Court of Refugio county to levy a tax to build a court house and jail at the county seat.

And find the same correctly engrossed.

BOOTY, Chairman.

The Committee on Enrolled Bills submitted the following report :

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

SIR : Your Committee on Enrolled Bills have carefully examined and compared bill No. 199, "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company," and find the same correctly enrolled, and have this . . . . . day of April, at 4 o'clock, P. M., presented the same to the Governor for his approval.

SHAW, Chairman.

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

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

"An act to repeal an act entitled an act to establish a State police and provide for the regulation and government of the same, approved July 1, 1870 ; also, to repeal an act entitled an act to amend an act entitled an act to establish a State police and provide for the regulation of the same, approved May 2, 1871."

Also, bill No. 53, "An act relating to appeals to Supreme Court from interlocutory judgments in the District Courts."

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

SHAW, Chairman.

Mr. Shaw asked leave for the Committee on Internal Improvements to report relative to the East Texas Railway bill.

Mr. Harrison moved that the House adjourn until 9:30 A. M., to-morrow, which motion carried, and the House adjourned.

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HOUSE OF REPRESENTATIVES, )  
AUSTIN, TEXAS, April 16, 1873. }

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

Absent—Messrs. Harrison and Killough.

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

On motion of Mr. Russell, the rules were suspended to allow the Committee on State Affairs to report, when the following was submitted :

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

SIR: Your Committee on State Affairs, to whom was referred House bill No. 680, entitled "An act to protect laborers on railroads and other works of internal improvement," have had the same under consideration and instruct me to report with a recommendation that it do pass.

VENTERS, for Committee.

The bill having been read second time, Mr. Bordeaux moved to strike out the words "similar to a mechanic's lien," in the first section.

Mr. Ireland moved to lay the bill upon the table, and that one hundred copies be printed, which motion was carried.

Mr. Westfall presented a petition of citizens of Florence, Williamson county, asking the passage of a law similar to the Ohio Liquor Law. Referred to Judiciary Committee No. 2.

Mr. Tilson presented a petition of the citizens of Cass county against the dismemberment of their county. Referred to the Committee on Counties and County Boundaries.

Mr. Salter presented a petition of the citizens of Bremond against the repeal of the city charter. Referred to the Committee on Town and City Corporations.

Mr. Brown, of Dallas, presented a petition of two hundred and sixteen citizens of Grimes county, remonstrating against the passage of "An act to authorize the counties of Washington and Grimes to build a bridge across the Brazos river." Referred to Judiciary Committee No. 2.

Mr. Adriance presented a petition of the County Court of Brazoria county in relation to the special tax levied for the year 1870. Referred to the Committee on Finance.

Mr. Ireland offered the following concurrent resolution:

WHEREAS, We view with alarm the overthrow of republican and constitutional government in our sister State of Louisiana by the decree of a Federal judge, and inasmuch as her degradation and the overthrow of her government erected by the people may be the fate of any other State in this Union; therefore,

*Resolved, the two houses concurring,* That we deeply sympathize with the people of our sister State, and we invite the earnest attention of the American people to this fatal blow at republican government.

The resolution was adopted by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Kleberg, Lane, Leyendecker, McDonald, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Veal, Venters, Watts, Westfall, Winkler—66.

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

Mr. Gilpin introduced a bill to incorporate the city of Corpus Christi.

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

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

Mr. Gallaway introduced a bill to amend sections seven, ten, and twenty, of "An act entitled an act to incorporate the Tyler Tap Railroad Company, approved December 1, 1871." Referred to the Committee on Internal Improvements.

Mr. Mills asked the unanimous consent of the House to take up Senate bill No. 272, "An act for the relief of Stephen F. Minton." The House refused to take up the bill.

Mr. Anderson asked leave for the special committee upon the disposition of the University lands to report, which being granted the following was submitted:

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

SIR: Your special committee to whom was referred House bill No. 615, entitled "An act supplementary to an act authorizing the sale and disposition of the University



lands," respectfully report the same, and recommend that the same lie on the table for the present, and that one hundred copies of the same be printed.

J. M. ANDERSON, Chairman.

The report was adopted, the bill laid on the table and ordered printed.

Mr. Sabin introduced "An act incorporating the Texas Sleeping Car Company." Referred to the Committee on Commerce and Manufactures.

Mr. Thurmond introduced a bill granting headright certificates to the heirs of Maria S. Smith, and of Timothy Hart, deceased. Referred to the Committee on Private Land Claims.

Also, a bill authorizing the Commissioner of the General Land Office to register and approve donation warrant No. 219, for six hundred and forty acres, issued to Lorenzo Zavala, and to patent to Samuel W. Wybrants, his heirs or assigns, headright certificate No. 87, for six hundred and forty acres, issued in error to his heirs. Referred to the Committee on Private Land Claims.

Mr. Shelton introduced a bill to prohibit the sale of intoxicating, spirituous or vinous liquors within three miles of Roxton Chapel and Seminary, in Lamar county. Read first time; rules suspended, read second time and ordered engrossed.

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

The special order, being the bill 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 then taken up.

Section one was adopted.

Mr. Payne offered the following amendment to section two: "Provided, that in no case shall the State be in any way liable for deficiency of vacant domain."

Adopted.

Mr. Ireland being in the chair, Mr. Taylor offered the following amendment: In line eight, section two, after the word "Jefferson," add the words, "by August, 1873." Adopted.

Section two was then adopted.

Mr. Watts offered the following amendment to section three: "Provided further, that for the sections of land.

to which said company may be entitled within the reservations continued and created by this act, certificates need not be issued; but when the lands are surveyed, and field notes and maps thereof returned to the General Land Office, patents for the odd sections shall issue as the road is completed along the same or parallel thereto." Lost.

Mr. Tilson offered the following amendment: Section three, line thirty-nine, after the word "certificates," insert the words, "in equal quantities." Strike out, in line forty-two, the word "equally," and insert, "as other railroad certificates." Insert after the word "assignees," in line forty-four, the words, "and one-half to the State." Adopted.

The third section was then adopted.

Mr. Payne offered the following amendment to the fourth section: Amend section four, line five, by striking out the word "eight," and inserting the word "six." In line six, strike out "twelve," and insert "ten." Also, in line seven, strike out "twelve" and insert "ten." Also, in line eight, strike out "twenty," and insert "sixteen."

Mr. Anderson offered the following amendment to the proposed amendment: Amend section fourth by inserting after the word "viz." in the fifth line, "all lands lying east of longitude ninety-nine west from Greenwich in eight years, and the remainder of said lands."

Mr. Anderson withdrew his amendment.

Mr. Russell adopted and renewed it.

The House refused to adopt the amendment.

The question then was upon the adoption of the amendment offered by Mr. Payne.

The House refused to adopt the amendment.

Mr. Prendergast offered the following amendment: Section fourth, line seventeen, after the word "corporation" insert as follows: "nor to any person, persons or company in trust for said railroad company, or to any company or firm of which any officer or stockholder of said railroad company is a member."

Mr. Cook offered the following amendment: "And the violation of this provision shall work a forfeiture of the charter of the company."

The amendment to the amendment was adopted.

The amendment was then adopted.

Mr. Prendergast offered the following amendment:

Section fourth, line twenty, after the word "subject" insert as follows: "or a violation of the provisions of this section, or said general laws."

The amendment was adopted.

The fourth section was then adopted.

Mr. Denton moved to strike out the fifth section.

Mr. Watts offered the following amendment to the amendment: Section five, line eleven, after the word "westwardly" strike out all to the word "are" in the twelfth line of the same section, and insert in lieu thereof the following: "to the Rio Grande river." Section five, line thirty-three, after the word "reservation" and before the succeeding word "shall" insert the following: "to a point opposite the southeast corner of New Mexico."

Mr. Denton having exhausted the allotted time, Mr. Sayers moved that the House grant him unanimous leave to proceed.

The House refused to grant the leave asked.

Mr. Denton moved that the House go into the committee of the whole.

The House refused by a vote of thirty-six to twenty-five.

Mr. Morris moved a reconsideration of the vote just taken.

The vote was reconsidered.

The motion to go into committee of the whole then carried, and Mr. Nelson was called to the chair.

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

No. 272, a bill for the relief of Stephen F. Minton, requiring the Commissioner of the General Land Office to issue certain land certificates to him.

No. 78, "An act permanently locating the county site of Montgomery county."

No. 59, "An act for the relief of A. H. Cook,"

Also, House bill No. 443, a bill to be entitled "An act to incorporate the town of Cuero, in De Witt county," with amendments by the Senate.

After discussion, Mr. Broadus moved that the committee rise, report no progress, and ask leave to sit again at 8 P. M., which motion carried.

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

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

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

On motion of Mr. Williams, Mr. Washington was excused on account of sickness, and on motion of Mr. Denton, Mr. Tom was excused for same reason.

On motion of Mr. Joseph, Mr. Sabin was granted leave of absence for two days.

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

Mr. Nelson presented a remonstrance from citizens of Hopkins county against the dismemberment of said county. Referred to Committee on Counties and County Boundaries.

Mr. Watts offered the following resolution:

*Resolved*, That hereafter there shall be two daily sessions of this House (Sundays excepted), one beginning at 9 o'clock A. M., the other at 4 o'clock P. M.

Laid over under the rules.

Mr. Thurmond introduced a joint resolution for the relief of Rufus A. Upton, late sheriff of Refugio county. Read first time; rules suspended and read second time.

Mr. Mills moved to refer the joint resolution to the Committee on State Affairs. The House refused to refer.

The bill was then ordered engrossed.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bourdeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Lane, Leyendecker, Mabry, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Williams and Winkler—71.

Nays—Messrs. Scott, Shaw, Shelton, Short and Wilder—5.

On motion of Mr. Veale, unanimous consent was given to suspend the rules and take up Senate bill No. 272, "An act for the relief of Stephen F. Minton, requiring the Commissioner of the General Land Office to issue certain land certificates to him."

The bill was read: rules suspended and read second time.

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

Yeas—Messrs. Speaker, Adriaance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Trolinger, Van Zandt, Veale, Venters, Walker, Watts, Westfall, Williams and Winkler—73.

Nays—Messrs. Shaw, Shelton and Wilder—3.

Mr. Cook introduced a bill to be entitled "An act granting pensions to the veterans of the revolution which separated Texas from Mexico, and the Mier and Santa Fé prisoners, and making appropriations therefor."

The bill having been read first time, Mr. Cook moved to suspend the rules and put the bill on its second reading.

The House refused to suspend the rules.

Mr. Prendergast moved to commit the bill to the special committee on revision of the pension laws, with instructions to report thereon Monday next. The motion carried and the bill was referred.

Mr. Morris offered the following resolution:

*Resolved*, That Judiciary Committee No. 1, inquire into the expediency of further legislation in relation to appeal and writ of error bonds to the Supreme Court, and that they report by bill or otherwise.

Adopted.

Mr. Rainey offered the following resolution:

*Resolved*, That the special joint committee appointed by the Senate and House of Representatives, to examine the Comptroller's and Treasurer's offices, are hereby further empowered to sit as an examining committee, to send for persons and papers, and compel said persons to testify in regard to matters of fraud concerning any of the departments of State, including the offices of the Executive, Secretary of State, Attorney General, Adjutant General, Comptroller, Treasurer, boards of commissioners of the public buildings and grounds and boards of commissioners or visitors of any of the State public institutions.

Adopted.

Mr. Wilson introduced a bill for the relief of Moses Day. Referred to Committee on Private Land Claims.

Mr. Hoffman introduced a bill to declare valid certificate No. 612, for six hundred and forty acres of land, issued to J. B. Puir. Referred to the Committee on Private Land Claims.

Mr. Chambers introduced a bill to incorporate the city of McKinney. Referred to the Committee on Town and City Corporations.

Mr. Ford introduced a bill to incorporate the Jasper Joint Stock Circulating Library Association. Referred to the Committee on Education.

On motion of Mr. Watts Mr. Robb was excused indefinitely on account of sickness in his family.

Special order, House bill No. 546, to provide for the sale of all lands heretofore given to counties for the purposes of education, was taken up.

On motion of Mr. Bordeaux the reading of the bill was dispensed with, the bill having been printed.

Mr. Smith, of Colorado, moved to postpone the further consideration of the bill until Saturday next at 11 A. M., and make it special order for that hour. The motion was carried.

Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," was taken up, being special order for the hour.

Pending the bill, Mr. Ireland moved that the special committee to investigate the charges against John G. Scott, judge of the Tenth Judicial District, be allowed to report.

The motion was carried, and the committee submitted the following:

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

SIR: Your select committee, to whom was referred the matters touching the official conduct of John G. Scott, judge of the Tenth Judicial District, have had the matter under investigation for some days, and after laborious investigation, by the aid of counsel for the respondent, beg leave to report that in the opinion of the court said John G. Scott, judge of the Tenth Judicial District, be impeached for high crimes and misdemeanors, and herewith submit formal articles of impeachment, and ask their adoption, and that his Excellency be informed of the action of this House. All of which is respectfully submitted, together with the evidence taken by said committee.

IRELAND, Chairman.

*Articles exhibited by the House of Representatives of the State of Texas, in the name of themselves and all the people of the State of Texas, against John G. Scott, District Judge of the Tenth Judicial District, in the State of Texas, as maintenance and support of their impeachment against him for high crimes and misdemeanors in office.*

ARTICLE I.

That the said John G. Scott, District Judge of the Tenth Judicial District, in the State of Texas, in the years of our Lord 1870, 1871 and 1872, has, at various and divers times, on the bench, while acting as such judge, and while off the bench, yet holding the said office of judge, been corruptly guilty of such acts, and has so tyrannically and oppressively demeaned himself as such judge, in term time and out of term time, that it has become, and is the general opinion among the people of said Tenth Judicial District, that the administration of the criminal laws of the State of Texas, in said Tenth Judicial District, under the administration of the said John G. Scott as judge, has become and is notoriously corrupt; and further, that under the administration of the said John G. Scott, judge as aforesaid, during the years aforesaid, in the said Tenth Judicial District, in the State of Texas, it became, and is the general opinion of

the people in said Tenth Judicial District, that every crime had its price, and that he who had money could evade or escape punishment, no matter how guilty of violations of the criminal laws, and whether such violations were misdemeanors or felonies, provided such violator of the law would make terms with the said John G. Scott, judge as aforesaid, and one Thomas D. Evans, who was district attorney of said judicial district from August, in the year of our Lord, 1870, until December, in the year of our Lord, 1872; and that the administration of the criminal law in the State of Texas in said Tenth Judicial District, under the administration of the said John G. Scott, judge as aforesaid, did become, and was, and now is notoriously corrupt, rendering life and rights insecure, and breaking down the confidence and trust of the people in the protection of the law and the fair and impartial administration of the law. Whereby and in view of the premises, the House of Representatives of the State of Texas do say, that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in the manner and in the years aforesaid, did commit and was guilty of a high misdemeanor in office, and did thereby render himself no longer fit to exercise the duties of a district judge under the laws and Constitution of the State of Texas.

#### ARTICLE II.

That the said John G. Scott, judge as aforesaid, at the December term, in the year of our Lord, 1870, of the District Court of Anderson county, without authority of law and corruptly, with intent to favor and shield from indictment G. D. Kelley, then sheriff of Anderson county, and J. H. Morrison, county treasurer of said county of Anderson, for crimes and misdemeanors committed by them in their respective offices aforesaid, did dismiss the venire for grand jurors which had been regularly and lawfully issued, returnable to said December term of the court, and the men named on said venire had been lawfully and regularly summoned to appear, and a quorum of whom had appeared, and did then and there corruptly order the said G. D. Kelley, sheriff, he being a half brother of the said J. H. Morrison, county treasurer, to summon talesmen from the bystanders to form and con-



stitute the grand jury for the said December term, in the year of our Lord, 1870, of the District Court of Anderson county, which said order the said Kelley then and there obeyed, summoning among others the said J. H. Morrison to act as one of the said grand jury; and that the said John G. Scott, judge as aforesaid, then and there corruptly appointed the said J. H. Morrison foreman of said grand jury, with the intent to corruptly and unlawfully favor the said G. D. Kelley and J. H. Morrison, well knowing at the time that he dismissed the said regular venire of grand jurors, and when ordering the summoning of talesmen to serve as grand jurors, and when appointing said J. H. Morrison as foreman of the newly constituted grand jury, that grave charges were pending against the said G. D. Kelley and J. H. Morrison, for crimes and misdemeanors in their said respective offices aforesaid, which said charges would naturally, properly and legally come before the grand jury at said December term, in the year of our Lord 1870, of the District Court of Anderson county for investigation; that the action of the said Scott in the premises was corrupt, and taken with the intent to favor the said Kelley and Morrison, contrary to law, and in violation of his official duty as a district judge of the State of Texas. Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, in his capacity as district judge of the Tenth Judicial District, in the State of Texas, did commit and was guilty of a high misdemeanor in office, and thereby did render himself no longer fit to exercise the duties of a district judge under the Constitution and laws of the State of Texas.

#### ARTICLE III.

That at and before the first day of December, in the year of our Lord 1870, the said John G. Scott was the district judge of the Tenth Judicial District, in the State of Texas, which said district embraced, and now embraces the county of Anderson in said State; that at said time one G. D. Kelley was the sheriff of said Anderson county, and one J. H. Morrison was the county treasurer of said Anderson county; that at and before the said first Monday in December, in the year of our Lord 1870, which was the day on which the District Court of said county

would convene, the said John G. Scott, as judge, was informed that it was the general opinion of the people of said Anderson county that the said G. D. Kelley, as sheriff, and the said J. H. Morrison, as county treasurer of said Anderson county, had each been guilty of crimes and misdemeanors in office, of such a character as to subject them to indictment by the grand jury of Anderson county, at the said December term, in the year of our Lord 1870. of the court, and that witnesses would be sent before said grand jury to enable that body to investigate the facts touching the alleged crimes of the said Kelley and the said Morrison in their offices aforesaid; that the said jury did assemble at said December term of the District Court of Anderson county, and among other things did have under investigation the charges aforesaid against the said Kelley and the said Morrison, when the said John G. Scott, judge as aforesaid, did, in the county of Anderson, at the December term, in the year of our Lord 1870, unlawfully and corruptly, enter the grand jury room while the grand jury was in session, and did then and there unlawfully and corruptly, by his advice, directions and admonitions to said grand jury, prevent said grand jury from finding and returning into court true bills of indictment against the said G. D. Kelley and J. H. Morrison, for crimes committed by them in their respective offices aforesaid, with the intent on the part of him, the said John G. Scott, in his capacity as judge as aforesaid, to unlawfully and corruptly favor the said G. D. Kelley and J. H. Morrison, shield them from indictment and lawful punishment, and to defeat the due administration of the criminal law in the county of Anderson, and State of Texas. Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, in his capacity as judge as aforesaid, commit and was guilty of a high misdemeanor in office, and did render himself no longer fit to exercise the duties of a judge of the District Court in the State of Texas.

## ARTICLE IV.

That the said John G. Scott, being judge of the Tenth Judicial District, in the State of Texas, in the county of

Henderson, it being one of the counties composing the said Tenth Judicial District, at the fall term of said court, in the year 1871, did, while on the bench, unlawfully and corruptly give countenance and support, in open court, to Thomas D. Evans, the then district attorney of said Tenth Judicial District, in compromising felony cases for money, when money was not receivable in payment or satisfaction of punishment for such crimes, lawfully, and did, then and there, in the court house in the town of Athens, in the county of Henderson, in open court, receive from the said Thos. D. Evans, district attorney as aforesaid, a part of money received by said Evans in open court, in compromise of felony cases then pending in the District Court of Henderson county, by good and sufficient indictments found and returned by the grand jury of said county, to wit: The State of Texas v. Andrew Bowles, for theft of cotton; The State of Texas v. Ashley Bowles, for theft of cotton; The State of Texas v. John P. Bowles, for theft of cotton; The State of Texas v. Josiah Bowles, for theft of cotton; The State of Texas v. Lewis Blankary, for theft of . . . . .; The State of Texas v. R. H. or Bud Gose, for theft of cotton; The State of Texas v. Henry Bowles, for false imprisonment; and did then and there corruptly dismiss each and all of said felony cases from the docket and further prosecution, contrary to law, well knowing that they had been corruptly and unlawfully compromised by the said district attorney, Thomas D. Evans, for money, and that he had received the compromise money in open court, on a table in the court room, kept for the purpose of receiving money by said district attorney in cases compromised by him; and further, that in the compromise were included two cases of felony then pending in the District Court of Van Zandt county, viz., The State of Texas v. John P. Bowles, for horse stealing, and The State of Texas v. Josiah Bowles, for perjury, which said two cases were, by said Scott, as district judge, corruptly and unlawfully dismissed from the docket of the District Court of Van Zandt county under said compromise. Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District in the State of Texas, did, in his capacity as judge as aforesaid, commit, and was guilty of, high misdemeanors in office, and did render himself no longer fit to exercise

the duties of a judge of a district court in the State of Texas.

ARTICLE V.

That the said John G. Scott, Judge of the Tenth Judicial District in the State of Texas, in the county of Kaufman, one of the counties of said district, in term time, and while court was in session, at the June term, in the year of our Lord 1871, corruptly, unlawfully, oppressively, tyrannically, and with the intent to intimidate other jurors in attendance upon court, and compel them to conform their verdicts to his will, pleasure or caprice, thus to render the administration of justice uncertain, insecure and partial, did disfranchise as jurors a panel of petit jurors, viz., M. A. Morris and eleven others, discharging them in what he designed to be obloquy and disgrace for returning a verdict of not guilty in favor of the defendants in the case of *The State of Texas v. George Daggett*, forbidding at the time that they, either or any of them should act as jurors at that term of the said court, or at any future term thereof, for twelve months; when in truth and in fact, the said panel of jurors had been guilty of no offense, no impropriety, no contempt, and no other matter, thing or act which authorized, justified or excused the said Scott, in his capacity as judge, for the aforesaid corrupt, unlawful, oppressive, tyrannical action taken with the intent to insult and oppress the jurors, disfranchised and intimidate other jurors then in attendance upon said court, and to compel them to conform their verdicts to his (the said Scott's) will, pleasure or caprice. Whereby, in view of the premises, the House of Representatives of the State of Texas do say, that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in the manner and form, and in the year aforesaid, did commit and was guilty of a high misdemeanor in office, and did thereby render himself no longer fit to exercise the duties of a district judge under the laws and Constitution of the State of Texas.

ARTICLE VI.

That the said John G. Scott, Judge of the Tenth Judicial District in the State of Texas, at the April term,

A. D. 1871, of the District Court of Anderson county, during the session of said court, in open court, did fraudulently, corruptly and unlawfully connive at the fraudulent and corrupt action of one Thomas D. Evans, the then district attorney of the said Tenth Judicial District, in this: There was, at said term of said court, pending a case wherein the State of Texas was plaintiff, and John Fulbright, Daniel Waggoner, Robert Porter, Jesse R. Porter, Robt. Petty, Henry Fields, *et als.*, were defendants, wherein judgment *nisi* had been entered on a forfeited bail bond for seven thousand dollars; that the said Thos. D. Evans compromised with the said Robert Petty for the sum of seventy-five dollars in gold, and agreed to dismiss said case as to said Petty; that the said Scott, conniving at the fraudulent act of the said Evans, did, in open court, corruptly dismiss said case, as to said Petty, and cause the order of dismissal to be entered on the minutes of the court, well knowing at the time that the action of said Evans had been and was fraudulent and corrupt; and, further, that during the said term of said court, the said John G. Scott, still conniving at the fraudulent and corrupt action of the said Thos. D. Evans, district attorney as aforesaid, did corruptly carry out and execute by the judgment of said court, the fraudulent, corrupt compromise of the said Thomas D. Evans, with the other of said defendants, viz., Daniel Waggoner, Robert Porter, Jesse R. Porter, C. L. Thompson and Henry Fields, to take a judgment against C. L. Thompson and Daniel Waggoner, for seventy-five dollars each, gold, and against R. C. Parker and Henry Fields for one hundred dollars each, gold, in satisfaction of said land and *nisi* judgment for seven thousand dollars, and did then and there effectuate said fraudulent and corrupt compromise by entering up the judgment of said court for the sums aforesaid, well knowing at the time that said compromise had been made by said Evans out of court, and that the same was unlawful, fraudulent and corrupt; and further, that said John G. Scott did fraudulently and corruptly permit execution to issue on said judgment during term time against the said Henry Fields, who afterwards and during the term, being in open court, was accosted from the bench by the said Scott, while sitting as judge, and was then and there unlawfully, fraudulently and corruptly ordered by the said Scott to

pay to the said Evans the said \$100 gold, during that day, or in default thereof that he, the said Fields, should be incarcerated in the county jail of Anderson county, and did, in truth and in fact, by said order, fraudulently and corruptly compel the said Fields to pay to said Evans the said sum of \$100 gold on the said day; and further, that thereafter, on application made to E. J. Davis, Governor of the State of Texas, for a remission of said judgment in behalf of said defendant, a remission was granted, and directions given in the said Governor's proclamation of remission, that all persons and officers of the District Court of Anderson county should refund to said defendant all moneys paid, and deliver up all notes given by said defendant to said Evans, because as on account of said bonds or judgments *nisi* or final; nevertheless, the said J. G. Scott unlawfully and corruptly refused to permit said proclamation of said Governor to be spread upon the minutes of the court, and did corruptly refuse to order or require the said Evans to refund the money paid to him by said defendant or any of them, or to deliver up the notes that said Evans had received from them, said defendant or any of them, but did fraudulently and corruptly permit and connive at the said Evans' retention of said money and notes in his possession. Whereby, in view of the premises the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, in his capacity of judge as aforesaid, commit, and was guilty of a high misdemeanor in office, and did render himself no longer fit to exercise the duties of a judge of the District Court in the State of Texas.

## ARTICLE VII.

That the said John G. Scott, Judge of the Tenth Judicial District in the State of Texas, at the April term of the District Court of Anderson county, in the year of our Lord 1872, did, in open court, maliciously, oppressively, unlawfully and for corrupt purposes, require excessive bail of one W. H. McClellan, who was indicted by the grand jury of said county two hundred and ten times, for misdemeanor, at said term of said court, and by reason of such requirement, in effect and to every legal intent and purpose, refuse bail to said McClellan in crim-

inal cases, when bail was allowable under the law, and did then and there keep the said McClellan confined in jail for the space of ten days, after such refusal to grant bail, all of which was contrary to law and in violation of the Constitution and laws of the State of Texas. Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in the manner and form, and in the year aforesaid, did commit and was guilty of a high misdemeanor in office, and did thereby render himself no longer fit to exercise the duties of a district judge under the laws and Constitution of the State of Texas.

## ARTICLE VIII.

That the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, in the county of Anderson and State of Texas, on or about the . . . day of April, in the year of our Lord 1872, with force and arms, without legal authority or process of law, feloniously, corruptly and maliciously make an assault upon one Samuel A. Wilson, a citizen of the county of Cherokee, in the State of Texas, and him, the said Wilson, did, then and there, falsely imprison and restrain of his personal liberty for the space of one hour, contrary to the statute in such cases made and provided, and against the peace and dignity of the State of Texas. Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in the manner and form, and in the year aforesaid, did commit and was guilty of a high misdemeanor in office, and did thereby render himself no longer fit to exercise the duties of a district judge under the Constitution and laws of the State of Texas.

## ARTICLE IX.

That the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, has been guilty of oppression and tyranny on the bench, when sitting as a court, viz :

1. In fining and ordering to jail, one P. T. Tannehill,

Esq., at the . . . term of the District Court of Henderson county.

2. In fining Judge Samuel A. Wilson, and ordering him to jail, at the August Term, in the year of our Lord 1872, of the District Court of Anderson county.

3. In requiring of W. H. McClellan five hundred dollars bail in each of two hundred and ten misdemeanor cases, pending at one and the same time, in Anderson county, State of Texas.

4. In banishing W. H. McClellan from the county of Anderson, in the State of Texas, where his home was, at the August term, in the year of our Lord 1872, of the District Court of Anderson county, in the State of Texas.

5. In banishing one A. Towles from the county of Anderson, in the State of Texas, at the December term, in the year of our Lord 1872, of the District Court of said Anderson county, in the State of Texas.

6. In ordering Henry Fields to pay to District Attorney Thomas D. Evans the sum of \$107.50 on a judgment in a civil case, viz., *The State v. Fulbright et al.*, or go to jail within one hour in default of payment.

Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, in his capacity as District Judge of the Tenth Judicial District, in the State of Texas, did commit and was guilty of a high crime and misdemeanor in office, and thereby did render himself no longer fit to exercise the duties of a district judge under the Constitution and laws of the State of Texas.

#### ARTICLE X.

That the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, on or about the twenty-ninth day of April, in the year of our Lord 1871, in the county of Anderson, in the State of Texas, make an affidavit in writing before one Thomas D. Evans, District Attorney of said Tenth Judicial District, charging that "John G. Kirksey, in the county and State aforesaid, (Anderson county, Texas,) did unlawfully and willfully abuse him, the said John G. Scott;" and further, "that he (the said John G. Scott) is in great bodily fear of his person and life, from the hands of him, the said John G. Kirksey:" that thereafter, on the same day, the said



Kirksey was arrested and brought before the said John G. Scott, judge as aforesaid, for trial on said charge, when and where the said Scott unlawfully, corruptly and maliciously sat as judge in said case, when five justices of the peace were in said county and on duty, having been duly elected and qualified, and one of them, William T. Smith was justice of the peace in and for precinct No. 1. where said affidavit was made, each and all of whom, but particularly said Smith, had jurisdiction to try and order the law in said case, to try the said Kirksey, and did then and there unlawfully, maliciously and corruptly rule and order that the said Kirksey should instantly give a peace-bond in the excessive sum of fifteen thousand dollars to keep the peace toward him (the said Scott), or in default of such bond being executed in fifteen minutes, he, the said Scott, maliciously ordered that the said Kirksey should be incarcerated in the common jail of Anderson county; all of which actions and doings, and rulings and orders of said Scott were malicious, unlawful and corrupt, contrary to law and in violation of the Constitution of the State of Texas. Whereby, in view of the premises, the House of Representatives of the State of Texas do say that the said John G. Scott, Judge of the Tenth Judicial District, in the State of Texas, did, in his capacity as judge aforesaid, commit and was guilty of a high misdemeanor in office, and did render himself no longer fit to exercise the duties of a judge of the District Court in the State of Texas.

Mr. Sayers offered the following resolution :

*Resolved*, That the said articles of impeachment be transmitted to the Senate, and that a committee of five be appointed, of which the Hon. John Ireland shall be chairman, to go to the bar of the Senate in the name of the House of Representatives and of the people of Texas, to impeach John G. Scott, Judge of the Tenth Judicial District, of high crimes and misdemeanors in office, and that the committee demand that the Senate take order for the appearance of the said John G. Scott to answer said impeachment.

The resolution was adopted, and the Speaker appointed the following gentlemen the committee under the resolution: Ireland, chairman; Bewley, Payne, Sayers and Sabin.

The school bill was then resumed.

Mr. Gaston moved a call of the House, which being sustained, was made, and the following gentlemen were found absent :

Messrs. Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Doyle, Ford, Ghent, Hoffman, Hollingsworth, Kleberg, Leyendecker, Mills, Morris, Phelps, Rimes, Schmidt, Short, Veale, Venters, Wilder and Winkler.

On motion of Mr. Gaston the sergeant-at-arms was dispatched for the absent members.

A message from the Senate announced the passage by that body of House bill No. 534, authorizing the Comptroller to employ two additional clerks.

On motion of Mr. Gallaway, the House adjourned until 4 o'clock, P. M.

#### AFTERNOON SESSION.

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

Absent—Messrs. Bewley, Short and Walker.

Special order, House bill No. 517, entitled "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870, and an act supplemental thereto, approved October 13, 1871," was taken up.

On motion of Mr. Sayers, the reading of the bill was dispensed with, and it was taken up by sections.

Mr. Cook offered the following amendment : After the word "counties," in line seven, insert the words "not more than three miles below San Felipe, nor eight miles above," and strike out all of section one after the words "New Braunfels," in line nine. The amendment was adopted.

Mr. Hollingsworth offered the following amendment : After the word "New Braunfels," in line nine, insert the words "San Marcos." Amendment adopted.

Section one was then adopted.

Mr. Prendergast offered the following amendment : Amend section two by adding as follows : "And said company shall alienate the lands hereby granted and donated, except so far as may be necessary for the ordinary uses and operations of said road, as follows, viz., one-fourth in eight years, one-fourth in twelve years, and

one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of the location of the certificates in such manner that the whole of such land shall not pass out of the hands of said company within twenty years after the date of their location; *provided*, that said lands shall not be alienated to any other railway company or corporation except so far as may be necessary for the proper use and conduct of the business of such company or corporation; nor shall said lands be alienated to any individual, firm or company in trust for said railway company, or to any firm or company of which any officer or stockholder is a member; and a failure to comply with the provisions of this act and the general laws of the State on the subject, or a violation of the provisions of this act and such general laws, shall work a forfeiture of all the benefits of this act."

Mr. Payne offered the following amendment to the amendment: Strike out the words "eight," "twelve," "sixteen" and "twenty," and insert in lieu thereof the words "six," "ten," "twelve" and "sixteen." The amendment to the amendment was lost.

The amendment was then adopted.

Mr. Berends moved to strike out the words "eight, twelve, sixteen and twenty," and insert in lieu thereof the words "six, eight, ten and twelve." The amendment was lost.

Section two was then adopted.

Mr. Payne offered the following amendment: Add to section three, "And the even sections being reserved to the State for the school fund." The amendment was adopted.

Section three was then adopted.

Mr. Manning offered the following amendment: Section four, line five, strike out "June" and insert "January." The amendment was adopted.

Mr. Cook offered the following amendment to section four: After the word "of," in line eight, insert the words "Pillsville, in Fort Bend county; San Felipe or Bellville, in Austin county." Also, insert after the word "court house," in line eleven, the words, "or principal business portion."

Add to section four the following: "That in case said company shall cross the Brazos river above the mouth

of Mill Creek, they shall establish a passenger and freight depot at or within one-half mile of the court house at Bellville; and in case the said road shall cross the Brazos river below the mouth of Mill Creek, they shall establish a freight and passenger depot within one-half mile of the business portion of San Felipe." The amendment was lost.

Mr. Hoffman offered the following amendment: Section four, line twelve, after the word "towns," insert "*Provided*, that the depot at New Braunfels shall be on the west side of the Guadalupe river." The amendment was adopted.

Section four was then adopted.

Mr. Ireland moved to strike out in section five all after the word "companies," in line four. The amendment was adopted.

Section five was then adopted.

Mr. Watts offered the following amendment to section six: Add to section six, "and the certificates issued to said company under the provisions of this act, not located, because the public lands are exhausted, shall constitute no claim against the State."

The House refused to adopt the amendment.

Mr. Ireland offered the following amendment to section six: "*Provided*, said company may arrange with any other company to run over or use its road for the rolling stock of the company." The amendment was adopted.

Mr. Cook offered the following amendment: Section six, line three, after the word "road," insert the words "and any violation of the provisions of this section shall operate to forfeit the charter of said company." The amendment was adopted.

Section six was then adopted.

Mr. Eastland offered the following amendment: Strike out "sixteen sections of land," wherever the same occurs in the bill, and insert "ten sections." The amendment was lost.

Mr. Nelson offered the following amendment: Strike out the second section of the bill.

Mr. Tilson moved to lay the amendment on the table, which motion was carried.

The bill was then ordered engrossed.

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Davenport, Denton, Doyle, Ford, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Kleberg, Mabry, Manning, McDonald, Moore, Morris, Noeggerath, Payne, Powers, Prendergast, Rimes, Roberts, Russell, Sabin, Salter, Sayers, Schmidt, Shaw, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Van Zandt, Watts, Westfall, Williams, Winkler—56.

Nays—Messrs. Armstrong, Chambers, Cunningham, Eastland, Lane, Mills, Nelson, Rainey, Scott, Shelton, Trolinger, Venters, Wilder—13.

Mr. Ireland introduced a bill to incorporate the Seguin Bridge Company. Also, a bill to incorporate the Seguin Savings Bank, both of which were referred to Judiciary Committee No. 1.

On motion of Mr. Shaw, the Committee on Internal Improvements being granted leave to report upon three bills, submitted the following report :

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

SIR: The committee, to whom was referred House bill No. 594, "An act to incorporate the Saint Louis and Mexican Gulf railroad, and to grant land to aid in the construction thereof," have duly considered the same, and instruct me to report it back to the House with the recommendation that it do pass.

W. A. SHAW, for Committee.

On motion of Mr. Prendergast, the bill was laid on the table, made the special order for Monday, April 21, at 3 o'clock P. M., and one hundred copies ordered printed.

On motion of Mr. Watts, the Committee on Internal Improvements were granted leave to report upon all bills in their hands.

Further report from same committee :

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

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 201, entitled "An act to incorporate the Gulf, Colorado and Santa Fé Railway Company," have carefully examined the same, and recommend that with the accompanying amendments it do pass.

W. A. SHAW, for Committee.

Mr. Joseph moved that the bill and amendments be laid on the table, made special order for Monday, April 21, at 3 o'clock P. M., and that one hundred copies be ordered printed.

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

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

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

On motion of Mr. Watts, Mr. Ireland was excused indefinitely on account of sickness in his family.

On motion of Mr. Salter, Mr. Killough was excused until Monday on account of pressing business.

On motion of Mr. Thurmond, Mr. Kleberg was excused indefinitely on account of sickness.

On motion of Mr. Williams, Mr. Washington was excused on account of sickness.

On motion of Mr. Booty, Mr. Walker was excused for eight days.

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

The special committee to present the articles of impeachment against John G. Scott, judge Tenth Judicial District, to the Senate, reported that they had performed their duty, and that the Senate had acknowledged the receipt of the articles and had promised to take the necessary orders thereon.

The resolution of Mr. Watts declaring that the House will hereafter hold two daily sessions was again read.

Mr. Prendergast moved to amend by striking out "9" and inserting "9:30." The amendment was lost.

Mr. Green moved to amend by striking out "four" and inserting "three." The motion failed to carry.

Mr. Rainey offered the following amendment: "*Provided further, that in the morning session no measures shall be taken up and disposed of except bills of a general nature, until the most important measures shall have been disposed of.*"

Mr. Gallaway moved to amend by adding that the rules should not hereafter be suspended for any purpose.

Mr. Anderson moved to lay both amendments on the table, which carried.

The resolution was then adopted.

Mr. Anderson asked leave for the special committee on House bill No. 718 to report, which being granted, that committee submitted the following :

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

SIR: The special committee, to which was referred House bill No. 718, entitled "An act to provide for the sale of alternate sections of school land reserved to the State," report the same, and recommend that the consideration of the same be postponed for the present and that one hundred copies of the same be printed.

ANDERSON, for Committee.

The report was adopted, the bill laid on the table and one hundred copies ordered printed.

Mr. Denton offered two petitions from citizens of a portion of Guadalupe county, asking to be attached to Wilson county. Referred to the Committee on Counties and County Boundaries.

Mr. Hester presented memorial of the heirs of James Winters, deceased. Referred to the Committee on Private Land Claims.

Mr. Gallaway presented a petition of citizens of Upshur county praying for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Brown, of Dallas, presented a remonstrance of the people of Lancaster, Dallas county, against a prohibitory liquor law. Referred to the Committee on Town and City Corporations.

Mr. Rosborough presented a remonstrance of citizens of Bell county against the passage of a law prohibiting the sale of intoxicating liquor within five miles of Pleasant Hill Academy, in Bell county. Referred to the Committee on Education.

Mr. Storey introduced a bill supplementary to "An act to establish a penal code for the State," approved August 26, 1856. Referred to Judiciary Committee No. 1.

Mr. Bordeaux introduced a bill to create and define the boundaries of Montague land district. Referred to the Committee on Counties and County Boundaries.

Mr. Hester introduced a bill for the relief of the heirs of James Winters, deceased. Referred to the Committee on Private Land Claims.

Mr. Phelps introduced a bill prohibiting railway companies from making distinctions in the accommodations of first class passengers. Referred to the Committee on State Affairs.

Mr. Nelson introduced a bill to regulate and reduce the mileage and per diem of the members of the Legislature of the State of Texas. Referred to the Committee on State Affairs.

Mr. Cook introduced a bill supplemental to and amendatory of "An act entitled an act to incorporate the Houston Hook and Ladder Company No. 1, and Liberty Fire Company No. 2, in the city of Houston," approved December 31, 1859. Referred to the Committee on Commerce and Manufactures.

Mr. Joseph introduced a bill amendatory of "An act to incorporate the Galveston Agricultural, Horticultural and Industrial Association." Referred to the Committee on Town and City Corporations.

Mr. Nelson introduced a bill to authorize the Police Court of Hunt county to collect a special tax. Read first time, and on motion of Mr. Russell, the rules were suspended, the bill read second time and ordered engrossed.

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

Mr. Trolinger introduced a bill for the relief of the purchasers of University lands. Referred to the special committee on the sale of University lands.

On motion of Mr. Prendergast, the Committee on Constitutional Amendments were granted leave to report, and submitted the following :

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

SIR: The Committee on Constitutional Amendments, to whom was referred joint resolution No. 312, providing for the election of delegates to a Constitutional Convention, and fixing the time for the assembling of the same; and No. 362, a bill to provide for a revision of the Constitution of the State of Texas, having duly considered the same, have instructed me to report the accompanying



joint resolution as a substitute for said bill and joint resolution, and recommend its passage.

PRENDERGAST, Chairman.

The substitute recommended by the committee was read and adopted.

Mr. Prendergast offered the following amendment: Change the position of sections two and five, substituting section five for section two, and section two for section five. Amendment adopted.

Mr. Storey moved to strike out that portion relating to submitting the Constitution to a vote of the people.

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

On motion of Mr. Anderson, the bill was laid on the table, made special order for Monday, April 21, at 4 P. M., and one hundred copies were ordered printed.

Mr. Kemble moved to take up Senate bill No. 218, "An act to establish and maintain a system of public free schools in the State of Texas," which motion carried.

Mr. Sayers moved that the House go into committee of the whole upon the bill. The motion was lost.

The bill was then taken up by sections.

Mr. Smith of Colorado offered the following amendment to section one: Strike out after the enacting clause all to the word "and," in the fourth line, and insert as follows: "That at the general election to be held in the State next before the expiration of the term of the present incumbent." The amendment was adopted.

The Speaker announced the hour for the special order, House bill No. 721, a bill to regulate the assessment and collection of taxes, had arrived.

On motion of Mr. Kemble, the special order was postponed until the pending bill should be disposed of.

Mr. Hollingsworth moved to adopt the bill as a whole.

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

Mr. Cook offered the following amendment to section one: Strike out of lines twelve and thirteen the words, "to be confirmed by the Senate." Also add to the end of section one, "for members of the lower house of the Legislature."

Division of the resolution having been called for, the first part was put and adopted. The second part was then put and lost.

Mr. Gallaway offered the following amendment to section two: Strike out the words "fifty thousand dollars," in line five, and insert the words, "one hundred thousand dollars."

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

Mr. Berends offered the following amendment to section five: "It shall be his duty to travel in the different counties of the State, as far as possible without interfering with his other official duties, for the purpose of visiting schools, of consulting with the county superintendents, encouraging teachers' institutes, and looking after the general school interests; and the traveling expenses so incurred shall be allowed, audited and paid as other claims, out of the general school fund; *provided*, that the amount so expended shall not exceed one thousand dollars for any one year."

Mr. Payne moved to lay the amendment on the table, which motion carried.

Mr. Payne moved to strike out of line four, section five, the words, "and assistant." The House refused to adopt the amendment.

Mr. Sayers, offered the following amendment: Section ten, line eight, strike out "one" and insert "two." In line nine, same section, strike out "eighteen" and insert "fifteen."

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

Mr. Nelson moved to strike out of line ten, section ten, the word "eight" and insert instead the word "five." The motion was lost.

Mr. Berends offered the following amendment: Insert after section twelve the following:

"SEC. . . . Every county in this State, and every incorporated city of four thousand or more inhabitants, shall constitute a separate school district. The County Court and *respectively* the city council shall have the financial administration of all public schools. The County Court may, for the purpose of performing this duty, add one day more to their regular sessions, when the county school superintendent shall be invited to attend, and the County Court and superintendent shall receive per diem and mileage, as allowed them for similar duties. Before the beginning of the scholastic year on the first of Sep-

tember, each year, the County Court, upon the report of the county superintendent, shall proceed to make an average estimate of the number of schools within the county to be opened and taught, the teachers to be employed, and the necessary expenses to be incurred through the year ending thirty-first of July next. The court shall fix the salary of the teachers, the compensations to be allowed all other functionaries, and the cost of all probable expenses; it shall apportion the probable available school fund among the precincts or sub-districts of the county according to their scholastic population. At every regular session of the court the county treasurer and superintendent are required to lay before the same a report of the financial and educational condition of the public schools in the county, and at the end of the scholastic year a full and correct account and statement in such shape and form as the Superintendent of Public Instruction may prescribe, which, when found correct, the court shall approve for the transmissal to the Superintendent of Public Instruction. The County Court shall cause the county assessor to take at the same time with the assessment the census of the scholastic population, separate, for the several precincts or sub-districts, and shall allow the same such compensation as it may deem necessary and proper. The County Court shall have the power to finally settle all difficulties arising in the public schools between teachers and pupils, or their parents or guardians, and may remove teachers, and, as the case may be, annul their certificates for misfeasance, malfeasance, misconduct or incompetency, and expel a scholar for misbehavior, by a majority vote of the members.

“SEC. . . . The County Court shall have power, for the support of the public schools, to levy and collect, in the same manner as other taxes, a special school tax, not to exceed one-half of one per centum of the assessed valuation on all taxable property, and a poll tax of one dollar on every male inhabitant between the ages of twenty-one and sixty years: *provided*, that no tax shall be collected when a public school cannot be opened and maintained within two miles from the residence of a citizen of the county. The County Court is further allowed to receive for the school fund, donations of land for the sites of school houses, voluntary contributions and other donations, which shall be apportioned for the benefit of

such sub-district or school as the donor may designate. The County Court shall further have the right, for the purpose of erecting school houses and purchasing sites, to apply to the Legislature for the transfer to the county of such money as may have come to the State Treasury from the sale of school lands belonging to the county, and held in trust by the State for said county. The County Court may, by special legislation, for the same purpose, be authorized to issue bonds bearing interest; *provided*, that payment of interest and sinking fund be secured by special taxation; *provided further*, that in all such cases the deeds be made out and vested in the County Court; *and provided*, that the County Court, in distributing these funds, have particular care, as far as possible, to equally and proportionately benefit every precinct or the sub-district of the county."

Mr. Cunningham moved to lay the amendment on the table, which motion carried.

Mr. Payne offered the following amendment to section thirteen: Strike out "who shall preside," in line twelve, and insert "and the sessions of said board shall be." The amendment was adopted.

Mr. Gallaway offered the following substitute for section fifteen: "Sec. 15. That the County Court of each county in the State shall appoint some competent person whose duty it shall be to examine all persons applying for certificates to teach as teachers of free schools; and said person so appointed shall designate some time and place at the county seat of said county at which he will one day in every month examine applicants and give certificates as the law requires; and said examiner shall be entitled to receive from the county treasurer of his county, from the school fund, the sum of five dollars per day for his services; and any person applying to said examiner for a certificate at any time not designated by said examiner, shall pay the sum of two dollars and fifty cents to said examiner for his certificate.

Mr. Sayers moved to lay the amendment on the table, which motion carried.

Mr. Payne moved to strike out in lines eleven and twelve, section fifteen, the words "practical physiology and the laws of health;" also, strike out all after the word "branches," in line sixteen, to the end of the section.

Mr. Sayers moved to lay the amendment on the table. The motion to table failed.

The amendment was then withdrawn.

Mr. Brown of Dallas offered the following amendment to section sixteen: Strike out the words, "first Monday of November," in lines one and two, and insert "sixth Monday." The amendment was adopted.

Mr. Payne offered the following amendment to section twenty: "Insert after the word "elected," in line six, the words, "and qualified." The amendment was adopted.

Mr. Rainey offered the following substitute for section twenty-one. "SEC. 21. It shall be the duty of the district trustees to fix the time and place for holding an election in their respective districts, for the location or selection of school houses, within their respective districts, and to appoint a presiding officer. That the chairman of the board of trustees shall cause written notices of said election to be posted up for at least five days next preceding the election, in three public places in each school district. That the returns of said election shall be made within five days to the chairman of said board, who shall examine the same in the presence of his co-trustees; and a majority of the votes polled in a district shall be necessary to the permanent location of a school house; and no change of location of a school house thus located shall be made except by a majority of two-thirds of those voting in such election, taken, after due notice, as above provided." The House refused to adopt the amendment.

Mr. Ellett offered the following amendment to section twenty-two: Insert after the word "conducted," in line seventeen, the words, "and shall prescribe the number of months that the school shall be taught, which shall not be less than four months."

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

Mr. Cook offered the following amendment: Strike out all after the word "year," in line eighteen.

Mr. Bewley moved to lay that amendment on the table. Carried.

The Committee on Enrolled Bills submitted the following report:

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

SIR: I have the honor to report that I did, at forty-five

minutes past eleven o'clock of this day, present to his Excellency the Governor for his approval and signature House joint resolution No. 634, entitled "Joint resolution authorizing the Comptroller to employ two additional clerks."

PAYNE, for Committee.

The Committee on Engrossed Bills submitted the following reports:

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

SIR: Your Committee on Engrossed Bills beg leave to report that they have carefully examined the following bills:

House bill No. 517, "An act supplemental to an act to incorporate the Western Narrow Gauge Railway Company, approved August 4, 1870;" and "An act supplemental thereto," approved October 13, 1871.

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

House bill No. 727, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within three miles of Roxton Chapel and Seminary, in Lamar county."

And find the same correctly engrossed.

BOOTY, Chairman.

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

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

No. 536, "An act to change and define the boundary lines of Trinity county, and to provide for the further organization of the same."

No. 722, "An act to create and provide for the organization of the county of Dillard."

No. 671, "An act to incorporate the Mechanics' Real Estate and Savings Association of Dallas."

And find the same correctly engrossed.

BOOTY, Chairman.

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

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

No. 538, "An act to establish and organize the county of Neches."

No. 392, a bill to be entitled "An act to incorporate the Garden Valley Seminary, in Smith county, Texas."

No. 306, a bill to be entitled "An act to exempt certain property therein named from forced sale." Adopted substitute for House bill.

No. 522, "An act entitled an act to prohibit the sale of intoxicating liquors within four miles of Bosqueville Male and Female College, situated at Bosqueville, in McLennan county."

No. 391, a bill to be entitled "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas."

And find the same correctly engrossed.

BOOTY, Chairman.

A message from the Senate announced that that body adhered to its amendment to House bill No. 340, "An act to ascertain the amount due teachers of public free schools of the State of Texas prior to the first day of March, A. D. 1873, and to provide for the payment of the same," and had appointed Senators Shelley, Ruby and Dohoney a conference committee on the disagreement between the two houses, and asked the appointment of a like committee on the part of the House.

On motion of Mr. Hollingsworth, Mr. Prendergast was added to the committee to consider the subject of a general election, and Mr. Storey was substituted for Mr. Walker on the special committee of which that gentleman was chairman.

On motion of Mr. Brown, of Dallas, the House adjourned until 4 P. M.

AFTERNOON SESSION.

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

Mr. Bewley was absent.

On motion of Mr. Trolinger, Mr. Bordeaux was excused on account of sickness.

On motion of Mr. Booty, Mr. Anderson was excused indefinitely on account of sickness in his family.

The discussion of the school bill was resumed.

Mr. Sayers offered the following amendments to section twenty-two: Strike out the last two words in line ten and insert the word "children." Strike out the last two

words in line twelve, and all of line thirteen, and insert the words, "good order, peace and harmony may be maintained in the schools." The amendments were adopted.

Mr. Rimes offered the following amendment: In line eighteen, after the word "year," insert: "*Provided*, the free schools may continue for a longer period than four months, if the amount of the school fund is sufficient, or if the citizens of the district or sub-district, by payment of tuition, or subscription, will supply the deficiency." The amendment was adopted.

Mr. Cook moved to strike out all after the word "year," in line eighteen, to the end of the section.

Mr. Westfall moved that the amendment be laid on the table.

Yeas and nays being called resulted as follows:

Yeas—Messrs. Abbott, Allison, Berends, Bewiey, Bledsøe, Brown of Dallas, Carroll, Chambers, Davenport, Eastland, Ford, Gillette, Green, Harrison, Hoffman, Joseph, Kemble, Lyendecker, Mabry, Mills, Moore, Morris, Noeggerath, Payne, Phelps, Roberts, Sabin, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Storey, Stockbridge, Thurmond, Tilson, Van Zandt, Veale, Venters, Watts, Westfall, Williams and Winkler—43.

Nays—Messrs. Speaker, Adriance, Armstrong, Booty, Broaddus, Brown of Upshur, Cook, Cunningham, Denton, Doyle, Gaston, Gilpin, Manning, McDonald, Nelson, Powers, Prendergast, Rainey, Rimes, Rosborough, Salter, Short, Smith of Houston, Tivy, Tom and Trolinger—26.

Whereupon the motion to lay upon the table was declared to have carried.

Mr. Cook offered the following amendment: In line twenty-three, after the word "tax," insert, "not to exceed one-fourth of one per cent."

Mr. Watts offered the following substitute: Add to section twenty-two the following: "Not to exceed one-half of one per cent."

Mr. Payne moved to lay both amendment and substitute on the table, which motion carried.

Mr. Watts offered the following amendment: Amend by striking out of lines twenty-one and twenty-two, in section twenty-two, the words, "this purpose," and in-



sert in lieu thereof the following: "Maintaining such schools four months in each year." The amendment was adopted.

Mr. Rimes offered the following amendment: After the word "levy," in line twenty-two, insert as follows: "A poll tax of one dollar on every male person between the ages of twenty-one and sixty years, and." The amendment was lost.

Mr. Ellett offered the following amendment: Amend section twenty-three by striking out of lines five and six the words, "tax payers over twenty-one years of age," and insert, "registered voters."

Mr. Bewley moved to lay the amendment on the table, which motion carried.

Mr. Joseph offered the following amendment: "*Provided*, no *ad valorem* tax so levied shall exceed one-eighth of one per cent., and should the same be insufficient, any subsequent assessment must in like manner be voted for, and no more than one such assessment shall be made during any one year."

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

Mr. Rainey offered the following substitute for section twenty-seven: "In any school district or sub-district the inhabitants, as a matter of economy, shall be allowed to furnish the necessary school houses at their own expense; but that in the event a house or houses are needed, and the inhabitants are unable or unwilling to pursue this course, then it shall be the duty of the board of school directors to order the levying, assessing and collecting of a poll tax, to be used for the purpose of building a school house or houses."

Mr. Mills moved to lay the amendment on the table, which was carried.

Mr. Sayers moved to reconsider the vote on Mr. Ellett's amendment. The vote was reconsidered.

The amendment was then adopted.

Mr. Payne offered the following amendment: "After the word 'tax,' in line two, add, 'of one dollar on all male persons between the ages of twenty-one and sixty years of age.'"

Mr. Storey moved to amend the amendment by striking out "one" and inserting "two." The amendment failed to be carried.

Mr. Payne's amendment was then adopted.

Mr. Rainey offered the following amendment: "SEC. 22. It shall be the duty of the school trustees for each district, as early as practicable after their election, by giving due notice, to call a meeting of all the patrons of schools in the district, both of the white and the colored population. The trustees shall provide for schools for both races, separating the two; and at this meeting a majority of those present shall indicate to the trustees the length of time, during the year, they desire a school, the kind of a teacher they want, and the amount of salary they are willing to pay. If, upon examination, the trustees find that the number of scholastic children is not sufficient for the organization of a school and the employment of a teacher, then, if the number be as large as ten, the patrons shall be allowed a teacher; *provided*, they be willing to pay said teacher the balance to cover the stipulated salary after he shall have been allowed the *pro rata* share for each pupil of the school fund."

Mr. Ghent offered the following amendment to the amendment: Strike out "color," wherever it occurs, also "race."

Mr. Gallaway moved that the House adjourn. The House refused to adjourn.

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

A rising vote being taken, resulted in thirty yeas and twenty-eight nays; whereupon it was evident a quorum was not voting.

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

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

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

Absent—Mr. Short.

On motion of Mr. Tom, Mr. Salter was excused on account of sickness.

On motion of Mr. Kemble, Mr. Carroll was excused on account of sickness.

On motion of Mr. Cunningham, Mr. Brown of Upshur was excused until Thursday, April 24.

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

On motion of Mr. Brown of Dallas, the regular order was dispensed with, and the consideration of the school bill was resumed, pending the amendment offered by Mr. Ghent to the amendment of Mr. Rainey.

On motion of Mr. Sayers, Mr. Storey was excused for the day on account of important business.

Mr. Harrison moved to lay the amendment to the amendment on the table.

Yeas and nays were called, with the following result :

Yeas—Messrs. Adriance, Allison, Armstrong, Bledsoe, Booty, Bordeaux, Brown of Dallas, Chambers, Cunningham, Day, Denton, Doyle, Eastland, Gaston, Gillette, Gilpin, Harrison, Hester, Hollingsworth, Joseph, Kemble, Kleberg, Lane, McDonald, Morris, Powers, Rainey, Rimes, Rosborough, Russell, Sayers, Schmidt, Scott, Shelton, Smith of Colorado, Smith of Houston, Tilson, Tom, Trolinger, Van Zandt, Venters and Winkler—42.

Nays—Messrs. Broaddus, Ellett, Ford, Galloway, Green, Leyendecker, Mabry, Manning, Moore, Phelps, Prendergast, Roberts, Sabin, Shaw, Stockbridge, Thurmond, Washington, Watts, Westfall, Wilder, and Williams—21.

Whereupon the amendment to the amendment was laid on the table.

Mr. Rainey withdrew his amendment.

Mr. Denton offered the following amendment: Insert after the word "Spanish" in line twelve, "or any other languages."

The amendment was adopted.

Mr. Payne offered the following amendment: Section twenty-five, after the word "States" in line nine, insert "and practical physiology and the laws of health." The amendment was adopted.

Mr. Winkler moved to suspend the rules for a moment to take up the message from the Senate asking a conference committee upon House bill No. 340, to ascertain the amount due teachers of public free schools of the State prior to March 1, 1873, and to provide for the payment of the same, which motion carried.

Under instruction from the House, the Speaker appointed Messrs. Rainey, Mills and Kemble said committee on the part of the House.

Leave being granted, Mr. Winkler presented the following protests: From citizens of Springhill and vicinity against the dismemberment of Navarro county; protest from citizens of Raleigh, Navarro county, against dismemberment; protest from citizens of Dresden precinct, Navarro county, against dismemberment; all of which were referred to the Committee on Counties and County Boundaries.

Leave being granted on motion of Mr. Cook, Senate bill No. 78, to permanently locate the site of Montgomery county, was referred to the Committee on Counties and County Boundaries.

The consideration of the school bill was resumed.

Mr. Cook offered the following amendment: Section twenty-seven, after the words "private teacher" strike out "having a proper certificate of competency from the county superintendent," and insert in lieu "with the consent of the parent or guardian of such scholastic inhabitant."

The House refused to adopt the amendment.

Mr. Brown of Dallas offered the following amendment: Amend section twenty-seven by inserting after the word "Indians" in line six, the words "or by the prevalence of any contagious or infectious disease." The amendment was adopted.

Mr. Shelton offered the following amendment: In line twenty-two, section twenty-seven, after the word "schools," insert "except for causes heretofore specified." The amendment was adopted.

Mr. Berends offered the following amendment: Amend section twenty-nine, by adding after the word "determine" in line five: "No religious or sectarian tenets shall be taught in said schools; but one of the modern languages, German, Spanish or French, shall be regularly taught, as well as drawing and singing, if desired by the population; *provided*, that a competent teacher can be obtained, and that the lessons in such languages shall not occupy more than two hours a day."

Mr. Mills offered the following amendment to the amendment: "*Provided, further*, that all the counties in this State are excepted, save the county of Bexar."

Mr. Gillette moved to lay both amendments on the table, which carried.

Mr. Ghent offered the following amendment: In sec-

tion twenty-seven, strike out "shall" wherever it occurs, and insert "may." The House refused to adopt the amendment.

Mr. Joseph offered the following amendment: Amend by adding after "schools" in line eleven, the following: "And all sums of money that may come to this State from the sale of any portion of the public domain of the State of Texas." The amendment was adopted.

Mr. Cook offered the following amendment: Amend section thirty-two by striking out all after the word "year" in line six, and insert in lieu: "The deficiency may be supplied by the voluntary subscription of the friends of education, wherever dispersed, and the county board of directors shall take charge of and faithfully apply such subscription to supplying such deficiency."

Mr. Sabin moved to lay the amendment on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Berends, Bledsoe, Bordeaux, Brown of Dallas, Eastland, Ford, Gallaway, Gillette, Green, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Mabry, Mills, Moore, Noeggerath, Payne, Phelps, Roberts, Sabin, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Stockbridge, Tilton, Venters, Washington, Watts, Westfall, Wilder and Williams—39.

Nays—Messrs. Allison, Broaddus, Cook, Cunningham, Davenport, Day, Denton, Doyle, Gaston, Ghent, Gilpin, Harrison, Kleberg, Lane, Leyendecker, Manning, McDonald, Nelson, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Smith of Houston, Thurmond, Tivy, Trolinger, Van Zandt, Winkler and Wood—31.

Mr. Prendergast offered the following amendment to section thirty-three: Line two, after the word "districts," insert "under the provisions of this act;" line three, after the word "directors," insert "and also money heretofore collected and paid over to the county school boards or to the treasurers of such boards, and not paid out before the passage of this act." The amendment was adopted.

Mr. Winkler offered the following amendment: Section thirty-four, after the words "county bonds," in line eight, the following: "To be approved by and payable to the County Court of the proper county;" in line nine, after the word "county," insert "conditioned that he will

faithfully receive and disburse all such funds as may come into his hands." The amendment was adopted.

Mr. Powers offered the following amendment to section thirty-six, by adding, "and that the collection of any and all taxes levied or assessed thereunder be and hereby are suspended." The House refused to adopt the amendment.

Mr. Allison offered the following amendment: Section thirty-seven, line four, after the word "Indians," add "sickness or other good cause." The amendment was adopted.

Mr. Gallaway moved to amend section thirty-eight as follows: "SEC. 38. That in any case where it may become desirable in any school district to have a high school taught, any principal of such high school shall have the privilege of blending the free school with the private school by the consent of a majority of the trustees of the former, said principal agreeing and contracting with said trustees to teach the children within the scholastic age. And said principal shall have the right to receive into his school and instruct any number of students who are over the scholastic age, at such rates of tuition as he may prescribe, and his patrons consent to pay, to the end that high schools may be established, with authority to confer degrees or give certificates of merit and scholarship."

Amend further by changing section thirty-eight so as to read section thirty-nine.

The Speaker announced the hour for the special order had arrived, the order being House bill No. 546, to provide for the sale of all lands heretofore given to counties for the purposes of education.

On motion of Mr. Brown of Dallas, the special order was postponed until the pending bill should be disposed of.

Mr. Russell offered the following amendment, which was accepted by Mr. Gallaway: "Provided, said high schools shall be under the control and supervision of the county board of directors."

The whole amendment was adopted.

Mr. Cook offered the following amendment: "That there is hereby levied upon all the taxable property in this State an *ad valorem* tax of twenty-five cents upon the one hundred dollars for the purpose of supplying any deficiency which may arise in any school district under sections twenty-two, twenty-three and thirty-two of

this act; *provided*, that said tax shall not be collected unless there shall be a deficiency, and the board of directors of the district shall deem the same necessary to be collected, when the said board may order the collection thereof, or so much as may be necessary to supply such deficiency, in the manner prescribed by law."

Mr. Rimes offered the following amendment to the amendment: "*Provided*, that no school house in such district shall cost exceeding five hundred dollars." The amendment was adopted.

Mr. Green moved to strike out of Mr. Cook's amendment the words "twenty-five," and insert instead "fifty."

A message from the Senate announced that that body had resolved itself into a high court of impeachment, and were ready to receive the committee on the part of the House to prefer charges against John G. Scott, Judge of the Tenth Judicial District. The Speaker gave notice that the committee would govern themselves accordingly.

The amendment offered by Mr. Green was then put, and failed to carry.

Mr. Rainey offered the following amendment, which was accepted by Mr. Cook: "*Provided*, that in any school district or sub-district, the inhabitants, as a matter of economy, shall be allowed to furnish the necessary school houses, at their own expense; but that in the event a house or houses are needed, and the inhabitants are unable or unwilling to pursue this course, then it shall be the duty of the board of school directors to order the collection of the tax hereinbefore provided for, to be used for the purpose of building a school house or houses."

Mr. Prendergast moved to strike out of the pending amendment the figures "22" and "32."

Mr. Green moved to lay the amendment and the amendment to the amendment upon the table.

The House refused to table.

Unanimous consent having been given. Mr. Booty offered the following resolution:

*Resolved*, That rule forty-four of this House shall hereafter read as follows: "The previous question shall be put in this form: 'Shall the main question now be put?' It shall only be admitted when seconded by ten members present, and, when carried, its effect shall be to put an

end to all debate, and bring the House to a direct vote; first, upon the pending amendment, and so on back to the first amendment offered; second, upon amendments reported by a committee, if any; and, third, upon the main question."

Laid over under the rules.

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

*Resolved*, That the use of this hall is hereby tendered the Austin fire companies from one to four o'clock P. M. on Monday, the twenty-first instant.

Adopted.

On motion, Mr. Booty was excused for five days, on account of pressing business.

The amendment offered by Mr. Prendergast was then adopted.

Mr. Hollingsworth moved to reconsider the vote just taken. The House refused to reconsider.

A message was received from the Senate informing the House that the Senate had passed the following bills originating in the House, viz.:

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

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

No. 261, "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. 552, "An act to incorporate the Bridgeport Bridge Company, in Wise county, Texas," with amendments.

And the following bills originating in the Senate, viz.:

No. 144, "An act to incorporate the Real Estate, Building and Savings Association, of Dallas, Texas."

No. 243, "An act for the relief of S. B. Buckley, late Assistant State Geologist."

And that the Senate had adopted House concurrent resolution expressing sympathy for the people of our sister State of Louisiana.

The secretary of the Senate also communicated to the House the following resolutions adopted by the Senate in the matter of impeachment of John G. Scott, Judge of the Tenth Judicial District of the State:



*Resolved*, That at twelve o'clock to-day the Senate will resolve itself into a court of impeachment, at which time the following oath or affirmation shall be administered by the secretary to the President of the Senate, and by him to each member of the Senate, to-wit: "I solemnly swear (or affirm, as the case may be,) that in all things appertaining to the trial of the impeachment of J. G. Scott, Judge of the Tenth Judicial District, I will do impartial justice according to law;" which court of impeachment, being thus formed, will, at the time aforesaid, receive the managers appointed by the House of Representatives to exhibit articles of impeachment in the name of themselves, and of all the people of the State of Texas, against J. G. Scott, Judge of the Tenth Judicial District, pursuant to notice given yesterday by the House of Representatives.

*Resolved*, That after the managers of the impeachment shall be introduced to the bar of the Senate, and shall signify that they are ready to exhibit articles of impeachment against John G. Scott, the President of the Senate shall direct the sergeant-at-arms to make proclamation; who shall, after making proclamation, repeat the following words: "All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the State is exhibiting to the Senate of the State of Texas articles of impeachment against John G. Scott, Judge of the Tenth Judicial District;" after which the articles shall be exhibited, and then the President of the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

Also, that the Senate had passed House bill No. 93, a bill entitled "An act to better provide for the protection of agricultural interests."

And House bill No. 150, "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, 1871."

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 bills, to wit:

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

No. 263, "An act making an appropriation to pay the salary of Hon. Lipscomb Norvell as special judge of the District Court of Tyler county."

No. 690, "An act making an appropriation for the mileage for the recently elected and newly seated members of the House of Representatives."

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

No. 195, "An act to authorize the County Court of Henderson county to levy a tax to pay the outstanding indebtedness, the repairing of bridges, the jail and court house, and for all other purposes for which the said County Court is by law authorized to levy a tax."

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

SHAW, Chairman.

On motion of Mr. Prendergast, the House adjourned until 4 o'clock P. M.

#### AFTERNOON SESSION.

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

Absent—Messrs. Bewley, Bordeaux, Day, Ellett, Joseph, Kemble, Lane, Mills, Rainey, Short, Smith of Houston, Veale.

Leave being granted, Mr. Abbott offered a concurrent resolution authorizing and requiring the Governor, or Judge of the Twenty-first Judicial District, to appoint a clerk to fill the vacancy in that district caused by the death of the late incumbent.

Mr. Brown of Dallas moved to refer the resolution to Judiciary Committee No. 2, with instructions to report thereon as early as practicable, which motion was carried.

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

*Resolved*, That the witnesses before the House committee in the case of the State of Texas v. John G. Scott, be paid out of the contingent fund of this Legislature, upon the certificate of the chief clerk, signed by the

Speaker and chairman of the Committee on Printing and Contingent Expenses.

The resolution was adopted.

Leave being granted, Mr. Denton introduced a bill to change the boundary line between the counties of Guadalupe and Wilson, and to attach a part of the county of Guadalupe to Wilson county. Read by caption, and referred to the Committee on Counties and County Boundaries.

The consideration of the school bill was then resumed.

Mr. Cook withdrew his amendment, and offered the following in lieu thereof: Strike out the first six lines of section twenty-three, and insert in lieu thereof: "That there is hereby levied upon all taxable property in this State an *ad valorem* tax of twenty-five cents on each one hundred dollars, and a poll tax of one dollar upon all the male inhabitants between the ages of twenty-one and sixty years, for the purpose of building school houses in the several school districts; *provided*, that said tax shall not be collected unless a majority of the registered voters of the school districts shall instruct the board of directors to require the collection thereof, when said board of directors may order the collection of said tax in the manner prescribed by law; *provided*, that no school house in such district shall cost exceeding five hundred dollars; *and provided*, that in any school district or sub-district the inhabitants, as a matter of economy, shall be allowed to furnish the necessary school houses at their own expense; but that in the event a house or houses are needed, and the inhabitants are unable or unwilling to pursue this course, then it shall be the duty of the board of school directors to order the collection of the tax hereinbefore provided, to be used for the purpose of building a school house or houses."

The amendment was adopted.

Mr. Prendergast offered the following amendment: Amend section twenty-two by striking out all between the word "purpose" and the word "on," in line twenty-two, and insert after the word "district," in line twenty-four, as follows: "is hereby levied, to be collected as other taxes."

The amendment was adopted.

Mr. Tilson offered the following: Add to section twenty-five, "*Provided further*, that if any county superin-

tendent shall willfully or corruptly issue any certificate of competency to any school teacher, he shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction, be fined in any sum not less than fifty nor more than one hundred dollars."

The amendment was adopted.

Mr Prendergast offered the following: Amend section thirty-two by striking out all between the word "year," line six, and the word "on," line seven, and insert after the word "officer," in line eleven, as follows: "is hereby levied, to be collected as other taxes."

The amendment was adopted.

Mr. Brown, of Dallas, offered the following: Amend section twenty-seven by inserting after the word "superintendent," in line eighteen, the words "or from the president, principal or faculty of any incorporated seminary, college or university in this State authorized to confer degrees.

The amendment was adopted.

Mr. Smith, of Colorado, offered the following: Add to the end of section thirty-six, "*Provided*, that the repeal of the said act shall not affect in any manner the legal liability of any person to pay any taxes claimed to be due for the year 1871, under either of them, but that the collection thereof is suspended until further legislation on the subject shall be made."

Mr. Harrison offered the following amendment to the amendment: Strike out all that relates to the suspension of the one per cent. tax.

The amendment to the amendment was adopted.

The amendment thus amended was then adopted.

Mr. Armstrong offered the following substitute for section thirteen: "SEC. 13. That the justices of the peace of the several counties of this State, by virtue of their respective offices, shall be, and are hereby constituted the county board of school directors. They shall, in each county, elect from themselves a president, who shall reside at the county seat, and he shall be *ex officio* county superintendent of public instruction."

Mr. Mills moved to lay the substitute on the table, which motion carried.

Mr. Allison moved to strike out section eighteen.

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

The bill then passed to a third reading.