

On motion of Mr. Brown of Dallas, the bill was read third time and passed.

The Speaker announced the following message from His Excellency the Governor :

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, April 19, 1873. }

SIR: I have to return to the House of Representatives, where it originated, the act entitled, "An act to repeal an act entitled an act to establish a State Police, and provide for the regulation and government of the same, approved July 1, 1870;" 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 and government of the same, approved May 2, 1871."

In the annual message which I had the honor to send to the Legislature at the commencement of your session, I stated, in speaking of the police, that "I decidedly do not think their services can yet be dispensed with." My opinion was based upon information in regard to the condition of the State, which was probably not within reach of the members. Having understood, unofficially, early in the session, that a majority of the houses differed in opinion from me on this subject, and that a bill for the unqualified repeal of the police laws was pending, I directed the Adjutant General to call upon the sheriffs of the counties for a statement of the number of homicides, and attempts at homicide, committed within their respective counties since the first day of the present year. So far as replies have come in, the information received from the sheriffs is transmitted in the accompanying report from the Adjutant General, dated the eighteenth instant.

It will be seen that official statements from twenty nine counties, and unofficial information from twenty-five others, show, since the first of the year, a total of seventy-eight homicides, and seventy-two attempts to kill in those fifty-four counties. The information from counties unofficially reported is probably short of the full number of crimes of that nature. Other classes of offenses are not noted.

If the proportion of cases of homicide or attempts to kill during those three months in the rest of the one hundred and thirty-five inhabited counties of the State averaged the same as in the fifty-four counties mentioned—and it will very likely rather be over than un-

der—then there were killed within the State, during the three months you have been in session, one hundred and ninety-five persons, and if the same proportion is continued throughout the year, seven hundred and eighty homicides will have been committed within the year. Whether this estimate is correct or not, we have the extraordinary fact presented that seventy-eight persons have met a violent death at the hands of their fellows, within a few more than a third of the counties of the State, and during an average of only three months. Owing to the repressive measures adopted in 1870 and 1871, including these police laws, the condition, as bad as it yet is, has greatly improved, as will be seen by a comparison with the criminal statistics of the State collected in 1869 by the then military authorities. But we still have a great deal to do toward civilizing our State, and so far from abolishing any of the means of bringing the law breakers to justice, it seems more advisable to strengthen and amplify that branch of the service.

To illustrate the lawless condition of our State, unfortunately still prevalent, and the extraordinary insecurity of life, I ask you to contrast the preceding facts with the returns of crime in the State of New York. For many reasons, which will be obvious to you, cities are liable to have a larger criminal population than rural districts. Experience shows, for instance, that the city of New York, with near a million of souls, has annually many more homicides than occur among the same number of people in the rural districts of New York. For the year 1860, the last year for which I have statistics before me, the total homicides, murderous or otherwise, within that State, were only thirty-seven, yet New York had then 3,880,735 people, of whom upwards of a million and a half inhabited cities. Texas, according to the census of 1870, had then only 818,579. In addition to the homicides committed since the first of January, the report of the Adjutant General shows that delegations of citizens, or the county officers of fourteen (14) counties have called upon the State authorities for assistance to overcome lawless combinations too strong for the local authorities. The names of these authorities are given.

In two counties since that date the public records have been taken by force and destroyed. In two other counties the court houses as well as the records have been

destroyed, and in a fifth, what is called the cattle record has been made away with. The names of these counties are also given.

This is a bad record for us, and one which we might well try to hide from the people of the outside world, whom we are inviting to come to our State; but it is neither manly or statesmanlike to shrink ourselves from its contemplation. It is, on the contrary, to the best interest of our State that we should fully understand and be ready to face and suppress this evil.

I suppose that all good citizens deplore the evil, and would wish to remedy it, and only differ as to the means. Some have advised giving the sheriffs more ample powers, others that large rewards should be offered for all offenders indiscriminately. A variety of other plans have been suggested. But all of these devices will cost as much, if not more, than the present system, and cannot be effective, because they all fail in the essential of having a paid and efficient body of men, under one head, ready at a moment to move in any direction either to assist the local authorities or to follow and arrest fugitives from justice.

The State police for many months has been less efficient than it otherwise might have been, had they received the compensation nominally allowed them by the State, but the result of their labors (crippled as they were) for the two and a half years ending on the first of January last, I partly showed the Legislature in my annual message. They had arrested, during that time, five hundred and eighty-one persons charged with murder, besides thousands of other offenders. But their services to the State have not been limited to those arrests. Many hundreds of murderers, horse and cattle thieves and other offenders, have fled the State to avoid arrest. Their services in this way I cannot estimate.

I am aware that in three or four instances the police are charged with having criminally taken the lives of citizens, and that these instances furnish an unending supply of texts for arguments against the system. Whether the police were to blame in all or any of these instances, and what the character for lawlessness might have been of the individuals whose lives were taken by the police, has never, I believe, in any case, been ascertained by the proper tribunals, so I will not discuss the question of innocence

or guilt. But letting it be granted that in these acts some members of the police were criminal, is their criminality a reasonable argument to use against the whole system? The same objection would apply to the sheriffs and their deputies, to city police or constables. Many instances of crime on the part of those officers have occurred, but it would very justly be considered unfair to argue therefrom that such officers ought to be dispensed with.

But it is noticeable that those who never fail to use the records of these alleged crimes against the police, altogether forget to say a kind word for the many gallant men of the force who have died or risked life in the enforcement of the laws. Fourteen have thus been killed outright, and many more wounded by the lawless.

I must, then, for the reason given, most earnestly urge a reconsideration of this act of repeal. The mere impression abroad that it would be passed has, in my belief, already emboldened law breakers and bad men. Coincident with the measures pending for its repeal, there has been an apparent swelling of the tide of lawlessness.

I trust that the State authorities may not be left without some substantial power to enforce the laws. If the police acts are defective, and if bad men have through such defect been appointed on the force; or if, in other respects they might be advantageously modified, let them be amended. I will be happy to co-operate with the Legislature in the adoption of such amendments, or in any other measure looking to the increased efficiency of the force.

Very respectfully,

EDMUND J. DAVIS, Governor.

HON. M. D. K. TAYLOR, Speaker of the House of Representatives, Austin, Texas.

The bill was read, and the question put, Shall the bill pass notwithstanding the objections of his Excellency the Governor?

Yeas and nays were called and resulted as follows:

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Kemble, Kleberg, Leyendecker,

Manning, McDonald, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Rosborough, Russell, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Westfall, Winkler and Wood—58.

Nays—Messrs. Abbott, Mabry, Mills, Moore, Noeggerath, Washington and Williams—7.

Whereupon the bill was declared to have passed over the veto.

On motion of Mr. Rimes, the House adjourned until 9 A. M. Monday.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, April 21, 1873. }

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

Absent—Messrs. Bewley, Ellett and Stockbridge.

On motion of Mr. Leyendecker, Mr. Noeggerath was excused on account of sickness.

On motion of Mr. Hoffman, Mr. Schmidt was excused to-day on account of sickness.

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

On motion of Mr. Bledsoe, Mr. Veale was excused for ten days on account of pressing business.

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

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

On motion of Mr. Powers, the Committee on Public Lands and Land Office was granted leave to sit during the session of the House.

Mr. Wesfall presented a petition of the mayor and aldermen of the town of Comanche, in Comanche county. Referred to the Committee on Town and City Corporations.

Also, a remonstrance of citizens of Williamson county against dismemberment. Referred to the Committee on Counties and County Boundaries.

Mr. Davenport presented a petition of Frederick Grimes. Referred to the Committee on Private Land Claims.

Mr. Manning introduced a bill to authorize the County Court of Freestone county to levy and collect a special tax for the purpose of repairing the court house and jail in said county. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Sabin introduced a bill to incorporate the Texas and European Beef Company, of Galveston, Texas. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Chambers introduced a bill to incorporate the East Fork Plank and McAdamizing Road Company, Read first time by caption and referred to the Committee on Roads, Bridges and Ferries.

Mr. Bledsoe introduced a bill to donate one hundred and sixty acres of land to the county of Stephens for certain purposes. Read by caption and referred to Committee on State Affairs.

Mr. Ford introduced a bill to authorize the County Courts of Chambers, Orange, Newton and Polk to issue interest-bearing bonds for the purpose of funding the outstanding indebtedness of said counties. Read first time; rules suspended and read second time.

Mr. Gillette moved to amend by including Hill county, which motion carried.

Mr. Rainey moved to amend by including Houston county, which motion carried.

The bill was then ordered to engrossment.

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

Mr. Rainey introduced a bill for the relief of parties for whom the late Adjutant General James Davidson drew money from the treasury, in his official capacity, and failed to pay over, and to provide for the payment of the same. Read by caption, and referred to the Committee on Indian Affairs.

Mr. Russell introduced a bill for the relief of J. P. Williams, sheriff of Wood county. Read by caption, and referred to the Committee on State Affairs.

Mr. Wood introduced a bill to incorporate the Board of Trustees of the Centreville Academic School. Read by

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

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

Mr. Wood introduced a bill to incorporate the Central Texas Real Estate and Banking Association. Read by caption and referred to Judiciary Committee No. 1.

On motion of Mr. Venters, the rules were suspended, and the Committee on State Affairs granted leave to submit the following report:

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

SIR: Your Committee on State Affairs, to whom was referred a bill to be entitled "An act to authorize Denton county to levy a special tax to build a court house," have duly considered the same, and I am instructed to report the bill back, and recommend its passage.

J. RUSSELL, for Committee.

The bill was read second time and ordered engrossed.

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

Mr. Payne asked leave for the Committee on State Affairs to make a report, authorizing the County Court of Victoria county to levy and collect a special tax. The House refused to grant leave.

The Speaker then announced the orders of the day.

House bill No. 552, "An act to incorporate the Bridgeport Bridge Company, in Wise county, Texas." The Senate amendment thereto was read and adopted and the bill passed.

House bill No. 443, a bill to be entitled "An act to incorporate the town of Cuero, in DeWitt county." The Senate amendments thereto were read and adopted and the bill passed.

House bill No. 261, to amend "An act entitled an act to adopt and establish a penal code for the State of Texas," approved August 26, 1856. The Senate amendments thereto were read and adopted and the bill passed.

The conference committee upon the bill to ascertain the amounts due the teachers of the public free schools of the State, prior to the first day of March, A. D. 1873, and to provide for the payment of the same, submitted a report which was adopted.

On motion of Mr. Rainey, the vote adopting the report was reconsidered and the report withdrawn.

Special order, House bill No. 721, a bill to be entitled "An act to regulate the assessment and collection of taxes," was then taken up.

Mr. Booty offered the following amendment to section two: In line six strike out "two" and insert "one."

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

Mr. Booty offered the following amendment to section two: In line forty-three, after the word "judge" insert "on petition of any citizen, and after due trial."

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

Mr. Joseph offered the following amendment to section two: "*Provided*, such justice shall be first duly cited, and notified of the charges or complaint against him, and shall have an opportunity to make defense." The amendment was adopted.

Mr. Rainey offered the following amendment to section two: Insert after the word "judge," in line forty-three, the words "upon the petition of twenty citizens of any justice's precinct, who shall have proven the aforesaid necessary facts for his removal."

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

Mr. Payne moved to strike out sections three, four, five, six, and seven, which motion carried.

Mr. Green offered the following amendment: Strike out in section eight, line five, "county treasurer" and insert "sheriff."

Mr. Smith, of Houston, moved to lay the amendment on the table, which carried.

Mr. Berends moved to amend section eight by striking out, in line three, all after the word "counties," to include the words "county treasurer," in line five.

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

Mr. Storey moved to reconsider the vote tabling Mr. Green's amendment.

Mr. Payne moved to lay that motion on the table. The House refused to table.

The vote was then reconsidered.

Mr. Smith of Colorado offered the following substitute for Mr. Green's amendment: Strike out all after "counties," in line three, to and inclusive of the word "treas-

urer," in line five, and insert as follows: "And so shall all occupation taxes, State and county."

The House refused to adopt the substitute.

Mr. Cook offered the following substitute: Strike out "shall," in line four, and insert "may," and add after "treasurer," the words, "or sheriff."

The House refused to adopt the substitute.

The amendment offered by Mr. Green was then put, and failed to carry.

Mr. Kemble offered the following amendment: Section nine, line three, after the word "owner," insert "or agent."

Mr. Payne offered the following amendment to section nine: "*Provided*, that when any person residing in one county, owns land in another county, such person shall be entitled to return a general description of the land to the assessor of taxes of the precinct in which such person resides, whereupon the assessor shall immediately furnish to the Comptroller of Public Accounts such general description, and the Comptroller of Public Accounts shall immediately forward the same to the County Court of the county where the land lies, with instructions, as soon as practicable, to assess the same at its fair value, and return to said Comptroller a certificate of such valuation, together with the amount of county taxes due thereon, which shall be signed by the presiding justice of the county, and attested by the district clerk. Upon the receipt thereof, the Comptroller shall forward the same to the assessor from whom he first received it, and such assessor shall thereupon place the assessment on his roll in its proper place; and such assessment shall be deemed and held just and valid, and the collector of taxes shall collect the taxes due thereon. That the assessment of value by the County Court, as provided in this act, may be made at a regular or called session, as may be most expeditious, and a meeting of the County Court shall be called and held as soon after the notification by the Comptroller as a quorum can conveniently be had to hold the same."

A message was received from the Senate reporting the passage of Senate bill No. 212, a bill making a new apportionment of the Representative and Senatorial Districts of the State of Texas, and Senate bill No. 208, a bill to appoint an agent to take charge of property bequeathed

to the State of Texas, for certain purposes, by Oscar L. Holmes, and to carry into effect said bequest.

The following additional message was also received through the secretary of the Senate :

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

SIR: I am instructed to inform your honorable body that the Senate, sitting as a high court of impeachment, did, on Saturday last, the nineteenth of April, receive and have exhibited to it, from the managers appointed by the House for that purpose, articles of impeachment against John G. Scott, Judge of the Tenth Judicial District of Texas, and as such court, made the following order :

Ordered, that the secretary be directed to issue a summons, in the usual form, to John G. Scott, Judge of the Tenth Judicial District of the State of Texas, to answer certain articles of impeachment exhibited against him by the House of Representatives on this day, and that the summons be returnable here on Wednesday, the twenty-third day of April, at 12 o'clock M., and be served by the sergeant-at-arms, or some person deputed by him. Also, that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, be furnished with a certified copy of articles exhibited against him.

On motion of Mr. Brown of Dallas, in order to allow the use of the hall to the survivors of the battle of San Jacinto, in their celebration of that event, the House then adjourned until 4 P. M.

AFTERNOON SESSION.

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

The following gentlemen were absent :

Messrs. Abbott, Berends, Ellett, Green, Hester, Hollingsworth, Joseph, Noeggerath, Shaw, Short, Smith of Colorado, Smith of Houston.

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 22, 1873. }

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

Absent—Mr. Ellett.

On motion of Mr. Cook, Mr. Bewley was excused on account of sickness.

On motion of Mr. Green, Mr. Shaw was excused on account of sickness.

On motion of Mr. Rainey, Mr. L. D. Miller, assistant doorkeeper, was excused for ten days on account of sickness in his family.

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

Mr. Bordeaux presented a petition of Allen Gordon. Referred to the Committee on State Affairs.

Mr. Scott presented a memorial of the citizens of Harrison county, praying that the territory in which they live be made a portion of Marion county. Referred to the Committee on Counties and County Boundaries.

Mr. Cook presented an invitation from the directors of the Texas State Fair to attend the fourth annual fair in Houston. Laid on the table and made special order for Tuesday, April 29.

Mr. Winkler presented a petition of veterans of 1835 and 1836. Referred to the special committee on the pension laws.

Mr. Ghent presented a petition of a number of citizens of Milam county, asking for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Killough presented a petition for the relief of the heirs of Richard Andrews. Referred to the Committee on Private Land Claims.

On motion of Mr. Storey, Mr. Denton was granted leave of absence for eight days from to-morrow.

Mr. Smith of Colorado offered the following resolution:

Resolved, That the Committee on Private Land Claims do take into consideration the claims of B. G. Adams of Colorado county, to one labor of land, part of his head-right, and also his claim to bounty land claim of three hundred and twenty acres, and to report by bill or otherwise.

The resolution was adopted.

On motion of Mr. Hollingsworth, the special committee to investigate the penitentiary was granted leave to report, and submitted the following:

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

SIR: Your select committee, appointed under resolution of the House to visit and examine into the condition and management of the State Penitentiary at Huntsville, having visited said institution, beg leave to report as follows:

Our examination was not merely formal and superficial, but thorough and complete in every respect. We inspected the condition of the cells and bedding, the culinary and dispensary departments, the laundry, the hospital and dining room; and in the character and quality of the food, the remarkable cleanliness of the cells, and the appointments of the hospital and dispensary, discovered the true cause of the healthful and comparatively cheerful appearance of the convicts, and how it happened that out of six hundred and thirty-six convicts only two were in the hospital.

We witnessed the convicts at work in the various workshops, their strict discipline when at work and when at their meals, as well as the order of discipline in the manner of bringing them from their cells in the morning, and at the close of the day's labor committing them, after inspection, to their respective departments for the night. We also examined the new buildings and new machinery built and introduced by the lessees. A careful examination was made of the prison register and of the papers pertaining to the criminal business of the institution, and a comparison instituted as to the number of deaths and escapes, as between the present regime of the lessees and the State. We interrogated the prison officials appointed by the State, the lessees, and citizens of Huntsville, and the convicts themselves, upon all subjects pertaining to the object of our visit.

The penitentiary numbers, as is shown by the report of the inspector, nine hundred and seventy-two convicts; of these six hundred and thirty-six are in the prison, and the remainder, three hundred and thirty-six, are at work on the Great Northern and the Texas Pacific railroads. We found all the departments clean and quite free from the offensive odor so common to all classes of prisons;

the cells provided with ample bedding, and the convicts well clothed and uniformed. Of this whole number of convicts, there were but two, as before stated, confined to the hospital, and one of these was received from the sheriff of Navarro county, dangerously sick, the day before our arrival. We regard the discipline of the institution, satisfying as it does both the demands of humanity and the law, as nearly perfect as possible. Industry and cheerfulness obtain in every department.

The new buildings erected by the lessees were valued on the first of January last at forty thousand dollars; since then another building has been erected one hundred and twenty-five by fifty feet, two stories high, valued at twenty thousand dollars. A large sum has been expended in substituting new and improved machinery for the old. The lessees, by and with the consent of the directors, have obtained for the State the title to the street north of the prison (see the resolutions of the city authorities of Huntsville, herewith attached), and it is proposed to make this a part of the prison enclosure, thereby utilizing for prison purposes the buildings north of the prison, and formerly used as officers' quarters. This improvement, which we earnestly commend, will add greatly to the security of the institution, especially in the event of fire, and with the addition of a story to the cotton factory, and also to each of the cell buildings, with a double row of cells to each, will afford accommodations for about one thousand convicts. The necessity of this additional enlargement of the penitentiary will be obvious when it is known that there are at this time cell accommodations for only five hundred and eighty, and that it is necessary to put two in a cell in order to accommodate them. We would respectfully suggest, in view of these contemplated improvements, and those already made, that the annual payments of fifteen thousand dollars, as required by the terms of the lease, be charged to the lessees as an offset, in part, to these improvements, which the State is bound to receive and pay for at the expiration of said lease. We think this is due to the lessees for the reasons given, and in view of the facts that they subscribed and paid eleven thousand dollars in money to aid in constructing the Huntsville tap of the Great Northern Railroad, and now agree, in order to secure the title to the street above referred to, to open a new street, which will require the

construction, at considerable expense, of two bridges. Both the tap road and the additional grounds are a great advantage to the institution and the State.

For want of time we did not visit the convicts at work on the railroads, but we were informed by General Malloy, the inspector, whose report is herewith submitted, that he had returned from a recent official visit to the places where these convicts were at labor, and after diligent inquiries as to the complaints of bad treatment, was satisfied that the complaints had no foundation in fact. Grave and serious doubts are known to exist about the policy of employing convict labor upon railroads and works of public utility, as authorized by an act of a former Legislature; but experience teaches us that it is in harmony with sound public policy. The convicts at work on the railroads receive two dollars per month, which is either sent to their families, or given them at their discharge, as they may select. We are informed that the convicts at labor on the roads, who are mostly colored, and unadapted to mechanical labor requiring much skill, prefer laboring upon the roads to working within the shops of the prison.

The citizens of Huntsville and vicinity complain of the large and increasing number of discharged convicts in their midst, and have petitioned the Legislature for the passage of a law to relieve them of this danger. Your committee recognize the unfairness of turning so large a portion of our criminal population upon one community, and the danger which menaces the prison by their presence in such large numbers. All convicts, at the time of discharge, are furnished with a suit of new clothes, and paid the sum of twenty dollars, and there is no good excuse for their remaining in the vicinity of the town and prison after their discharge. We suggest this matter as a subject for serious consideration.

The law regulating the payment to sheriffs for the transportation of convicts is defective in many respects, and should be radically changed. Railroads insure speed and safety in conveying prisoners, and supersede, to a great extent, the large number of guards usually employed. Your committee would call attention to the fact that the titles to the two blocks of ground, one lying east and the other west of the penitentiary, are imperfect, and require an appropriation of four hundred and twenty-five

dollars to perfect the same, and we therefore recommend an appropriation for this purpose.

Regarding the purpose of a penitentiary as two-fold: first, the safety of society; and secondly, the reformation of the criminal; neither of which can be neglected or ignored without injury. The neglect of the latter would be an injury to the unfortunate criminal, and of the former a public calamity. We therefore recommend the passage of a commutation law, and also an appropriation now of five hundred dollars and hereafter an annual appropriation of one hundred dollars for a prison library.

The object of a commutation law is to inspire the convict with hope, and thereby stimulate him to industry, good conduct, and cultivation of virtuous principles and habits; it gives a credit of time based on good behavior and in a measure places the pardoning power in the convict's own hands.

It is a question with some as to the propriety of leasing the labor of convicts, but your committee are decidedly of the opinion that it is the only method by which convict labor can be made profitable to the State. On this subject we received much valuable information from the directors, some of whom have been residents of Huntsville since the location of the penitentiary and are familiar with its financial history. We would respectfully refer to the reports of the directors, and the other State officials connected with the penitentiary, for the years 1871 and 1872, as giving much valuable information. Their testimony discloses the fact that when the lessees assumed control of the prison it was bankrupt in means and totally insufficient in discipline.

In a large penitentiary like this, working nearly one thousand men in manufacturing cotton and woollen goods, boots and shoes, furniture and wagons, clothing, etc., requiring an immense capital and close, untiring attention more than any board could command or would practice, to make them all profitable to the State, and with only a capital contingent upon legislative appropriations, inadequate to the wants of the business or the number of men employed, there can be but one result—pecuniary loss.

It should be a source of congratulation to the people of the State that this institution, which has hitherto been a heavy drain upon the resources of the State, has at

length, under the faithful and skillful control of the present lessees, become not only self-supporting, but an actual source of revenue. .

Your committee do not hesitate to give it as their opinion, that so long as the present policy of leasing is pursued and continued in the hands of the present able, faithful and experienced parties, the tax payers will never be called upon to contribute to the support of the penitentiary. If any are disposed to doubt the correctness of this opinion or the leasing policy, let them visit our prison, witness its workings, observe its thorough discipline, and see the manufactured goods hourly turned off, and then turn to the appropriation acts of former Legislatures, and estimate the amounts appropriated for the support of this institution when under the direction of the State Board, and those doubts will be removed.

Your committee desire to call attention to the pressing necessity of the present Legislature taking such steps as will secure the establishment of one or more branch penitentiaries. The reason for such legislation is found in the cogent facts that the present penitentiary, as this report shows, is insufficient in capacity to accommodate the convicts now suffering the penalty of the law; that the prison register and criminal dockets of the courts show that according to the present ratio of the alarming increase of crime—the number of prisoners in one year and a half having increased from 607 to 944—within a few years the number of convicts will be swelled to at least 1500; that owing to our extended territory the sum annually expended in the transportation of prisoners would, in ten or fifteen years amount in the aggregate to a sum sufficient to meet the expense of building a new prison. Your committee would embrace this occasion to respectfully suggest that, in the location of a State prison, public interest demands that the determining features should be accessibility, market facilities, advantages for the profitable employment of convict labor, healthfulness, and an abundance of water for effectual drainage and propelling machinery. Moneyed or other subsidies, or political influences should not be allowed to have any weight in deciding upon the site for a State institution of this character.

We cannot close this report without saying a word on the great subject of prison reform. The treatment of

criminals is one of the great questions of the age. We are pleased to observe in our own State much interest is being manifested upon a subject that is to-day being agitated in every civilized and Christian government in the world.

In our penitentiary much has been done in this direction, notwithstanding all the unfavorable surroundings; but much remains to be done. To what extent can crime be checked, and how far may moral and reformatory means be relied upon in place of force, substituting kindly influences in place of walls, and what may be done for the discharged convict—whether he shall be taken back by society or the penitentiary—are questions of vital and absorbing interest to our people, and we submit them to the grave consideration of our philanthropists and legislators.

O. N. HOLLINGSWORTH,
Chairman.

S. T. ROBB,
J. S. MILLS.

The report was referred to the Committee on the Penitentiary.

The resolution offered by Mr. Booty, changing rule number forty-four, in relation to the effect of the previous question, was read second time and adopted.

On motion of Mr. Tilson, the special committee to visit and examine into the condition of the State cemetery, were granted leave to report, and submitted the following:
Hon. M. D. K. Taylor, Speaker of the House of Representatives:

SIR: Your committee, who were appointed in response to a resolution passed by this House, to visit and examine into the condition of the State cemetery of the State of Texas, respectfully submit that they have personally visited and inspected the same, and find the fencing, that encloses about four acres of the grounds set apart for that purpose, in a good state of preservation, being composed of cedar pickets; but your committee, at the same time, find that the two gates on the south and west, and which are the only means of ingress to said cemetery, are in a dilapidated condition and not sufficient to keep secure the enclosure; and that in the opinion of your committee it is highly necessary, and, indeed, we may say indispensable, that gates entirely new, and of substantial material, should be made and put up in their stead.

We further find, upon examination, that the last resting places of the heroes, statesmen and jurists of Texas, such as Burleson, Johnston and McCulloch, Scurry and Walker, Lipscomb and Hemphill, and others, men whose memory the people of Texas delight to cherish, are, in most instances, unmarked by any monument or inscription to tell who rests beneath, save an humble slab erected at the head of the tomb, bearing simply the name of the silent tenant.

The grave of General Ed. Burleson, deceased, is marked by a small monument with his name, birth and death inscribed thereon, which we find to be in a decaying and crumbling condition.

The grave of General Albert Sidney Johnson, deceased, is designated only by an humble slab at the head thereof, containing the name of that noble patriot and warrior, which was "placed there by some friend until a more suitable monument could be erected," and which is broken off about fourteen inches from the ground.

That of General McCulloch is surrounded by a good stone wall about three feet high, and surmounted by a simple slab at the head thereof, with no inscription thereon save his name, and seems to be in a little better state of preservation than the others.

The lamented Scurry and Ward, Gwin and Clark have no monuments erected or inscriptions carved to perpetuate their memories, save a small slab with only the names of the sleeping tenants inscribed thereon. And that the last resting places of the late distinguished jurists of Texas are not surmounted by any monuments to perpetuate their noble virtues, save an humble slab upon which the names only are inscribed. That of the late Honorable J. Hemphill has no immediate enclosure, and that of the late Honorable A. S. Lipscomb is immediately surrounded by a very frail and indifferent paling fence.

We would further say that there are a number of other graves of distinguished sons of Texas that should receive attention; and whenever, in the opinion of the Legislature, the time has arrived for so doing, we would earnestly recommend that a liberal appropriation be made for the purpose of enclosing the remainder of the cemetery grounds, for ornamenting and beautifying the same, and for erecting suitable monuments over the graves of departed worth.

Your committee would further recommend that an appropriation of not less than five hundred dollars be made for sexton's salary, for erecting new, substantial and suitable gates, and for attention to said grounds.

All of which is respectfully submitted.

W. H. TILSON, Chairman.

H. H. FORD,

S. A. VENTERS.

On motion of Mr. Venters, the report was referred to Finance Committee.

Mr. Armstrong introduced a bill to set apart and reserve territory of the State, including the Pan Handle, to be disposed of for the payment of debts incurred by the State in the administration of the State government, and in satisfaction of genuine land claims. Referred to a special committee of five, of which Mr. Prendergast was named chairman, Messrs. Armstrong, Russell, Stockbridge and Chambers being appointed said committee.

Mr. Chambers offered the following resolution :

Resolved, That the sum of sixty dollars be and the same is hereby appropriated, out of the contingent expense fund of the Thirteenth Legislature, to defray the expenses of the select committee appointed by the House of Representatives to visit the State penitentiary.

Adopted.

Mr. Kleberg offered the following resolution :

Resolved, That Nat. Q. Henderson, who served as committee clerk in the case of the State of Texas v. John G. Scott, from the first to the seventh day of April inclusive, seven days, be and is hereby entitled to eight dollars per day for said services, and the certificate of the chief clerk, approved by the Speaker, shall be sufficient evidence for the Comptroller to issue a warrant for the same.

Adopted.

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

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

SIR: The Committee on State Affairs instruct me to report back and recommend the passage of bill No. 531, to authorize the Commissioner of the General Land Office to furnish photographed county maps to the several counties of the State.

J. H. BROWN, Chairman.

The bill was read second time and ordered engrossed.

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

Mr. Wood introduced a bill to authorize holders of State warrants to surrender the same to the Treasurer and receive State bonds for the same. Referred to Committee on Finance.

Mr. Stockbridge introduced a bill to incorporate the Washington County Real Estate and Building Association. Referred to Committee on State Affairs.

Mr. Venters introduced a bill to authorize the Adjutant General to pay out certain funds heretofore appropriated for the frontier force of the State. Referred to Committee on State Affairs.

Mr. Ford introduced a bill for the relief of Mrs. Eliza Ayres, widow of Hiram Bunch, deceased.

Also a bill for the relief of the heirs of Alexander Buxton, deceased.

Also a bill for the relief of Prior Bryan, assignee of Pharaoh Buxton. All referred to Committee on Private Land Claims.

A message from the Senate announced the passage by that body of House bill No. 123, "An act to provide for prompt settlement of accounts by sheriffs with the State and counties," with amendments by the Senate.

On motion of Mr. Morris, the rules were suspended and House bill No. 358, "An act to make provision for the better protection of public funds in the treasury of the State," was taken up.

Mr. Smith of Colorado moved to amend by inserting after the word "individual" in line six, section one, the following words: "except in cases expressly provided for by law." The amendment was adopted.

Mr. Powers offered the following amendment: After the word "notice" in line thirteen, section three, add the following: "to furnish a sufficient new bond." The amendment was adopted.

Mr. Powers moved to amend the caption by striking out all after the word "funds," which motion carried.

Mr. Joseph moved to amend section six by striking out after the word "office" in line five, to the word "and" in line seven, and insert instead these words: "and all others in this act mentioned and so offending, shall be fined in a sum of five hundred dollars." Amendment adopted.

Mr. Tilson offered the following amendment: After the word "Governor," in line seven, section four, insert "and who when." Amendment adopted.

Mr. Mills moved to amend section three by inserting after the word "State" in line two, the words "with the Comptroller." Amendment adopted.

The bill was ordered engrossed.

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

The Speaker then announced the bill pending on adjournment on yesterday, a bill to regulate the assessment and collection of taxes, pending the amendments offered by Messrs. Kemble and Payne.

A message from the Senate announced that that body had reconsidered House bill No. 236, "An act to repeal an act entitled an act to establish a State police and provide for the regulation and government of the same, approved July 1, 1870; also to repeal an act entitled an act to amend an act entitled an act to establish a State police, and provide for the regulation of the same, approved May 2, 1871," this day, April 22, 1873, and had passed the same by a two-thirds vote, notwithstanding the objections of His Excellency the Governor.

Mr. offered the following amendment, which was accepted by Mr. Payne: Strike out "to be assessed by the County Court," and insert, "when said list is procured by the court, the justices of the peace of such county shall assess and fix the value upon all land in his precinct."

Mr. Bledsoe moved to lay the amendment, and the amendments thereto, on the table.

Mr. Russell called for a division of the question.

The House refused to table the amendment offered by Mr. Kemble.

The amendment offered by Mr. Payne was then put, with the following result:

Yeas—Messrs. Allison, Bledsoe, Broaddus, Brown of Upshur, Chambers, Cunningham, Davenport, Doyle, Eastland, Ford, Ghent, Gillette, Green, Harrison, Hester, Kemble, Lane, Manning, McDonald, Nelson, Rainey, Rimes, Rosborough, Russell, Salter, Scott, Shelton, Smith of Colorado, Tilson, Trolinger, Van Zandt, Venters, Westfall and Winkler—34.

Nays—Messrs. Speaker, Abbott, Adriance, Armstrong,

Berends, Bewley, Bordeaux, Brown of Dallas, Cook, Day, Gaston, Hoffman, Hollingsworth, Joseph, Killough, Kleberg, Mabry, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Prendergast, Roberts, Sabin, Sayers, Storey, Stockbridge, Tivy, Washington, Wilder, Williams and Wood—34.

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

The question of the adoption of the amendment to the amendment was then put, with the following result :

Yeas—Messrs. Speaker, Abbott, Adriance, Armstrong, Bewley, Bordeaux, Brown of Dallas, Cook, Day, Gaston, Gilpin, Hollingsworth, Joseph, Killough, Kleberg, Morris, Noeggerath, Payne, Phelps, Powers, Prendergast, Sabin, Sayers, Storey, Stockbridge, Thurmond, Tivy, Washington, Wilder, Williams and Wood—31.

Nays—Messrs. Allison, Berends, Bledsoe, Booty, Broadus, Brown of Upshur, Chambers, Cunningham, Davenport, Doyle, Eastland, Ford, Gallaway, Ghent, Gillette, Green, Harrison, Hester, Hoffman, Kemble, Lane, Mabry, Manning, McDonald, Mills, Moore, Nelson, Rainey, Rimes, Roberts, Rosborough, Russell, Salter, Scott, Shelton, Smith of Colorado, Tilson, Trolinger, Van Zandt, Venters, Westfall and Winkler—42.

Whereupon it was declared the House refused to adopt the amendment.

The question then recurred to the amendment offered by Kemble.

Mr. Smith of Colorado offered the following substitute for the amendment and section :

Substitute for section nine : “That all property shall be assessed and taxes paid in the county where the owner resides, or if a non-resident of this State, then in any county in which the property may be situated, or with the Comptroller; *and further provided*, that in order to equalize the valuation of all property in this State, the Comptroller shall make out and transmit to each justice of the peace of this State, by January 1, 1874, and every year thereafter, the average valuation of the lands in each county the year preceding. And in making assessments of property out of his county each justice shall be governed by this assessed valuation furnished by the Comptroller the year preceding, unless it be shown that the land proposed to be assessed should be assessed

at a different valuation; and the Comptroller shall be governed by the same rule when a non-resident shall offer to assess with him as herein provided."

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

The amendment of Mr. Kemble was then adopted.

Mr. Joseph then offered the following amendment: "*Provided*, That any non-resident tax payer shall have the right to pay his or her taxes on any land outside of the county of his or her residence to the Comptroller, in which case such land shall not be assessed by the justice where the land is situated."

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 and compared the following bills:

No. 281, "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."

And find them correctly enrolled, and have this the twenty-second day of April, at 10:30 o'clock A. M., presented same to the Governor for his signature.

WOOD, for Committee.

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

SIR: Your Committee on Enrolled Bills have returned to his Excellency, the Governor of the State, House bill No. 236, being "An act entitled an act to repeal an act to establish a State police, and provide for the regulation and government of the same, approved July 1, A. D. 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, A. D. 1871," and which said bill was vetoed by the Governor, and on the nineteenth day of April inst., passed by the House of Representatives by a two-thirds vote over the Governor's objections; and on the twenty-second day of April, A. D. 1873, passed by the Senate by a two-thirds vote over the Governor's objections, on this the twenty-second day of

April, A. D. 1873, to be disposed of by him in accordance with law.

W. D. WOOD, for Committee.

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

SIR: Your Committee on Enrolled Bills have carefully examined the following House bills, and find the same correctly enrolled, to-wit:

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

Bill No. 287, "An act to authorize and empower the County Court of Bosque county to levy and collect a special tax for the purpose of building a court house and jail, and to validate a tax already levied."

Bill No. 395, "An act amendatory of and supplementary to an act concerning private corporations, approved December 21, 1871."

Bill No. 150, "An act amendatory of and supplementary to an act entitled an act to incorporate the Houston Insurance and Trust Company of Texas, approved December 1, A. D. 1871."

They did on April 21, A. D. 1873, at 12:15 o'clock P. M., present the same to his Excellency the Governor, for his approval.

WOOD, for Committee.

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. 747, a bill to authorize the County Court of Freestone county to levy and collect a special tax to repair the court house and jail in said county.

No. 749, a bill to be entitled "An act to authorize the County Courts of Chambers, Orange, Newton, Polk, Hill and Houston counties to issue interest bearing bonds for the purpose of funding the outstanding indebtedness of said counties."

No. 756, "An act to authorize Denton county to levy a special tax to build a court house."

No. 748, "An act to incorporate the Texas and European Beef Company of Galveston, Texas."

No. 744, "An act to authorize the Police Court of Hunt county to collect a special tax.

No. 756, a bill to incorporate the Board of Trustees of the Centreville Academic School.

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Prendergast the House then adjourned until 4 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called.

The following gentlemen were absent :

Abbott, Adriaance, Bewley, Bordeaux, Brown of Dallas, Ellett, Kleberg, Short, Stockbridge, Van Zandt and Word.

Mr. Smith of Colorado moved to suspend the rules and take up the Texas Pacific Railway bill, which motion carried.

Mr. Sayers moved a call of the House, which was sustained.

The call having been made, the following gentlemen were absent :

Abbott, Bordeaux, Brown of Dallas, Ellett, Kleberg, Short and Stockbridge.

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

The sergeant-at-arms was dispatched for the absent members.

Mr. Joseph moved to suspend the call. The call was suspended.

The Texas Pacific Railway bill was then taken up, pending an amendment offered by Mr. Watts, as a substitute for an amendment offered by Mr. Denton.

Mr. Nelson asked leave to present and have read remonstrances against the extension of time asked for by the Texas Pacific Railway Company. Leave was granted, and the remonstrances read.

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

After a lengthy discussion, Mr. Washington moved that the House adjourn. The House refused to adjourn.

Mr. Mills then moved that the House adjourn. The House refused to adjourn.

Mr. Hoffman moved to lay the amendments on the table.

Mr. Prendergast moved a division of the question.

The amendment offered by Mr. Denton was then put, with the following result :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Bewley, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gilpin, Greene, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Lane, Mabry, McDonald, Moore, Morris, Nelson, Noeggerath, Powers, Prendergast, Rainey, Roberts, Rosborough, Sabin, Schmidt, Shaw, Shelton, Smith of Colorado, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Washington, Westfall, Williams and Winkler—54.

Nays—Messrs. Armstrong, Berends, Bledsoe, Broadus, Cook, Denton, Doyle, Gillette, Hester, Kemble, Leyendecker, Manning, Payne, Rimes, Russell, Salter, Sayers, Scott, Short, Smith of Houston, Storey, Tom and Wood—23.

Whereupon the amendment was declared to be laid on the table.

The amendments offered by Mr. Watts were then tabled by the following vote :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Bewley, Booty, Bordeaux, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Denton, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Lane, Leyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Washington, Westfall, Williams, Winkler and Wood—69.

Nays—Messrs. Berends, Bledsoe, Broadus, Brown of Upshur, Cook, Doyle, Rimes and Short—8.

On motion of Mr. Sayers the House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 23, 1873. }

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

Absent—Mr. Noeggerath.

On motion of Mr. Wood, the committee on the Comptroller's and Treasurer's offices were granted leave to sit during the evening sessions.

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

Mr. Stockbridge introduced a bill for the relief of the heirs of James L. Holmes, and to authorize the issuance of a certain land certificate. Referred to the Committee on Private Land Claims.

Mr. Sabin introduced a bill authorizing the city of Galveston to issue her bonds to the amount of five hundred thousand dollars in aid of the bar and harbor improvement of Galveston, and to provide a tax of one-fourth of one per cent. for a sinking fund, wherewith to pay the principal and interest of said bonds. Referred to the Committee on Commerce and Manufactures.

Mr. Leyendecker introduced a bill to allow parties to intervene in suits in the courts of the State. Referred to Judiciary Committee No. 1.

Mr. Lane introduced a bill to incorporate the Paris, Greenville and Cleburne Railway Company. Referred to the Committee on Internal Improvements.

Mr. Adriance introduced a bill to confirm to the heirs of W. S. Orr, deceased, the right to six hundred and forty acres of land out of the public domain. Referred to the Committee on Private Land Claims.

Mr. Stockbridge introduced a bill to amend "An act to incorporate the city of Brenham, and to grant a new charter to said city." Referred to the Committee on Town and City Corporations.

Mr. Bewley introduced a bill for the relief of the heirs of K. L. Anderson. Referred to the Committee on Private Land Claims.

Mr. Tom offered the following resolution :

Resolved, That the notary public who served before the Committee on Privileges and Elections be paid out of the fund set aside for contingent expenses of the Thirteenth

Legislature. Referred to the Committee on Contingent Expenses.

On motion of Mr. Prendergast, the special committee to take into consideration the question of a general election during the present year, were granted leave to report, and submitted the following:

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

GENTLEMEN: The undersigned members of your joint committee of the Senate and House of Representatives, to whom was referred the concurrent resolution of the two houses "to take into consideration the question of a general election during the present year, and to report by bill or otherwise," have had the same under careful consideration, and herewith report the same back with the accompanying bill, and respectfully recommend its passage.

E. L. DOHONEY,

JNO. L. HENRY,

Senate Committee.

D. M. PRENDERGAST,

E. J. SHELTON,

JAMES ARMSTRONG,

House Committee.

The bill, being a bill prescribing the times of holding general elections in this State, was read first time and passed to the second reading.

On motion of Mr. Winkler, the unfinished business of yesterday was suspended, and Senate bill No. 212, "An act making a new apportionment of the Representative and Senatorial Districts of the State of Texas," was taken up and read first time.

On motion of Mr. Payne, the rules were suspended and the bill read second time.

Mr. Wood moved to lay the bill on the table, make it special order for Thursday, April 24, at 11 A. M., and that one hundred copies be printed. Carried.

Mr. Hollingsworth moved that in view of the absence, or indefinite leave of absence, of Mr. Ireland, chairman of the committee of managers of impeachment in the case of the State of Texas against John G. Scott, Judge of the Tenth Judicial District, the Chair appoint a member in his place. Carried.

The Speaker appointed Mr. Smith of Colorado.

That gentleman asked to be excused, but by a unanimous vote the House refused to excuse him.

The tax bill was then resumed, pending the amendment offered by Mr. Joseph.

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

Mr. Prendergast offered the following amendment: Amend section nine by adding as follows: "or at the option of the owner, in the county of his residence, should he reside in the State."

Mr. Gallaway moved to lay the amendment on the table. Motion carried.

Mr. Manning moved to reconsider the vote of yesterday tabling the amendment offered by Mr. Payne.

Mr. Green moved to table that motion.

Yeas and nays were called with the following result:

Yeas—Messrs. Abbott, Berends, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cunningham, Day, Eastland, Ellett, Gallaway, Ghent, Gillette, Green, Hester, Kemble, Lane, Leyendecker, Mabry, McDonald, Moore, Nelson, Phelps, Rainey, Rimes, Roberts, Rosborough, Russell, Scott, Shaw, Shelton, Smith of Colorado, Stockbridge, Tilson, Trolinger, Van Zandt, Venters, Washington, Westfall, Wilder, Williams and Winkler—43.

Nays—Messrs. Speaker, Adriance, Armstrong, Cook, Davenport, Doyle, Ford, Gaston, Gilpin, Hollingsworth, Joseph, Killough, Kleberg, Manning, Morris, Noeggerath, Payne, Prendergast, Salter, Sayers, Schmidt, Short, Storey, Thurmond, Tivy, Tom and Wood—27.

Whereupon the motion to table was declared to have carried.

Mr. Leyendecker offered the following amendment: Add to section nine: "Every person owning land in any other county than where he resides shall, on or before the first day of March, 1874, and every year thereafter, make out, or cause to be made out, a descriptive list of such land and forward the same to the presiding justice of the county where such land is situated; and on the first Monday in April, 1874, and every year thereafter, the justices of the peace shall meet at the county seat, place such land on the inventory book of the justice of the peace in whose precinct the same, or the greater portion thereof, may be situated, together with the name

of the postoffice of the owner, value the same at its actual cash value, and assess the taxes due thereon; the owner or his agent, after the rendition of such land for taxes, shall, on or before the first day of September following, pay the taxes due, either to the sheriff of the county where the land is situated and rendered for taxes, or to the Comptroller of Public Accounts; and it is hereby made the duty of the Comptroller, upon the receipt of any money for taxes by him received from a tax payer, immediately to forward a certificate of payment of taxes to the sheriff of the county where such taxes are due, specifying the name of the tax payer and the amount of State and county taxes by him received, and upon the receipt of such certificates, the sheriff shall charge the amount of county taxes so paid to the Comptroller to the State, and take a like amount of the State funds on hand and pay it into the county treasury, and said certificate shall be a sufficient voucher for the sheriff in his settlement with the Comptroller for the amount of county taxes therein specified.

Mr. Cook offered the following amendment to the amendment: Add to section nine as follows: "*Provided*, that no land belonging to a resident of this State, non-resident in the county in which the land lies, shall be sold for taxes except in pursuance of a judgment obtained in a court of competent jurisdiction, after personal service upon the owner of such land, in the same manner as in other civil suits."

Mr. Rosborough moved to lay the amendments on the table. Motion carried.

Mr. Joseph offered the following amendment: Add after "and," section nine, line two, the words "the tax thereon." Amendment adopted.

Mr. Green offered the following amendment to section ten: Add "that all the property in this State subject to taxation may be rendered and assessed in any precincts situate in the county by owner or agent."

Mr. Sayers moved to table the amendment. Motion carried.

Mr. Cook moved to amend by striking out of line four, section ten, the words, "or at the county seat." Amendment lost.

Mr. Leyendecker moved to amend as follows: Insert after the word "thereof," in line seven, section eleven,

“and if any person liable for any tax be absent from his residence at the time the justice of the peace calls, and there be no person on the premises authorized to act for such person, the justice of the peace shall leave or cause to be left at his residence, with a member of his family over fourteen years of age, or if there be no such person on the premises, shall otherwise cause to be delivered to such person, forms to make out statements of all property, moneys, or any other kind of property liable for taxes which such person is required by law to render. He shall annex in the form aforesaid the valuation of such property and take and subscribe to such statement the oath prescribed by law, and within ten days from the day on which such form was left with the member of his family or other person, return the same to the justice of the peace; and if any such person shall fail or refuse to make out and deliver said statement to the justice of the peace within the time aforesaid, the justice of the peace shall proceed to assess and value all the taxable property owned by such person according to the best information he can obtain.” The House refused to adopt the amendment.

Mr. Hester offered the following amendment: Section twelve, line ten, insert after the word “others” the words “in this county.” Amendment adopted.

Mr. Armstrong offered the following amendment: Section thirteen, line eight, strike out all after the word “acres” and insert the words “of improved and unimproved lands, in what county situate and value thereof.”

Mr. Gallaway offered the following amendment thereto: Amend by striking out in section thirteen all after the word “granted,” in line seven. The House refused to adopt the amendment to the amendment.

The amendment was then put and failed to carry.

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

House bill No. 38, to incorporate the Falls County Real Estate and Savings Association.

Senate bill No. 163, “An act for the relief of Wm. W. Wallace.”

Senate bill No. 298, “An act to authorize the judge of the Tenth Judicial District of the State to hold a special term of the District Court in and for the county of Anderson in said Tenth District.”

On motion of Mr. Prendergast, the pending matter was informally suspended, and Senate bill No. 298, caption above given, was taken up, read first time, rules suspended and read second time.

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

The tax bill being resumed, Mr. Scott moved to amend section thirteen by inserting in line seven, after the word "thereof," the words, "if known." Amendment adopted.

Mr. Wood offered the following amendment: "*Provided further*, that when the assessment is completed, and before the collection rolls are made out, the County Court shall assemble and revise, and equalize the values of the property rendered on the assessment books for their respective precincts, so as to make such values of the property assessed equal and just; *and provided further*, that said court shall not receive pay for more than five days service while engaged in this duty."

Mr. Morris offered the following amendment to the amendment: Strike out "County Court," and insert, "the justices of the county." Amend so as to read, "that the justice of the peace of each precinct shall correct his assessment accordingly."

Mr. Sayers moved the previous question, which was seconded, and the main question was ordered.

The amendment of Mr. Morris was then put and carried.

The amendment by Mr. Wood, as amended by Mr. Morris, was then put and lost.

Mr. Prendergast moved to strike section eighteen from the bill. Motion carried.

A message from the Senate announced the following order by that body: Ordered, that the Secretary inform the House of Representatives that the Senate is now sitting as a high court of impeachment, for the trial of John G. Scott, and that seats are provided for the accommodation of members of the House in the Senate Chamber.

The Speaker gave notice that the managers on the part of the House would govern themselves accordingly.

The tax bill being resumed, Mr. Cook offered the following amendment: Section nineteen, in line five, strike out "such," and add after the word "certificate," the words, "entitling the owners thereof to lands out of the public domain of this State." Amendment adopted.

Mr. Manning moved to fill the blank in line nine, section twenty-three, with the word "ten."

Mr. Cook moved to amend by substituting therefor "twelve." Amendment lost.

The amendment by Mr. Manning was then adopted.

On motion of Mr. Prendergast, section twenty-four was stricken out.

Mr. Leyendecker offered the following amendment: Add to section twenty-six: "That for the purposes of more effectually securing the taxes due on land, it is hereby made the duty of every justice of the peace to purchase a well bound record book of good quality, at the expense of the county, which shall be known as the "land register," and shall contain on the left hand or debtor's page, an alphabetical list of all the titled and patented lands in his precinct, in the following order:

"1. The number as taken from the printed abstract of titled and patented lands.

"2. The class of claim, stating whether headright, and number of class of same, donation, scrip, etc.

"3. Name of original grantee, placing the surname of such grantee first in order.

"4. Size of the tract, which it is imperatively necessary shall be stated in acres; and in order to reduce Spanish into English measure, it is hereby made the duty of the Comptroller of Public Accounts to furnish a table for that purpose to each justice of the peace.

"5. The widest column practicable will be left for a description of the survey or grant; and it is hereby made the duty of the Comptroller of Public Accounts to furnish each justice of the peace, as early as practicable, with printed copies of such abstract, and also a manuscript copy of all patented since its publication, and up to the first day of January next, and every year thereafter. In making these entries, twelve or more lines will be left blank between each league tract, six or more between each half or third league tract, and four or more between each lesser tract; and said register shall be kept in a neat and legible hand. Following the above, and on the same side of the register shall be entered a complete list of all the lots and blocks, in numerical order, in each city or town, stating the name of the owner, number of lot, and number of block, and name of the city or town. The assessment of lands will then be taken up, and credi-

ted on the register opposite the tracts debited therein, in the following order :

- “ 1. State the abstract number.
- “ 2. By whom rendered.
- “ 3. Name of county and postoffice of the person rendering.
- “ 4. Number of acres rendered.
- “ 5. Value.
- “ 6. Description of tract rendered, which will likewise be done with the lists as received from the other counties, and if any lands rendered do not appear on the register, but are held by surveys only, the justice of the peace will nevertheless enter them in the same order as the above, but beginning at the end of the register, after reversing it, and enter them successively for future reference.”

The House refused to adopt the amendment.

Mr. Bledsoe moved to reconsider the vote refusing to adopt the amendment.

A rising vote being taken, the result showed that a quorum was not present.

Whereupon, 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.

The following gentlemen failed to answer to their names :

Messrs. Bewley, Bordeaux, Ellett, Hoffman, Morris, Shaw and Short.

On motion of Mr. Smith, of Houston, indefinite leave of absence was granted Mr. Green, on account of sickness in his family.

Leave being granted, on motion of Mr. Sayers that gentleman offered the following resolution :

Resolved, That the Governor be informed of the fact that the House has presented articles of impeachment against John G. Scott, Judge of the Tenth Judicial District of the State of Texas, to the Senate, and that the managers notify the Governor of the same.

Resolution adopted.

Leave being granted, Mr. Broadbus introduced a joint

resolution granting leave of absence to J. M. Onins, Judge of the Twenty-eighth Judicial District. Read first time ; rules suspended, read second time and ordered engrossed.

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

The consideration of the tax bill was then resumed, pending the motion to reconsider the vote by which the House refused to adopt the amendment offered by Mr. Levendecker. The vote was reconsidered.

The House then refused to adopt the amendment.

Mr. Smith of Colorado offered the following amendment to section twenty-eight, clause one: Insert before the word "all," in line one, the words "the property of." Amendment adopted.

Mr. Rimes moved to strike out of lines two and three, same clause, the words, "and owning property." Amendment adopted.

Mr. Winkler offered the following amendment: "*Provided*, that this clause shall not apply to real estate belonging to or held in trust for any such company; *and provided further*, that such real estate shall be rendered the same as if it were individual property in the county where situated."

Mr. Westfall offered the following substitute for clause one, section twenty-eight: "All railway and telegraph companies situated in this State shall be assessed for the purpose of taxation on its road bed or line, including equipments of every kind necessary to the running and operating the same, by the justice of the peace of the precinct where the principal office or agency of such company may be situated; *provided*, that no tax shall be assessed or collected on any part of such road or line, until such part is completed and put in running order.

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

SIR: Your Committee on Enrolled Bills have carefully examined bill No. 443, "An act to incorporate the town of Cuero, in De Witt county," and find the same correctly enrolled, and have this, twenty-third day of April, at 12:40 o'clock P. M., presented the same to the Governor for his signature.

WOOD, for Committee.

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

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

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

The following gentlemen failed to answer:

Messrs. Ellett and Smith of Colorado.

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

On motion of Mr. Morris, the rules were suspended, and leave being granted, the Committee on Finance submitted the following report:

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

Sir: The Committee on Finance, to whom was referred a bill, No. 760, to be entitled "An act to authorize the holders of State warrants to surrender the same to the Treasurer and receive State bonds for the same," have considered the same, and instructed me to report the same to the House and recommend its passage.

MORRIS, Chairman.

The bill was read second time.

Mr. Killough, moved to amend by striking out ten per cent. and inserting twelve and a half per cent.

Mr. Wood moved that the bill lie on the table, be made special order for 4 P. M. to-morrow and that one hundred copies be printed, which carried.

Mr. Stockbridge presented a petition of the citizens of Brenham asking amendments to the city charter. Referred to the Committee on Town and City Corporations.

Mr. Tom introduced a bill for the relief of the heirs of John Tomlinson, senior. Referred to the Committee on Private Land Claims.

Mr. Winkler introduced a bill to prohibit a sale of fire-arms to minors, the carrying of which is contrary to the laws of the State. Referred to Judiciary Committee No. 2.

Mr. Wood offered the following resolution:

Resolved, That the Judiciary Committee No. 1 be, and

are hereby directed to inquire into the facts as to the treasury of the State passing into the hands of the present incumbent, and under what order, if any, and from what source emanating, and by whom and how executed; also to ascertain what judicial proceedings are now pending, and where pending, in relation to said office; and how such proceedings were carried into the court where they may be now pending, and what orders, if any, have been made; and by whom, inconsistent with, and in disregard of the rights of appeal of any party to such proceedings or pending suit, and to report to this House at the earliest day practicable, what legislation, if any, may be necessary.

Resolution adopted.

The conference committee upon House bill No. 340, "An act to ascertain the amount due teachers of the public free schools of this State prior to the first of March, 1873, and to provide for the payment of the same." submitted the following report:

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

SIR: Your committee of conference on House bill No. 340, entitled "An act to ascertain the amount due teachers of the public free schools of this State prior to the first of March, 1873, and to provide for the payment of the same," have met a like committee from the Senate and agree as follows, viz.:

That the Senate recede from its first two amendments to section three of said bill, and that the House adopt amendments proposed by the Senate to section four. Said amendments are herewith attached to this report. And they further agree in section four to strike out in line seven the words "to the correctness of such account," and insert in lieu thereof the following: "that the services were actually rendered;" in line twelve, section four, insert the following: "*provided*, that an approved voucher in accordance with the law now in force shall be taken as the account herein provided for."

The following by agreement is substituted for section two:

"**SEC. 2.** It shall be the duty of the Governor, immediately after the passage of this act, to direct the teachers of the public free schools throughout the State, by proclamation, to forward their claims, in person or by attor-

ney, to the Comptroller for examination, which proclamation shall contain an exact copy of section four of this act, for the information of teachers."

SHELLEY,
Chairman Senate Committee.
RAINEY,
Chairman House Committee.

The report was adopted and the bill passed.

Mr. Storey, introduced a bill to prevent the herding of stock upon certain lands therein named. Referred to Judiciary Committee No. 1.

The following message from his Excellency the Governor was submitted to the House :

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, April 23, 1873. }

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

SIR: I return to the House of Representatives, where it originated, the joint resolution, entitled "Joint resolution authorizing the Comptroller to employ two additional clerks."

I think that the Legislature has been misinformed as to the management of the Comptroller's office, and as to the necessity there of this increased force.

While it may be proper enough that a liberal clerical force to carry on the work of the different offices of the government should be allowed, yet when it is apparent in the management of any one of those offices that the public does not get a fair share of service from the employes, or that incompetent employes are knowingly kept in position, I do not think that such management should be encouraged by additions made to an already unnecessary force of clerks.

The Comptroller's office for the years 1867 and 1868 had but six clerks. For 1870 his clerical force, at his request, was increased to seven. By the act of March 27, 1871, a pension clerk was added to his office, whose services in that respect were really unnecessary. Again, by act of May 19, 1871, four other clerks were added, making in all, up to this time, thirteen clerks, being nearly twice as many as were necessary in 1870, according to his own estimates then made.

I cannot imagine any increased business in that office that would warrant this constant increase of the force,

and, if the office is properly conducted, I am sure increase is not wanted. The Comptroller requires of his force, during five days of the week, six hours daily attention to the public duties (including meals, probably about five hours of actual daily duty), and on Saturdays about three hours (from 9 A. M. to 12 M.), being about twenty-eight hours per week. He has insisted upon this practice, notwithstanding my objection, and my request to extend the daily service. Further than this, four of the clerks now employed by him, at salaries aggregating \$5600 per annum, are his sons or relatives, and, I may reasonably presume, have been put in office only because of such relationship, as I am informed that they are incompetent for the duties they are paid to perform. (On this point I refer the House to the evidence taken before the select committee of seven, appointed by the House of Representatives of the Twelfth Legislature to investigate the alleged misconduct of the present Comptroller.)

If the Comptroller would require a reasonable daily service from his clerks, and would replace by others those who are incompetent, I am satisfied that his present force would be amply sufficient to carry on the office, and, in fact, that the force might be reduced.

Very respectfully,

EDMUND J. DAVIS, Governor.

M. Booty moved that the message be referred to the special committee on the Comptroller's and Treasurer's offices.

Mr. Killough moved to refer it to the standing committee on the same subject, which motion carried.

Mr. Armstrong introduced a bill amendatory of and supplemental to "An act to incorporate the Texas Lumber and Prairie Railway Company," approved August 15, 1870. Referred to the Committee on Internal Improvements.

House bill No. 123, "An act to provide for prompt settlement of accounts by sheriffs with the State and counties," with amendments by the Senate was announced.

The House agreed to the Senate amendments, and the bill passed.

Senate bill No. 59, "An act for the relief of A. H. Cook," was read first time and referred to the Committee on Claims and Accounts.

Senate bill No. 78, "An act to permanently locate the county site of Montgomery county," was read first time and referred to the Committee on Counties and County Boundaries.

Senate bill No. 144, "An act to incorporate the Real Estate, Building and Savings Association of Dallas, Texas," was read first time; rules suspended and read second time.

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

Senate bill No. 163, "An act for the relief of Wm. W. Wallace," was read first time; rules suspended and read by caption second time.

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

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Cunningham, Davenport, Day, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Moore, Noeggerath, Phelps, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Scott, Shelton, Short, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Trolinger, Van Zandt, Washington, Westfall, Williams, Winkler and Wood—60.

Nays—Messrs. Armstrong, Mills, Smith of Colorado, and Wilder—4.

Mr. Mills asked to be excused from voting, but the House refused.

Senate bill No. 208, "An act to appoint an agent to take charge of property bequeathed to the State of Texas for certain purposes by Oscar L. Holmes, and to carry into effect said bequest," was read first time; rules suspended and read second time.

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

Senate bill No. 243, "An act for the relief of S. B. Buckley, late Assistant State Geologist," was read first time and referred to Committee on State Affairs.

House bill No. 242, a bill to be entitled "An act to secure good bonds from public officers," was announced, being on third reading.

The bill having been read, Mr. Mills moved to lay the bill on the table.

The House refused to table by the following vote :

Yeas—Messrs. Adriance, Berends, Gallaway, Joseph, Killough, Lane, Leyendecker, Mills, Moore, Noeggerath, Phelps, Powers, Roberts, Sabin, Shelton, Short, Stockbridge, Tivy, Washington, Wilder and Williams—21.

Nays—Messrs. Speaker, Allison, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Cunningham, Davenport, Day, Doyle, Eastland, Ellett, Ford, Gaston, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Kemble, Kleberg, Manning, McDonald, Nelson, Payne, Prendergast, Rainey, Rimes, Rosborough, Russell, Salter, Sayers, Schmidt, Scott, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Venters, Westfall, Winkler and Wood—51.

Mr. Gallaway offered the following amendment :

Amend by striking out the word "securities" wherever it occurs in the bill.

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

Mr. Allison offered the following amendment : "*Provided*, that such securities shall not be liable for a greater amount on such bond than the value of the property he certifies to owning, free from encumbrance."

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

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Allison, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Davenport, Doyle, Eastland, Ford, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Hollingsworth, Kemble, Kleberg, Manning, McDonald, Nelson, Payne, Prendergast, Rainey, Rimes, Rosborough, Russell, Sayers, Schmidt, Scott, Short, Smith of Houston, Storey, Thurmond, Tivy, Tom, Trolinger, Van Zandt, Venters, Westfall, Winkler and Wood—46.

Nays—Messrs. Abbott, Adriance, Brown of Upshur, Cunningham, Day, Ellett, Gallaway, Joseph, Killough, Lane, Leyendecker, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Roberts, Sabin, Salter, Shelton, Smith of Colorado, Stockbridge, Tilson, Washington and Williams—26.

The special order, Senate bill No. 212, "An act making a new apportionment of the representative and senatorial districts of the State of Texas," was then announced.

Mr. Broaduss offered the following amendment: Strike out "Madison," in line ninety-three, and strike out "three," in line ninety-five, and insert "two" in lieu thereof.

Amend further by inserting the words "and Madison," in line one hundred and eleven, after the word "Brazos," and by striking out the word "two," in line one hundred and thirteen, and inserting the word "three" instead thereof.

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

Yeas—Messrs. Speaker, Abbott, Adriaance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Brown of Dallas, Cunningham, Davenport, Day, Eastland, Ford, Gaston, Gilpin, Harrison, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Moore, Payne, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Schmidt, Scott, Shelton, Smith of Colorado, Smith of Houston, Thurmond, Tilson, Trolinger, Van Zandt, Venters, Westfall, Winkler—47.

Nays—Messrs. Berends, Broaduss, Brown of Upshur, Doyle, Ellett, Gillette, Mabry, Mills, Morris, Nelson, Noeggerath, Phelps, Prendergast, Sayers, Short, Storey, Stockbridge, Tivy, Tom, Washington, Wilder, Williams, Wood—23.

Mr. Gillette offered the following amendments: Amend line fifty-six by inserting after the word "of" the word "Hill." Line fifty-nine, strike out the word "three" and insert the word "four." Line one hundred and forty-six, strike out the word "Hill." Line one hundred and forty-nine, strike out "three" and insert "two."

Mr. Mills moved the previous question, which, being seconded, was put and the main question ordered.

The House then refused to adopt the amendments.

The bill then passed to third reading.

Mr. Brown, of Dallas, moved a suspension of the rules, and that the bill be put upon its final passage.

Mr. Ellett offered the following amendment: Add to section eight, "*provided*, one representative shall be elected by the voters of Red River county, and one by the voters of Titus county, and one by the joint vote of each of the counties of said district.

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

Mr. Short offered the following amendments: Strike out "Panola" and insert "Angelina," in line fourteen. Strike out "four" and insert "three," in line sixteen.

Mr. Morris offered the following amendment thereto: Strike out "Harrison county" and insert "Panola" in lieu thereof, so as to read Rusk and Panola for the Fifth District.

Mr. Brown of Dallas moved to lay both amendments on the table, which motion was carried.

Mr. Tivy offered the following amendment: In clause thirty, after the words "Bexar District," insert "not otherwise attached."

The House refused to adopt the amendment.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Davenport, Day, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Nelson, Noeggerath, Payne, Phelps, Prendergast, Rimes, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Scott, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Washington, Westfall, Wilder, Williams and Winkler—64.

Nays—Messrs. Allison, Ellett, Morris, Powers, Short, Stockbridge, Tom and Wood—8.

Unfinished business, being the tax bill, was then announced, pending amendment by Mr. Westfall, with amendment thereto by Mr. Winkler. The House refused to adopt the amendment to the amendment.

Mr. Prendergast offered the following substitute for clause one and the amendment of Mr. Westfall: "The property of all railway and telegraph companies situated in this State shall be assessed, for the purposes of taxation, by the justices of the peace of the precincts where such property may be situated, except the entire rolling stock and road beds of any railway company, which may be assessed by the justice of the peace of the precinct where the principal office or place of business of such railway company may be situated; *provided*, telegraph companies

may render for assessment to the justice of the precinct where their principal office or place of business may be situated, their entire line of wire."

The substitute was adopted.

Mr. Smith of Colorado offered the following substitute for the entire section:

"SEC. . . . That it is made the duty of each railroad and telegraph company in this State to make a statement in writing, on the first day of July next, of the whole amount of the gross earnings of the company from January 1, 1873, to that date, on their respective railroad and telegraph lines, per mile, including the entire road or line in this State, and return the same to the Comptroller of Public Accounts in ten days thereafter, signed and sworn to by the president or vice-president, the treasurer and secretary, or clerk of such company, before any officer of this State having a seal and authorized to administer oaths, to be a full and correct statement of the whole of the gross earnings of such company per mile of its whole railroad or telegraph line in this State for the time and length of road or line as specified in the statement, which oath shall be certified to by such officer under his hand and seal of office affixed. And a similar statement shall be made every three months after the first of July, 1873, giving the whole amount of the gross earnings in each instance for the then passed three months, and returned to the Comptroller in ten days thereafter, signed and sworn to as above provided.

"SEC. . . . That upon the return of any statement provided for in the foregoing section, should the Comptroller not be satisfied with the correctness of the same, or if any company fails to make such returns, he shall select some suitable and disinterested person, resident of the county in which the company may have its domicile or principal office, and the company another such person, who, after being sworn by some officer having authority to administer oaths, that they will fairly and impartially perform the duties imposed upon them by this act, shall fully and faithfully inspect all the books and papers of the company proper for them to examine in order to determine the amount of the gross earnings of the company for the time directed by the Comptroller, and they shall have authority to summon all persons before them, whether connected with the company or not, swearing them, and to

compel them to testify to all they may know appertaining to said gross earnings; and they may fine and imprison any person who may refuse to testify as here directed, in like manner as in the District Court. And after such examination and inspection they shall make due return in writing to the Comptroller without delay the result of such inspection, stating the amount of the gross earnings of such company for the past three months, or the time as directed by the Comptroller. And if they be not able to agree on the amount, they shall select a third suitable and disinterested person, to be sworn as they were, and a report of a majority of the three shall be taken and accepted as the true amount.

“These inspectors shall each be entitled to five dollars per day while engaged as here directed, this amount to be added to their report, and charged to the company with the taxes in favor of the State. The Comptroller will issue a warrant on the Treasurer for the amount due each of them.

“If any such company, after having been notified by the Comptroller that the return of any statement made by them is not satisfactory, and that a board of inspection will be appointed, fail for five days thereafter to appoint an inspector, as here provided, or shall fail or refuse to exhibit all the books and papers of the company to the inspectors that may be desired by them, or if any member of such company should refuse or avoid testifying to what he may know for the purposes of inspection, then the Comptroller shall assess and cause to be collected the taxes on such company on the sum of \$3000 per mile, as the gross earnings thereof for the time not reported as aforesaid, and ten per cent. damages thereon.

“SEC. . . . That the railroads and telegraph lines, rights of way, and all depots, buildings, offices, station houses, cars, rolling stock, and all sorts of property that may be actually used and necessary to the running and regular business operations of the road or line of such company shall not be liable by this act to any other taxation than here provided for. But all other property of such companies shall be assessed and taxes thereon paid as is provided for other persons in this act on like property and trade.

“SEC. . . . That upon each return of such statement, it shall be the duty of the Comptroller to assess the tax due

thereon at the rate of one per cent. on each \$100 of the gross earnings of each company as therein reported; and that this tax shall be due and payable at the office of the Comptroller in ten days after the return of the statement shall have been made, or when no return shall be made, then in ten days after the taxes may be assessed by the Comptroller. And a failure of any such company to pay the same, when due, as aforesaid, or at such place as the Comptroller may direct, then he shall make out a statement of the amount due for taxes, penalty and costs, under his hand and seal of office, directed to any sheriff or constable of this State, with orders to collect the same of such delinquent tax paying company, and any property of such company may be levied upon by virtue of such statement and order, and sold as under execution to pay said taxes, penalty and costs, and also costs of levy and sale; and it shall be the duty of such sheriff or constable collecting the same to pay it over to the Comptroller immediately, less his fees for collecting, who will pay the same into the treasury, and keep proper account thereof.

“SEC. . . . That one-half of the taxes herein provided to be collected of railroad and telegraph companies shall be the State tax; one-fourth for ordinary county tax; one-eighth for county, road and bridge tax, and one-eighth for incorporated city and town tax of the counties wherein the railroad or telegraph line of such company may be situate; and that portion of it which is levied and collected for the counties and incorporated cities and towns shall be apportioned by the Comptroller amongst all the counties in which the road and telegraph line may be situate, the proportion to the length of the road or line in each county, and shall be paid over to the Treasurer of the State, subject to the order of the County Court of each of said counties; and the County Court of each of said counties shall cause to be paid over to the treasurer of each incorporated city or town situated on such railroad or telegraph line in the county, such proportion of the amount received as they may be entitled to respectively, according to the population of each at the time; and shall retain the residue for the county and road and bridge tax purposes, as aforesaid.

“SEC. . . . That when a special tax is levied by any county, or portion thereof, or any incorporated city or

town situated on such railroad or telegraph line, then the Comptroller, upon being notified thereof by the presiding justice of such county, or the mayor of such city or town, of the amount of such special tax, shall levy and collect the same in the same manner as herein provided for the assessment and collection of the general tax on railroad and telegraph companies in this act; and when collected it shall be paid over by the Comptroller to the county treasurer, or treasurer of the city or town, to be held for the purpose intended by said levy and collection; *provided*, this special tax shall not exceed one-half of one per cent. on each one hundred dollars of that portion of the gross earnings of the road or line to which the county may be entitled.

“SEC. . . . That in order to secure a faithful compliance with this act by railroad and telegraph companies, it is enacted that no such company shall receive any bonus or donation lands from this State, nor shall any certificates or patents be issued to them for any lands, while it fails to comply with this act; and the Commissioner of the General Land Office will not issue any such certificate or patent to any such railroad company, until such company shall have procured and filed with him a certificate from the Comptroller that said company has complied with the provisions of this act, and is not in default for the passed three months; that these certificates of the Comptroller shall not operate longer than the date here fixed for such company to make its next return statement of its gross earnings.

“SEC. . . . And should any of the officers of such railroad or telegraph companies willfully fail or refuse to make the return of the gross earnings to the Comptroller, as here directed, or to exhibit the books and papers of the company to the board of inspection, as prescribed by this act, he shall be guilty of a misdemeanor, and fined on conviction not less than \$500 nor over \$5000, and may be imprisoned in the county jail not exceeding sixty days.”

A message from the Senate announced the passage, by that body, of House bill No. 250, to authorize Thomas M. Cain and W. J. Agee to construct a toll bridge across Sabine river; House bill No. 138, “An act to amend an act to dispense with the use of scrolls and seals in certain cases;” Senate bill No. 167, “An act to incorporate the Jefferson Institute, located in the city of Jefferson, in the

county of Marion, in the State of Texas;" Senate bill No. 301, "An act making an appropriation for the payment of the State police and employés;" Senate bill No. 140, "An act making an appropriation to pay the contingent expenses of the Thirteenth Legislature of the State of Texas;" joint resolution No. 23, instructing our Senators and requesting our Representatives in Congress to urge upon the Federal government the propriety of removing certain tribes of hostile Indians from the frontier of Texas; also, that the Senate has adopted the report of the conference committee upon House bill No. 340, to ascertain the amount due the teachers of the public free schools of Texas prior to the first day of March, 1873, and to provide for the payment of the same; also, that the Senate had passed House joint resolution, granting leave of absence from the State to J. M. Onins, judge of the Twenty-eighth Judicial District.

Mr. Killough moved that that section, and the substitute offered by Mr. Smith of Colorado, be referred to a special committee of five, of which Mr. Smith of Colorado should be chairman.

Mr. Sayers moved to lay that motion on the table. The House refused to table.

On motion of Mr. Brown of Dallas, the House then adjourned until 3 o'clock this evening.

AFTERNOON SESSION.

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

The following gentlemen failed to answer: Allison, Anderson, Bledsoe, Booty, Chambers, Doyle, Ellett, Mills, Moore, Rimes, Salter, Short, Tivy and Winkler.

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

On motion of Mr. Harrison, Mr. Eastland was granted leave of absence for seven days.

The Texas Pacific Railway bill was then taken up.

Mr. Sayers moved to strike out section six.

Mr. Sabin moved to lay that motion on the table. Carried.

Mr. Cook offered the following amendment to section five:

"Provided, that the reservation of lands made by this

act for the benefit of the Texas and Pacific Railway Company shall not operate or be construed to exclude from location upon the territory within the limits of said reservation any actual settler, under the provisions of section eight, article ten, of the Constitution of the State of Texas, nor the location of any genuine certificate or scrip which entitles the owner or owners thereof to land out of the public domain of the State of Texas, save and except any certificate or scrip which has been, or may be hereafter issued under general or special laws of the State of Texas granting lands to encourage the construction of railroads, canals or other internal improvements or machinery by the donations of lands, which are intended by this exception to be expressly excluded from location upon the reservation created by this act."

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Booty, Brown of Dallas, Davenport, Day, Eastland, Ellett, Gallaway, Gaston, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Lane, Mabry, McDonald, Moore, Morris, Phelps, Roberts, Rosborough, Sabin, Schmidt, Shaw, Shelton, Smith of Colorado, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Washington, Westfall, Wilder and Williams—41.

Nays—Messrs. Armstrong, Berends, Bledsoe, Bordeaux, Broadus, Brown of Upshur, Cook, Cunningham, Doyle, Ghent, Gillette, Gilpin, Hester, Kemble, Leyendecker, Manning, Nelson, Noeggerath, Payne, Prendergast, Rimes, Russell, Salter, Sayers, Scott, Short, Smith of Houston, Tom and Wood—30.

Mr. Winkler stated he was paired with Mr. Denton.

Mr. Bordeaux offered the following amendment : "*Provided*, this shall not hinder or estop actual settlers from settling upon the same as pre-emptors or otherwise."

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

Yeas—Messrs. Speaker, Abbott, Adriance, Booty, Brown of Dallas, Chambers, Davenport, Day, Eastland, Ellett, Ford, Gallaway, Gaston, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Lane, Mabry, McDonald, Moore, Morris, Phelps, Roberts, Rosborough, Sabin, Schmidt, Shaw, Shelton, Smith of Colorado, Stockbridge, Thurmond, Tilson, Tivy, Van Zandt, Washington, Westfall, Wilder and Williams—40.

Nays—Messrs. Allison, Armstrong, Berends, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Cook, Cunningham, Doyle, Ghent, Gillette, Gilpin, Hester, Kemble, Leyendecker, Manning, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Rimes, Russell, Salter, Sayers, Scott, Short, Smith of Houston, Tom, Trolinger, Venters and Wood—34.

M. Winkler stated that he was paired with Mr. Denton.

Mr. Prendergast offered the following amendment to section eight: Strike out all after the word "created," line six, down to the word "reservations" line fourteen, and strike out the words "and" and "further" same line, and strike out the words "the remainder of" line seventeen.

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

Mr. Smith of Colorado, offered the following amendment: After the word "certificates" in line twenty-three, insert "with the corresponding sections for the common school fund." Amendment adopted.

Mr. Nelson offered the following amendment: In section nine, line thirty-seven, after the word "against," amend by inserting "counties and towns."

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

Yeas—Messrs. Speaker, Abbott, Adriance, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Brown of Dallas, Chambers, Davenport, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Joseph, Kemble, Killough, Mabry, Manning, McDonald, Mills, Moore, Morris, Payne, Phelps, Powers, Prendergast, Rimes, Rosborough, Sabin, Salter, Sayers, Schmidt, Shaw, Smith of Colorado, Stockbridge, Thurmond, Tivy, Tom, Trolinger, Van Zandt, Venters, Washington, Westfall, Wilder, Williams, Winkler and Wood—58.

Nays—Messrs. Broaddus, Brown of Upshur, Cunningham, Day, Doyle, Lane, Leyendecker, Nelson, Noeggerath, Rainey, Russell, Scott, Shelton, Smith of Houston and Tilson—15.

Mr. Smith of Colorado offered the following amendment: Add to the end of section nine: "And that all the property of the said corporations, or either of them,

now or hereafter situated in this State, shall be hereafter subject to taxation by the laws of this State."

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

The House refused to table by the following vote :

Yeas—Messrs. Armstrong, Berends, Bewley, Booty, Davenport, Hollingsworth, Joseph, Killough, Mills, Moore, Prendergast, Rimes, Salter, Schmidt, Smith of Houston and Washington—16.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Day, Doyle, Eastland, Ellett, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Kemble, Lane, Leyendecker, Mabry, Manning, McDonald, Morris, Nelson, Noeggerath, Payne, Phelps, Powers, Rainey, Rosborough, Russell, Sabin, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Westfall, Wilder, Williams, Winkler and Wood—57.

The amendment was then adopted.

Mr. Payne offered the following amendment, to be called section ten :

"That all railroads in this State, constructed or that may be hereafter constructed, to intersect said Texas Pacific railroad, shall have a right to connect with that line; that no discrimination in regard to charges for freight or passengers, or in any other matter, shall be made by said Texas Pacific Railway Company against any of the said connecting roads, but that the charges per mile as to passengers and freight passing from the said Texas Pacific Railroad over any of said connecting roads, or passing from any of said connecting roads over any part of said Texas Pacific Railroad, shall be governed and controlled by the laws of the State now or hereafter to be enacted; and said railroad company shall not have the right or power to consolidate with, or sell, rent or lease the same to any other railroad in this State, nor enter into any combination in the nature of a partnership, or to purchase or lease any railroad in this State that would in any way or manner give said company the power or right to control the rates of freight and passage on said road so purchased or leased; and should the provisions of this section be violated by said company, it shall work a forfeiture of the charter herein granted."

Mr. Smith of Houston moved to adjourn. The House refused to adjourn.

Mr. Brown of Dallas moved to postpone the further consideration of the matter pending until 10 A. M. to-morrow, which carried.

On motion of Mr. Powers, Mr. Cook was excused for three days.

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

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

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

• Absent—Messrs. Ellett and Winkler.

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

Mr. Storey stated that he was absent from the evening session of yesterday on Committee business, and asked to record his vote in the negative on the motion of Mr. Washington to lay upon the table the amendment of Mr. Bordeaux providing that actual settlers should not be estopped or hindered from settling as pre-emptors or otherwise on the Texas Pacific Railway reservation.

The rules did not permit his vote to be recorded.

Mr. Stockbridge presented a memorial from the citizens of Washington county protesting against the sale of spirituous liquors within three miles of Evergreen, Washington county. Referred to the Committee on Education.

Mr. Payne presented a petition of citizens of Karnes county for relinquishment of State tax, in order to build a jail. Referred to the Committee on State Affairs.

Mr. Sabin introduced a bill for the relief of the heirs of Henry Wilkey. Referred to the Committee on Private Land Claims.

Mr. Hollingsworth offered a concurrent resolution, inviting Gov. Osborn, of Kansas, and party, now on a visit to Texas, to extend their tour to the capital. Resolution adopted.

Mr. Hollingsworth also offered the following resolution:

Resolved, That this House hold a night session on next Monday night, and every night thereafter, Sunday excepted, until adjournment, beginning at 8 o'clock, P. M.

Laid over under the rules.

Mr. Prendergast introduced a bill to regulate the fees to be charged by the Commissioner of the General Land Office. Referred to the Committee on Public Lands and Land Office.

Mr. Shelton introduced a bill to provide against the evils resulting from the sale of intoxicating liquors in the State of Texas. Referred to a select committee composed of the following gentlemen: Anderson, chairman; Brown of Upshur, Ireland, Rainey and Shelton.

Mr. Rainey introduced a bill providing for the establishment of the Texas Military Institute and State Normal Academy. Referred to the Committee on Education.

Mr. Winkler offered the following resolution:

Resolved, That the Committee on State Affairs be instructed to inquire into and report, by bill or otherwise, whether any, and if so what, legislation is necessary in relation to railroad and telegraph companies, their agents and employes.

Adopted.

Mr. Mills offered the following resolution:

Resolved, That no member shall voluntarily absent himself from the House more than thirty minutes, without permission of the Chair, during the business of this body.

Laid over under the rules.

Senate joint resolution No. 23, instructing our Senators and requesting our Representatives in Congress, to urge upon the Federal government the propriety of removing certain tribes of hostile Indians from the frontier of Texas, was referred to the Committee on Indian Affairs.

Senate bill No. 140, making an appropriation to pay the contingent expenses of the Thirteenth Legislature of the State of Texas, was read; rules suspended, read second time and passed to third reading.

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

Yeas—Messrs. Speaker, Abbott, Adirance, Allison, Anderson, Armstrong, Berends, Bewley, Bledsoe, Booty, Broadus, Brown of Upshur, Brown of Dallas, Cham-

bers, Cunningham, Day, Doyle, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hollingsworth, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Payne, Phelps, Prendergast, Rainey, Rimes, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Scott, Shelton, Short, Smith of Colorado, Storey, Stockbridge, Thurmond, Tom, Trolinger, Van Zandt, Venters, Washington Westfall, and Winkler—63.

Nay—Mr. Leyendecker—1.

Senate bill No. 301, making an appropriation for the payment of the State Police and employes, was read by caption first time. Mr. Russell moved to refer it to the Committee on Finance, which carried.

On motion of Mr. Sayers Mr. Short was added to the Committee on Finance.

Mr. Mills introduced a bill to alter and change the time of holding the District Courts of the Thirtieth Judicial District, and legalize process therein. Read first time; rules suspended, read second time and referred to the Committee on Judicial Districts.

On motion of Mr. Russell House bill No. 680, to protect laborers on railroads and other works of internal improvement, was taken up and read second time.

Pending the amendment of Mr. Bordeaux to strike out the words "similar to a mechanic's lien," the special order, being the Texas Pacific Railway bill, was announced.

On motion of Mr. Mills the special order was postponed until the pending bill was disposed of.

The amendment offered by Mr. Bordeaux was then adopted.

Mr. Story offered the following amendment to the amendment: "*Provided*, that no sub-contractor or laborer shall have any lien as against the railroad, canal or telegraph company, unless said company has been informed of the claim of said laborer or sub-contractor prior to the payment by said company to its immediate contractors for such work."

Mr. Sayers moved the previous question, which being seconded was put, and the main question ordered. The House then refused to adopt the amendment.

Mr. Rimes offered the following amendment: "SEC. 6. That all railway companies in this State shall be required

to employ a superintendent, whose duty it shall be to settle with contractors and sub-contractors upon such contractors or sub-contractors presenting such superintendent a 'pay roll,' duly signed by the laborers in his or their employ, that such laborers have received their pay for said work." Amendment adopted.

The bill was then ordered engrossed.

The bill having been read third time, Mr. Sabin offered the following amendments: Amend the caption by adding the words "and farms;" and section one, line six, after the words "telegraph line," by inserting "farm, plantation or ranch;" and also section four, line two, after the word "company," by inserting the words "or farmer or owner of the lands;" and line five, section four, after the word "roads," add "or farms," and amend section five, line two, after the word "canal," insert the word "farm."

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

Yeas—Messrs. Speaker, Allison, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Doyle, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kemble, Killough, Lane, Leyendecker, Manning, McDonald, Mills, Nelson, Noeggerath, Payne, Prendergast, Rainey, Rimes, Rosborough, Russell, Salter, Sayers, Scott, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tom, Trolinger, Van Zandt, Venters, Westfall, Winkler, Wood—56.

Nays—Messrs. Abbott, Adriance, Mabry, Moore, Phelps, Roberts, Sabin, Schmidt, Stockbridge, Washington, Williams—11.

Mr. Ireland moved to amend section four, line four, by inserting after the word "laborers" the words "contractors and sub-contractors." Amendment adopted.

Mr. Ireland moved to amend section five, line eight, by inserting after the word "performed" the words "or where said company may have its principal office." Amendment adopted.

The bill then passed.

A message from the Senate announced that that body had refused to agree to some of the House amendments to Senate bill No. 218, "An act to establish and maintain

a system of public free schools in the State of Texas," and had agreed to others, and had appointed Senators Dohoney, Finlay, Sayers, Franks and Tracy a committee of conference on the part of the Senate to consider the disagreement between the two houses, and asks a like committee on the part of the House.

Also, the following communication :

MEMPHIS, TENN., April 18, 1873.

Hon. B. B. Pickett, President of the Senate of Texas :

SIR: I have the honor to acknowledge yours of the thirty-first ult., with the concurrent resolution of the Legislature of Texas, inviting me to extend my visit to the capital of the State from the city of Galveston. I had expected to have gone to Galveston in the early part of this month, but have been unavoidably detained here. I still hope to make the projected trip, and if so, will with great pleasure accept the invitation to visit the capital of your State. There are many memories very dear to me connected with the people of Texas. Associations of war and of peace have caused me to feel a peculiar interest in the welfare of your State, and the kind consideration shown to me by her Legislature is most gratifying. Few, if any, have marked with more satisfaction than myself the rapid progress of Texas in material development and prosperity ; and few, if any, will rejoice more at the fulfillment of the high expectations which her brief history justifies. Let me ask of you to return my grateful acknowledgments to your associates, and to accept for yourself the regard and esteem with which I am, very respectfully, yours,

JEFFERSON DAVIS.

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 38, "An act to incorporate the Falls County Real Estate and Savings Association," and find the same correctly enrolled, and have this the twenty-fifth day of April, at 10:35 o'clock A. M., presented the same to the Governor for his signature.

WOOD, Chairman.

Further report from same committee :

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

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

House bill No. 123, "An act to provide for prompt settlement of accounts by sheriffs with the State and counties."

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

House bill No. 250, "An act to authorize Thomas M. Cain and W. J. Agee to construct a toll bridge across Sabine river."

And find the same correctly enrolled, and have presented the same to the Governor for his signature this day at 10:35 o'clock A. M.

WOOD, Chairman.

Further report from same committee:

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

SIR: Your Committee on Enrolled Bills have carefully examined joint resolution No. 72, granting leave of absence from the State to J. M. Onins, judge of the Twenty-eight Judicial District, and find the same correctly enrolled, and have this, the twenty-fifth day of April, at 10:35 o'clock A. M., presented the same to the Governor for his signature.

WOOD, Chairman.

By request of Mr. Williams, he was excused from further service on the committee to redistrict the State into judicial districts, and Mr. Mills was appointed in his stead.

The following communication was received from his Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, April 25, 1873. (

To the Honorable Senate and House of Representatives :

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

House bill No. 314, "An act to enlarge the county of Medina," approved April 2, 1873.

House bill No. 240, "An act to incorporate the Grayson County Agricultural and Mechanical Association," approved April 2, 1873.

House bill No. 82, "An act to authorize the County Court of Maverick county to issue interest bearing bonds, and to levy a tax to pay the same," approved April 3, 1873.

House bill No. 273, "An act to prohibit the sale of vinous or spirituous liquors in the vicinity of the village of Midway, Madison county, Texas," approved April 3, 1873.

House bill No. 81, "An act to amend an act to authorize the transcript of the records of Bowie county," approved April 3, 1873.

House bill No. 164, "An act to prohibit the sale, or otherwise disposing of intoxicating liquors within two miles of the Acton Masonic Institute, in the county of Hood," approved April 3, 1873.

House bill No. 582, "An act authorizing and requiring the Secretary of State to open the returns, and make report thereof, in cases of special elections for the Legislature," approved April 3, 1873.

House bill No. 279, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of Birds Creek School house, in Bell county, Texas," approved April 3, 1873.

House bill No. 52, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within two (2) miles of Pleasant Grove Academy, in Hunt county," approved April 3, 1873.

House bill No. 154, "An act to provide for an election of city officers for the city of Columbus, and regulate their duties," approved April 3, 1873.

Senate bill No. 18, "An act to incorporate the city of Austin," approved April 5, 1873.

House bill No. 253, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within two miles of Hackberry Grove Academy, Collin county," approved April 7, 1873.

House bill No. 121, "An act making appropriation to pay the mileage and per diem of Presidential electors," approved April 7, 1873.

House bill No. 275, "An act supplemental to and amendatory of an act entitled an act to incorporate the Odd Fellows Hall and Building Association, of Bryan, Texas, approved December 1, 1871," approved April 7, 1873.

House bill No. 58, "An act to incorporate the Odd Fellows Male and Female College, located at Pittsburg, Upshur county, Texas," approved April 7, 1873.

House bill No. 601, "An act amendatory of an act entitled an act to incorporate the city of Austin, passed March, 1873," approved April 7, 1873.

House bill No. 162, "An act to authorize the County Court of Comal county to levy and collect a special tax," approved April 7, 1873.

House bill No. 97, "An act to regulate the conduct of public officers," approved April 7, 1873.

Senate bill No. 158, "An act amendatory of an act entitled an act incorporating the city of San Antonio and other towns therein named, approved December 14, 1837; and also amendatory of an act entitled an act to amend an act incorporating the town of Bastrop, approved February 1, 1845," approved April 7, 1873.

Senate bill No. 22, "An act to incorporate the town of Kaufman, in Kaufman county," approved April 7, 1873.

House bill No. 442, "An act to incorporate the town of Mexia, in Limestone county," approved April 7, 1873.

House bill No. 99, "An act to amend sections twenty-three and twenty-four of an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," approved April 9, 1873.

House bill No. 267, "An act to amend articles four hundred and twelve and four hundred and eighteen of the Penal Code as amended by act passed May 11, 1871," approved April 9, 1873.

House joint resolution No. 590, "Joint resolution instructing our Senators and requesting our Representatives in Congress to secure telegraphic communication between the United States frontier posts of this State," approved April 9, 1873.

Senate bill No. 222, "An act supplementary to an act to amend the first section of an act entitled an act for the incorporation of the city of Paris, in the county of Lamar, approved August 10, 1870, approved May 23, 1871," approved April 9, 1873.

Senate bill No. 194, "An act to incorporate Concrete College," approved April 9, 1873.

Senate bill No. 72, "An act for the relief of Bertha Staffel," approved April 11, 1873.

Senate bill No. 62, "An act to incorporate the Tyler Real Estate and Building Association," approved April 11, 1873.

House bill No. 539, "An act to incorporate the city of Jefferson, in Marion county, and to repeal all laws heretofore passed incorporating said city or amendatory thereof," approved April 15, 1873.

Senate bill No. 33, "An act amendatory of and supplemental to an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company," approved April 15, 1873.

House bill No. 146, "An act to amend an act entitled an act to incorporate Austin College, approved November 22, 1849," approved April 15, 1873.

House bill No. 199, "An act to incorporate the Central Texas Flouring, Grist and Manufacturing Company," approved April 15, 1873.

House bill 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," approved April 18, 1873.

House bill 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 the court house, and for all other purposes for which the said County Court is by law authorized to levy a tax." approved April 18, 1873.

House bill No. 260, "An act concerning the admission of attorneys and counsellors-at-law to practice in the Supreme Court," approved April 18, 1873.

House bill No. 690, "An act making an appropriation for mileage for the recently elected and newly seated members of the House of Representatives," approved April 18, 1873.

House bill No. 53, "An act relating to appeals to the Supreme Court from interlocutory judgments in the District Courts," approved November 1, 1871, approved April 18, 1873.

Senate bill No. 161, "An act to incorporate the Kaufman County Agricultural, Mechanical and Blood Stock Association," approved April 18, 1873.

Senate bill No. 109, "An act to incorporate the town of Giddings, in Washington county," approved April 18, 1873.

Senate bill No. 74, "An act to incorporate the city of Lampasas, in the county of Lampasas," approved April 18, 1873.

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

Senate bill No. 198, "An act making an appropriation to defray the expense of distributing blank forms from the Comptroller's office for the assessment of taxes," passed March 20, 1873.

House bill No. 269, "An act to authorize Howard Keys and his associates to construct a toll bridge across the Sabine river at Crockett's Bluff," passed March 24, 1873.

House bill No. 149, "An act to amend an act entitled an act incorporating the Galveston Artillery Company, approved January 30, 1841," passed March 27, 1873.

Senate bill No. 5, "An act for the relief of the heirs and assigns of Haynes Crabtree, deceased," passed March 28, 1873.

Senate bill No. 48, "An act authorizing the patenting of a certain bounty warrant therein named," passed March 28, 1873.

Senate bill No. 53, "An act for the relief of John H. Jenkins," passed March 28, 1873.

House bill No. 308, "An act to authorize the county of Marion to audit and fund the debt of said county," passed March 31, 1873.

House bill No. 439, "An act to authorize the Police Court of the county of Collin to levy and collect a special tax for the purpose of building a court house and jail in said county, passed April 1, 1873.

Senate bill No. 96, "An act to amend an act entitled an act to incorporate the town of Bonham, in Fannin county, approved August 13, 1870," passed April 1, 1873.

Senate bill No. 174, "An act to reorganize the town of Sherman, in Grayson county, Texas, and incorporate said town as the city of Sherman," passed April 2, 1873.

Senate bill No. 7, "An act to incorporate the Columbus, Austin and Parker County Railway Company, and to aid in the construction of the same," passed April 2, 1873.

House bill No. 545, "An act making an appropriation to pay Frank E. McManus one month's salary as special judge of the District Court of the Fifteenth Judicial District," passed April 3, 1873.

House bill No. 380, "An act to incorporate the South Sulphur Bridge and Turnpike Company," passed April 4, 1873.

House bill No 239, "An act for the relief W. M. Jackson," passed April 4, 1873.

House bill No. 384, "An act to levy and collect a special tax in Lavaca county to build a court house for said county," passed April 9, 1873.

Senate bill No. 190, "An act to incorporate the City Bank of Sherman," passed April 11, 1873.

Very respectfully,

EDMUND J. DAVIS, Governor.

The consideration of the Texas Pacific Railway bill was then resumed, pending the additional section offered by Mr. Payne.

Mr. Payne moved to amend the section by striking out the word "charter," near the close of the section, and inserting in lieu thereof the words "rights and privileges." Amendment adopted.

The section thus amended was then adopted.

Mr. Anderson moved to amend section ten by striking out, in lines three and four, the words "by the twenty-fifth April, A. D. 1873," and insert the words "by telegraph within ten days from the date of approval of this act." Strike out, in lines seven and eight, "and by thirtieth day of April, 1873," and insert "within twenty days from the date of the approval of this act."

The amendment was adopted.

Mr. Tilson moved to amend section one, line seventeen, by striking out "through" and inserting the word "to," and by inserting, in line eighteen, after the word "Clarks-ville," the words "by the first day of December, A. D. 1873, and to the towns of."

Mr. Ellett offered the following substitute for the amendment: "*Provided*, the said road shall be completed and put in running order to the town of Clarks-ville, in Red River county, by the first day of December, 1873, and shall build and maintain a depot within one-half mile of the court house in said town."

The substitute was adopted.

Mr. Smith, of Colorado, offered the following amendment: Add to section eight, "and no land certificate issued under the provisions of this act, which may not be located by reason of the exhaustion of the public domain, shall ever constitute any claim against the State."

The amendment was adopted.

The bill was then ordered engrossed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Ellett, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Hollingsworth, Ireland, Joseph, Killough, Lane, Leyendecker, Mabry, McDonald, Moore, Morris, Nelson, Noeggerath, Powers, Rainey, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Shelton, Smith of Colorado, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Westfall—50.

Nays—Messrs. Armstrong, Berends, Bledsoe, Broadus, Doyle, Gillette, Hester, Kemble, Kleberg, Manning, Mills, Payne, Phelps, Prendergast, Salter, Scott, Short, Smith of Houston, Storey, Tom, Washington, Williams, Wood—23.

Mr. Winkler stated that he was paired off.

Mr. Brown of Dallas moved to suspend the rules and put the bill upon its final passage. Carried.

Mr. Brown of Dallas moved a call of the House. Call sustained.

The roll having been called, Mr. Bewley alone was found absent.

Mr. Ireland moved that Mr. Bewley be excused, as he was known to be unwell. The House refused to excuse him.

Mr. Sayers moved that the House adjourn. The House refused to adjourn.

The sargeant-at-arms was dispatched after Mr. Bewley.

On motion of Mr. Ellett, Mr. Shaw was also sent for.

Mr. Sayers moved that the House adjourn. The House refused to adjourn.

Mr. Abbott moved to suspend the call. The House refused to suspend the call.

Mr. Abbott moved that Mr. Bewley be excused. The House refused to excuse.

Mr. Brown of Dallas moved to suspend the call. Carried.

The bill was then put upon its passage, with the following result :

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Ellett, Ford, Gallaway, Gaston, Gilpin, Harrison, Hoffman, Hollingsworth, Joseph, Killough, Lane, Mabry, Manning, McDonald, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Rainey, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Scott, Shelton, Smith of Colorado, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Van Zandt, Venters, Washington, Westfall and Williams—53.

Nays—Messrs. Armstrong, Berends, Bledsoe, Broadus, Doyle, Ghent, Gillette, Hester, Ireland, Kemble, Kleberg, Mills, Payne, Prendergast, Rimes, Salter, Smith of Houston, Storey, Tom and Wood—20.

Mr. Short stated he was paired off in the negative with Messrs. Bewley and Shaw.

Mr. Leyendecker stated he was paired off in the negative with Mr. Eastland.

Mr. Winkler stated he was paired off with Mr. Denton.

The bill was declared to have passed by the requisite two-thirds majority.

A message from the Senate announced the rejection by that body of House bill No. 7, to allow the present Chief Justice of the Supreme Court of this State to resign and retire from the bench with full pay for the residue of his term.

The Committee on Enrolled 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. 358, an act to be entitled "An act to make provisions for the better security of the public funds."

No. 772, "Joint resolution granting leave of absence from the State to J. M. Onins, Judge of the Twenty-eighth Judicial District."

No. 531, a bill to be entitled "An act to authorize the Commissioner of the General Land Office to furnish pho-

topographic county maps to the several counties of this State.

And find the same correctly engrossed.

BOOTY, Chairman.

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

AFTERNOON SESSION.

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

Absent—Messrs. Anderson, Bewley, Ellett, Killough, McDonald, Salter and Storey.

The concurrent resolution to adjourn *sine die* April 30 was taken up.

Mr. Booty moved to postpone the day of adjournment until May 10.

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

Yeas—Messrs. Speaker, Adriance, Armstrong, Berends, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Doyle, Ford, Gallaway, Ghent, Gillette, Gilpin, Hollingsworth, Ireland, Joseph, Kleberg, Lane, Manning, Morris, Prendergast, Sabin, Sayers, Schmidt, Short, Smith of Colorado, Thurmond, Tom and Winkler—36.

Nays—Messrs. Abbott, Bledsoe, Gaston, Harrison, Hester, Hoffman, Leyendecker, Mabry, Mills, Moore, Nelson, Noeggerath, Phelps, Rainey, Rimes, Roberts, Rosborough, Russell, Scott, Shelton, Smith of Houston, Storey, Stockbridge, Tilson, Trolinger, Van Zandt, Washington, Westfall and Williams—28.

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

Resolved, That his Excellency the Governor be requested to give this House such information as he may possess as to the amount and character of State warrants or claims obtained by the late Adjutant General Davidson for police pay, how obtained, and whether by authority of law, and any other information deemed applicable to a fair settlement of legally created claims against the State for police services, and payment of the same to the persons legally entitled thereto.

The resolution was adopted.

On motion of Mr. Broaddus, the Committee on Counties and County Boundaries were granted leave to make a special 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 Robertson county, asking for the passage of an act permanently locating the county seat of said county, have considered the same, and instruct me to present the accompanying bill, and recommend its passage.

TROLINGER, Chairman.

The bill, being a bill providing for permanently locating the county seat of Robertson county, was read first time ; rules suspended, read a second time, and ordered engrossed.

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

The special order, House bill No. 760, a bill to authorize the holders of State warrants to surrender the same to the State Treasurer, and receive State bonds in lieu thereof, was then announced, pending the amendment offered by Mr. Killough.

Mr. Killough withdrew his amendment.

Mr. Payne offered the following amendment : After the word " denomination," in line five, insert " not less than fifty dollars nor more than."

Mr. Ireland offered the following substitute for the bill and amendment, excepting the enacting clause : " That all valid Treasury warrants that are now in existence, and all warrants hereafter issued on certificates, valid claims against the State, shall draw ten per cent. interest per annum from this date, and, when they are paid at the Treasury, said interest shall be paid also, and said bills shall be exempt from taxation, and be receivable for all taxes due the State."

Mr. Morris moved to refer the bill and substitute to Judiciary Committee No. 2.

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

The House refused to refer the bill.

The House then refused to adopt the substitute offered by Mr. Ireland.

The amendment offered by Mr. Payne was then put, and failed to carry.

Mr. Kleberg moved to adjourn. The House refused to adjourn.

Mr. Smith of Colorado offered the following amendment to section two: After the word "bond," in line thirteen, insert: "And the Comptroller shall issue to the holder of the warrants renewed, a warrant for any fractional amount there may be, less than one hundred dollars."

Mr. Payne moved to lay the amendment on the table. The House refused to table.

The House then refused to adopt the amendment.

Mr. Ireland offered the following amendment:

"SEC. 6. *Be it further enacted,* That any holder of a warrant for less than one hundred dollars shall be entitled to interest on the same at the rate of ten per cent., which shall be paid in the same manner as the face of the warrant; said fractional interest shall be transferable, and receivable for all taxes due the State."

Mr. Sayers offered the following substitute for the amendment: After the word "bond," in line thirteen, add: "That the Comptroller shall issue to the holder of any warrants surrendered, a warrant for any fractional amount less than one hundred dollars, and credit the same on the warrant surrendered, and including the said fractional amount."

The yeas and nays were called upon the adoption of the substitute, with the following result:

Yeas—Messrs. Speaker, Adriance, Berends, Booty, Bordeaux, Chambers, Davenport, Ford, Gallaway, Hoffman, Joseph, Lane, Morris, Phelps, Rosborough, Sayers, Scott, Shelton, Smith of Colorado, Van Zandt and Wood—21.

Nays—Messrs. Abbott, Armstrong, Bledsoe, Broaddus, Brown of Dallas, Cunningham, Day, Doyle, Gaston, Ghent, Gillette, Gilpin, Hester, Hollingsworth, Ireland, Killough, Leyendecker, Mabry, Manning, McDonald, Moore, Nelson, Noeggerath, Payne, Prendergast, Rainey, Rimes, Roberts, Russell, Sabin, Schmidt, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tom, Trolinger, Washington, Westfall and Williams—41.

Whereupon the House refused to adopt the substitute.

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

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, April 26, 1873. J

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

The following gentlemen failed to answer to their names: Messrs. Bewley, Short, Smith of Houston, and Storey.

On motion of Mr. Thurmond, Mr. Brown of Dallas was excused on account of sickness.

On motion of Mr. Berends, Mr. Noeggerath was indefinitely excused on account of family sickness.

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

On motion of Mr. Ford, Mr. Watts was granted further leave of absence until Monday.

Mr. Shaw presented a petition from the people of Titus and Hopkins counties, for a new county. Referred to the Committee on Counties and County Boundaries.

Mr. Kleberg introduced a bill to amend section two of an act to incorporate the town of Yorktown. Referred to the Committee on Town and City Corporations.

Mr. Nelson offered the following resolution:

WHEREAS, the committees of this House have not been called in their regular order for some weeks past; and

Whereas, most, if not all of said committees have reports ready to be submitted to the House for its consideration; therefore, be it

1. *Resolved*, That on the first day of May next, the committees of this House shall be called in their regular order, and that the call be continued until all the committees have been called and reported; and

2. That on the third day of May next, the roll of this House shall be called, and that each member, upon the call of his name, shall be permitted to call up *one private bill* for the consideration of the House; and

3. That no new business shall be presented or entertained after the third day of May, unless by a vote of four-fifths of the House so voting.

Laid over under the rules.

Mr. Gallaway introduced a bill authorizing David Seal to establish a toll bridge across Richland creek, in Upshur county. Referred to the Committee on Roads, Bridges and Ferries.

Mr. Hollingsworth introduced a bill to encourage convicts in the penitentiary in habits of industry and correct deportment. Read first time; rules suspended, read second time and referred to the Committee on Penitentiaries.

Also, a bill to authorize the County Court of Brown county to issue bonds, etc. Read first time and referred to the Committee on Counties and County Boundaries.

Mr. Armstrong introduced a bill to amend an act entitled "An act supplemental to an act in relation to the location, survey and return of genuine land certificates, passed April 25, 1871." Referred to the Committee on Public Lands and Land Office.

Mr. Leyendecker introduced a bill validating bounty warrant No. 9560, issued to Benard Reilly. Referred to the Committee on Private Land Claims.

Mr. Russell introduced a bill to place a certain amount of the general laws of the Twelfth and Thirteenth Legislatures of the State within the control of the respective counties in this State. Referred to the Committee on Printing and Contingent Expenses.

The Speaker announced a message from the Senate stating that that body had adopted some of the House amendments to the Senate school bill, disagreed to others, and appointed a conference committee on the disagreement, with a request for a like committee on the part of the House. Under instructions from the House the Speaker appointed the following gentlemen such conference committee on the part of the House: Kemble, chairman; Chambers, Killough, Rainey and Roberts.

The resolution of Mr. Mills preventing members leaving the House for more than thirty minutes during business hours, except by leave of the Chair, was taken up.

Mr. Joseph moved to lay the resolution on the table, which carried.

The resolution offered by Mr. Hollingsworth declaring that the House will hold night sessions, was taken up.

On motion of Mr. Washington the resolution was laid on the table. On motion of Mr. Anderson, that gentleman was allowed to withdraw House bill No. 266, a bill for the relief of Miller and Dowell, from the Committee on Private Land Claims.

Mr. Ireland in the chair.

Senate bill No. 167, "An act to incorporate the Jeffer-

son Institute, located in the city of Jefferson, in the county of Marion, in the State of Texas," was taken up, read first time; rules suspended and read second time.

Mr. Taylor offered the following amendment:

Add the following proviso to section four: "*Provided*, all diplomas heretofore granted by said principal shall be as valid and have the same force and effect as those hereafter granted."

The amendment was adopted.

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

The unfinished business of yesterday, being "An act to authorize the holders of State warrants to surrender them to the State Treasurer and receive State bonds in lieu thereof," was resumed, pending the substitute offered by Mr. Ireland.

Mr. Killough moved to reconsider the vote refusing to adopt the amendment offered by Mr. Sayers.

Mr. Booty moved the previous question, which was seconded, and the main question ordered, by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Chambers, Davenport, Ford, Gallaway, Gaston, Ghent, Gilpin, Harrison, Hoffman, Joseph, Killough, Kleberg, Lane, McDonald, Morris, Payne, Powers, Prendergast, Rainey, Rimes, Roberts, Rosborough, Sayers, Schmidt, Scott, Shelton, Short, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tilson, Tivy, Van Zandt, Venters, Washington, Westfall and Winkler—47.

Nays—Messrs. Anderson, Armstrong, Brown of Upshur, Cunningham, Day, Doyle, Gillette, Hester, Hollingsworth, Ireland, Kemble, Leyendecker, Mabry, Manning, Mills, Moore, Nelson, Russell, Sabin, Salter, Storey, Tom, Trolinger, and Williams—24.

The House then reconsidered the vote by which it refused to adopt the amendment offered by Mr. Sayers, by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Berends, Bledsoe, Booty, Bordeaux, Brown of Upshur, Chambers, Cunningham, Davenport, Day, Ellett, Ford, Gallaway, Ghent, Gilpin, Harrison, Hoffman, Joseph, Killough, Kleberg, Lane, McDonald, Morris, Payne, Prendergast, Rainey, Rimes, Rosborough, Salter, Sayers,

Schmidt, Scott, Shelton, Short, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tivy, Van Zandt, Venters and Winkler—44.

Nays—Messrs. Abbott, Anderson, Armstrong, Broadus, Doyle, Gaston, Gillette, Hester, Ireland, Kemble, Leyendecker, Mabry, Manning, Mills, Moore, Nelson, Phelps, Roberts, Russell, Sabin, Storey, Tilson, Tom, Trolinger, Washington, Westfall and Williams—27.

The amendment was then adopted.

The House refused to adopt the additional section offered by Mr. Ireland.

The amendment offered by Mr. Sayers was then adopted as part of the bill, and the bill ordered engrossed.

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

Mr. Payne moved to amend section one by inserting, after the word "annum," in line eleven, the words "in gold."

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

Mr. Smith of Colorado moved to amend by inserting, after the word "outstanding," in line fifteen, section four, as follows: "And also on the first day of January, annually, after the issuance of any of the said bonds, set apart the two per cent. as a sinking fund for the redemption of the principal, as required by the twenty-third section of article twelve of the State Constitution." The amendment was adopted.

Mr. Prendergast moved to amend section five by striking out all after the word "thereof," line three, and inserting, "by indorsement." The amendment was adopted.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Bordeaux, Broadus, Brown of Upshur, Chambers, Cunningham, Davenport, Doyle, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Hester, Hoffman, Joseph, Kemble, Killough, Kleberg, Lane, Lyendecker, McDonald, Moore, Morris, Payne, Phelps, Powers, Prendergast, Rimes, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shelton, Smith of Colorado, Smith of Houston, Storey, Tilson, Tivy, Tom, Trolinger, Van Zandt, Westfall, Williams, Winkler and Wood—58.

Nays—Messrs. Armstrong, Ellett, Harrison, Hollingsworth, Ireland, Mabry and Mills—7.

A message from the Senate announced the passage, by that body, of Senate bill No. 268, "An act to authorize the County Court of Lamar county to contract for the building of a court house and jail in said county, and to issue and sell the bonds of the county for that purpose;" joint resolution No. 37, granting leave of absence from the State to I. N. Everett, judge of the Twenty-sixth Judicial District; No. 296, "An act prescribing the times of holding general elections in this State;" also, the adoption of a concurrent resolution, recommending the adoption of the University Series of school books for the use of the schools of the State.

The Committee on Engrossed Bills submitted the following report:

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

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

No. 723, a bill to be entitled "An act to incorporate the city of Corpus Christi."

No. 680, a bill to be entitled "An act to protect laborers on railroads and other works of internal improvement."

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 the following:

House bill No. 340, "An act to ascertain the amounts due the teachers of the public free schools of this State prior to the first day of March, A. D. 1873, and to provide for the payment of the same,"

And find the same correctly enrolled, and have presented the same to the Governor for his signature this day at 9:30 o'clock A. M.

WOOD, for Committee.

The Speaker announced that committees would be called under the regular order of business.

Mr. Payne moved to suspend the rules and take up the

tax bill, which motion carried, and the consideration of the bill was resumed, pending the substitute offered by Mr. Smith of Colorado, for section twenty-eight.

Mr. Killough moved to refer section twenty-eight and the substitute offered therefor to a select committee of five.

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

The House then refused to adopt the substitute.

Mr. Payne offered the following amendment: Add to clause twenty-two: "That all steamboats, sail boats and other water-craft engaged in trade within the State, on the rivers, bays or waters thereof, be, and they are hereby made liable to taxes as other property, and shall be rendered for taxation in the county where the owner resides, or whose principal office, if there be any on shore, is situated, and when the owner or agents of such shall fail, neglect or refuse to render for taxation, or pay the taxes on any such steamboat, sail boat or other water-craft, the collectors of taxes are authorized to proceed to collect the same by such process as is authorized for the collection of the taxes on personal property." The amendment was adopted.

Mr. Wood offered the following amendment: In section twenty-eight, clause seventeen, line four hundred and twenty-three, strike out "presiding;" line four hundred and forty-four insert "fourteen;" line four hundred and sixty-five insert "fourteen." The amendment was adopted.

Mr. Tilson offered the following amendment: Section twenty-nine, line four, strike out the word "or." Amendment adopted.

On motion of Mr. Rainey, the House adjourned until 4 P. M.

AFTERNOON SESSION.

House met pursuant to adjournment. Roll called.

The following gentlemen were absent:

Messrs. Bewley, Ellett, Ireland, Short and Winkler.

On motion of Mr. Storey, the rules were suspended and Judiciary Committee No. 1 was granted leave to make a special report.

The following was then submitted:

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

SIR: The Committee on Judiciary No. 1, to whom was referred Senate bill No. 179, making appropriation for the payment of the expenses of the several contested election cases and special investigations before the present Legislature, have had the same under consideration, and instruct me to report the same to the House and recommend its passage.

POWERS, for Committee.

The bill was read second time, and motion of Mr. Booty, was recommitted to Judiciary Committee No. 1.

On motion of Mr. Mills, Senate bill No. 296, prescribing the times of holding general elections in this State, was made special order for Tuesday, April 29, at 11 A. M., and one hundred copies were ordered printed.

The consideration of the tax bill was then resumed.

Mr. McDonald offered the following amendment: Amend section thirty-one by adding at the end of line thirty-six as follows: "*Provided*, that the provisions of this section shall not be so construed as to include and apply to lands sold under the provisions of any previous law for the sale of lands for taxes, where the same were purchased by individuals and not redeemed according to the provisions of said law." Amendment adopted.

Mr. Sabin moved to amend by striking out "five times" and inserting "one time."

Mr. Winkler moved to amend the amendment by inserting "three" in lieu of "one."

Mr. Russell moved to lay the amendment and the amendment thereto upon the table, which was carried.

Mr. Tilson offered the following amendment: "*Provided*, no person shall be required to pay more taxes than are actually due." The amendment was adopted.

Mr. Payne moved to amend section thirty-one, line thirteen, by inserting between the words "State and county" the word "or," and by striking out "special or municipal." The amendment was adopted.

Mr. Abbott moved to adjourn. The House refused to adjourn.

Mr. Sabin moved to amend section thirty-one, line five, by striking out "five" and inserting "two."

Mr. Abbott moved to adjourn. The House refused to adjourn.

Mr. Abbott moved a call of the House. The call was sustained.

Mr. Payne moved to adjourn until 9 A. M., Monday, which motion was carried.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 28, 1873. }

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

The following gentlemen failed to answer: Messrs. Ellett, Noeggerath and Short.

On motion of Mr. Lane, Mr. Bewley was excused on account of sickness.

On motion of Mr. Chambers, Mr. Brown of Dallas was excused for same cause.

On motion of Mr. Hoffman, Mr. Schmidt was excused on account of sickness in his family.

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

Mr. Sabin introduced a bill defining a further cause of continuance in civil causes. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Storey introduced a bill for the relief of the heirs of Frederick Rowe. Referred to Judiciary Committee No. 2.

Mr. Joseph introduced a bill to promote the speedy construction of a canal between the waters of Galveston Bay and Sabine Lake, and in aid thereof. Referred to the Committee on Internal Improvements.

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

Mr. Anderson introduced a bill to amend section seven of an act entitled "An act to incorporate the city of Waco, approved April 26, 1871." Read first time; rules suspended, read second time and ordered engrossed.

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

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

No. 123, "An act to incorporate the city of Corpus Christi."

No. 262, "An act to amend the seventh section of an act entitled an act to incorporate the city of Rockport, approved May 26, 1871."

No. 347, "An act to incorporate Leon River Bridge Company."

No. 1379, "An act to authorize James P. Dumas, and such other persons as he may associate with him, and their successors, to construct, own and keep a toll bridge on, over and across Choctaw Bayou, in Grayson county, Texas."

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

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

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

No. 402, "An act to incorporate the Milam Real Estate and Immigration Association."

No. 420, "An act for the relief of the heirs of William Garnett, deceased."

No. 662, "An act to release certain taxes to the residents of Cooke, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr, and all the counties lying west and southwest of the same," with amendments by the Senate.

No. 133, a bill entitled "An act to accurately define the land district of Palo Pinto, and to make valid the surveys and locations heretofore made therein," with amendments by the Senate.

Also, the adoption of the concurrent resolution inviting Governor Osborn and party of Kansas to visit Austin, with amendments by the Senate.

Judiciary Committee No. 2, being permitted to report, on motion of Mr. Ireland, submitted the following:
Hon. M. D. K. Taylor, Speaker of the House of Representatives :

SIR: Your committee to whom was referred House bill

No. 526, "An act amendatory of and supplementary to an act concerning private corporations, approved December 2, 1871," beg leave to report the same back, with the remark that it is an important bill, and a very voluminous one, and the committee recommend the passage of the bill with a view to having it printed and more carefully examined.

IRELAND, Chairman.

The report was adopted, and one hundred copies ordered printed.

Mr. Wood introduced a bill to provide for the improvement of the navigation of the Trinity river. Referred to the Committee on Internal Improvements.

Mr. Armstrong introduced the following resolution, accompanied with specifications thereto pertinent:

WHEREAS, grave complaints have been preferred against the Hon. William Chambers, Judge of the First Judicial District of the State of Texas, by the members of the bar of said district and the people thereof, charging the said Chambers with oppression, corruption, perjury and embezzlement; and

Whereas, It is due to the people of said district that said charges be investigated; therefore, be it

Resolved, That a committee of three be appointed by the Speaker to consider said charges, and to report at an early moment to this House whether there exist sufficient grounds for the impeachment of William Chambers, Judge of the First Judicial District of the State of Texas, for high crimes and misdemeanors.

The specifications having been read, the resolution was adopted, and the Speaker appointed the following committee under the resolution: Messrs. Cook, chairman, Rimes and Watts.

The resolution offered by Mr. Nelson, changing the order of business and forbidding the introduction of new business after May 3, except by consent of four-fifths of the House, was taken up.

Mr. Booty offered the following substitute:

Resolved, That during the evening sessions of Mondays, Wednesdays and Fridays, each district shall be called, and each member from the district called shall be entitled to call up one bill.

The substitute was accepted by Mr. Nelson.

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

The resolution was then adopted.

Senate concurrent resolution recommending the use of the University series of school books in the schools of Texas, was taken up and adopted.

Senate joint resolution granting leave of absence from the State to I. N. Everett, Judge of the Twenty-sixth Judicial District, was read.

On motion of Mr. Westfall, the rules were suspended and the resolution read second time.

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

Senate bill No. 268, to authorize the County Court of Lamar county to contract for the building of a court house and jail in said county, and to issue and sell the bonds of the county for that purpose, was taken up.

On motion of Mr. Shelton, the reading of the bill was dispensed with, the rules suspended, the bill read by caption second time and passed to third reading.

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

The unfinished business of Saturday, being House bill No. 721, a bill to regulate the assessment and collection of taxes, was resumed, pending the amendment offered by Mr. Sabin.

Mr. Kemble offered the following substitute for the amendment: Line seven, after the word "paid," insert: "If the delinquent only owes one, two, three, four or five years, he shall only pay what he owes; if for a longer time than five years, a payment of five times the one assessment shall free the delinquent from all back taxes."

Mr. Sabin accepted the substitute.

Mr. Prendergast moved to lay the substitute on the table, which was carried.

Mr. Ireland offered the following amendment to section thirty-two: In lines eighteen and nineteen strike out the words "on the order of the County Court." Amendment adopted.

Mr. Sayers offered the following amendment to section thirty-two: In lines six and seven strike out the words "on or before the first day of December of each and every year" and insert "every three months."

Mr. Powers offered the following amendment to the

amendment: Amend by inserting after the word "received," in line six, the words "and shall pay the same over as he shall be directed by the Comptroller."

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

The House refused to adopt the amendment.

Mr. Wood offered the following as a substitute for the amendment offered by Mr. Sayers: Add to the end of section thirty-two: "*Provided*, it shall be the duty of the sheriff to pay to the Treasurer all moneys due the State as shown by his quarterly reports, as the Treasurer may draft on him for such amounts if he deem it proper, and he shall pay such drafts." The substitute was adopted.

The amendment was then adopted.

Mr. Wood offered the following amendment: Amend section thirty-four by adding to the end of the same: "*Provided*, that the fees for assessing taxes in no county in this State shall exceed the sum of \$2700 for any one year, nor shall the fees for collecting the taxes paid to the sheriff for any one year in any county in this State exceed the sum of three thousand dollars; *and provided further*, that of the whole amount due for assessing the taxes for any one year in any county in this State, the State shall pay two-thirds, and the county one-third; also the State and county shall pay at the same rate for collecting the taxes for the State and county. The amount due by the State for assessing in any county in this State to each justice, respectively, shall be settled by the Comptroller drawing his warrant in favor of each justice, respectively, on the Treasurer of the State, which said warrant shall be paid by the sheriff of the county out of the first State taxes collected by him on such assessment; and the sheriff shall be allowed to retain his commissions in his hands for collecting; *provided*, if in any county in this State the commissions allowed by this act, on the whole amount of the taxes, would exceed the maximum amount allowed to such sheriff for collecting the taxes by this act, he shall only be allowed to retain in his hands three-fourths of the fees due him until he make final settlement for all the taxes for the said year, with the State and county." The amendment was adopted.

Mr. Rimes offered the following amendment to section thirty-four: In line twenty-seven, after the word "to,"

insert "make his annual settlement." The amendment was adopted.

Mr. Ireland offered the following amendment to section thirty-seven: "If from any cause the taxes in any county in this State are not assessed and collected by the time prescribed in this act, said taxes shall be assessed and collected as soon thereafter as possible." The amendment was adopted.

Mr. Anderson offered the following amendment to section thirty-nine: Add to the end as follows: "And shall be a lien on the property of the principal, and all property exhibited by said securities." The amendment was adopted.

Mr. Prendergast offered the following amendment to section thirty-nine: Lines one and two, strike out the words "lands or tenements" and insert "property." The amendment was adopted.

Mr. Sayers offered the following amendment to section forty-one: "All acts and parts of acts in conflict herewith are hereby repealed." The amendment was adopted.

Mr. Wood offered the following: Amend section twenty-nine, line one, by inserting after the word "on," the words "real or." Line five, same section, amend by striking out after the word "levying" the words "thereon, and seizing the same," and insert in lieu thereof the words "on and seizing any personal property belonging to such defaulting tax payer, not exempt by law from taxation." The amendment was adopted.

Mr. Payne offered the following: Amend section thirty-two, line seven, by inserting after the word "of" the words "June and." The amendment was adopted.

Mr. McDonald offered the following: Amend section thirty-two by striking out in line five all after the word "taxes" to the word "and" in line six.

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

Mr. Kleberg offered the following amendment: Section thirty-nine, after the word "office," in line thirty-nine insert "but shall perform the duties of his office until his successor shall have qualified." The amendment was adopted.

Mr. Wood offered the following substitute for section thirty: "When any person, firm, corporation or association shall fail or refuse to pay the tax due from and

payable by them in accordance with the requirements of law, whether such taxes be State or county, or whether they are general or special, or whether such tax be a poll, *ad valorem*, occupation, license or income tax, and whether such person, persons, firm, corporation or association be known or unknown, resident or non-resident, and there shall be no personal property belonging to such person or persons, firm, corporation or association in the county where such tax is assessed or is due and payable, out of which such tax can be made by the sheriff or other collecting officer, then the sheriff of the county where such tax is assessed or is due and payable shall enter all of such taxes on a delinquent list, stating the name of the person or persons, firm, corporation or association from whom such taxes are due and payable, if known, with the place of their residence, if known. If the residence or name of such persons are unknown, then the name and residence of the agent or attorney, if known; and if such sheriff knows of any personal property belonging to such person or persons, firm, corporation or association, subject to the payment of such taxes in this State, he shall state the same on said list, with the county where it is situated. If any of the delinquent taxes are upon property not rendered by the owner, his agent or attorney, but rendered and assessed by the officers of the law, he shall state such fact in said list, and shall also enter a brief description of the personal property so assessed, with the number of acres, name of the original grantee, and, if patented, the abstract number of the patent of all land so assessed, or if town lots, the number of lot and block; and when such list is so completed, he shall certify that the same is correct, under his hand, and forward a copy thereof to the Comptroller, reserving a copy, which he shall file in the office of the district clerk of his county. On the reception of such delinquent list, the Comptroller, should it appear therefrom, or from the records of his office, that any of the defaulting tax payers on said list are the owners of personal property in any other county in this State, subject to the payment of such tax, he shall at once certify to the amount of the tax so due and unpaid, as appears from such list, and forward the same to the sheriff of the county where such personal property is situated, with an order to such sheriff to seize and sell so much of the property of such de-

faulting tax payer as may be necessary to pay said taxes, all interests on same, and all costs and fees accruing; and such sale of personal property shall be on the same terms as all other sales of personal property authorized by this act, and the order of the Comptroller shall be full authority for such sale. The Comptroller shall charge the sheriff, to whom he forwards such order, with all taxes, and interest on same, included in said order, and said sheriff shall pay said taxes, when collected, to the Comptroller; and all county taxes thus paid to the Comptroller he shall deposit with the Treasurer of the State, to the credit of the proper county, and draw his warrant for the same, in favor of the county treasurer of such county. If no personal property can be found by the officers, out of which to make the taxes due from such delinquents, then the Comptroller shall, at such times, and in such manner as may be prescribed by law, order the sheriffs of the proper counties to collect such delinquent taxes by sale of real estate; *provided*, the delinquent taxes, as appear to be due, State, county, general and special, and interest due on same, may be paid to the Comptroller at any time before proceedings are instituted to sell real estate to pay the same, and the Comptroller's receipt shall be evidence of such payment for any delinquent taxes in any court of this State; and county taxes collected by the Comptroller shall be disposed of in same manner as those paid to him by sheriffs." The substitute was adopted.

Mr. Payne offered the following: At head of section twenty-eight, after the words "railroad and telegraph companies" insert "steamboats and other water craft." Amendment adopted.

Mr. Kemble offered the following amendment to section forty: Add to section forty "That this act shall take effect from and after its passage; *provided*, it do not invalidate any assessment already made in any county in this State." Amendment adopted.

Mr. Smith, of Colorado, offered the following: Insert the words "double the" after the word "probable" in line forty-seven, section thirty-nine, and also the words "special and others" after the word "county" in line forty-seven, and "taxes" for "tax" in said line. Amendment adopted.

Mr. Smith, of Colorado, offered the following amend-

ment: Insert after the word "court" in line ten, section thirty-five, as follows: "and any other taxes to the officer entitled to receive the same;" and after the word "treasurer" in line eleven, insert "and other officer." Amendment adopted.

Mr. Killough offered the following as a substitute for section nine: "SEC. 9. That all personal property and real estate shall be assessed in the county where it or the greater part thereof is situate or ranging, and the taxes thereon may be collected in said county, or at the Comptroller's office."

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

Yeas—Messrs. Bledsoe, Booty, Broaddus, Brown of Upshur, Chambers, Cunningham, Day, Denton, Ellett, Gallaway, Ghent, Gillette, Harrison, Hester, Hoffman, Hollingsworth, Kemble, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Morris, Payne, Rainey, Rimes, Roberts, Rosborough, Russell, Scott, Shaw, Shelton, Smith of Houston, Tilson, Trolinger, Van Zandt and Winkler—38.

Nays—Messrs. Adriance, Allison, Armstrong, Berends, Davenport, Ford Gaston, Gilpin, Ireland, Joseph, Killough, Kleberg, Moore, Phelps, Powers, Prendergast, Sabin, Salter, Sayers, Short, Smith of Colorado, Storey, Stockbridge, Thurmond, Tivy, Tom, Washington, Westfall and Williams—29.

Mr. Armstrong offered the following amendment: Section thirteen, line eight, strike out all after the word "acres" and add "stating in the descriptive list such tract or tracts of land as are improved, and the county in which all the lands are situated, and the value of each tract, and the lands which are improved shall be entered in distinct lines of the lists, and in case any tract of land lies across the boundary of a county, the same shall be rendered in the county where the larger portion of such tract is situated." The House refused to adopt the amendment.

Mr. Smith, of Colorado offered the following amendment: Add to section one, "And they shall make a return to the County Court, every three months, of all persons in their precincts subject to an occupation tax, which return shall be preserved by said court."

Mr. Kleberg moved the previous question, which being

seconded, was put and carried. The bill was then ordered engrossed.

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

The following communication was received from the Comptroller.

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS, {
AUSTIN, April 28, 1873. }

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

SIR: Agreeable to resolution of the House of Representatives of April 25, 1873, I have to state that the requisitions made by the late Adjutant General James Davidson, amount, in the aggregate, to three hundred and ninety-one thousand, six hundred and eighty-six (\$391,686) dollars.

The original law concerning disbursements for police, gave to the Comptroller some supervisory control; but the amended act of May 2, 1871, took the control entirely out of the hands of the financial officer of the State, so far as drawing warrants on the Treasury is concerned.

Section one, page seventy-one, general laws, first session, Twelfth Legislature, provides "That the chief of State police, with the approval of the Governor, shall make requisition from time to time for such sums of money as may be necessary to pay said police, out of any funds in the Treasury appropriated for that purpose, which shall be sufficient authority for the Comptroller to issue a warrant; and the chief of police shall, on disbursing each requisition, file his vouchers with the Comptroller of Public Accounts." All requisitions were made in exact accordance with the law in force at time of procuring warrants, and said requisitions are approved by the Governor.

Vouchers have been filed against all sums drawn, except the last requisition of twenty thousand (\$20,000) dollars, against which there is a balance of nineteen thousand, ninety-three dollars and twenty-three cents (\$19,093.23), for which no vouchers have been filed.

The last requisition, like all the others, was drawn in bulk in the body of requisition, but for the last twelve months the warrants on the Treasury were made in small amounts to correspond with the different sums represented to be due policemen, etc. The same rule has been

substantially observed by the successor of General Davidson.

The charge heretofore made by the Governor that there would have been no loss to the State, had I obeyed his instructions, will be found without foundation, in fact, when it is recollected that the Treasurer, and not the Comptroller, pays money out of the Treasury.

Very respectfully,

A. BLEDSOE, Comptroller.

A message from the Senate announced the passage by that body of House bill No. 790, "An act defining a further cause of continuance in civil causes;" and 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," with an amendment by the Senate.

The last named bill was taken up, the Senate amendment concurred in and the bill passed.

Report from Judiciary Committee No. 2:

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

SIR: Judiciary Committee No. 2, to whom was referred House bill No. 481, have had the same under consideration, and instruct me to report the same back, with the recommendation that it do pass.

WATTS, for Committee.

The bill, being a bill to charter Defiance Hook and Ladder Company No. 1, of Jefferson Texas, was read second time and ordered engrossed.

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

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 following House bills:

No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific ocean."

No. 790, "An act defining a further cause of continuance in civil causes."

No. 782, a bill providing for the permanent location of the county seat of Robertson county.

And find the same correctly engrossed.

BOOTY, Chairman.

Further report from Judiciary Committee No. 2:

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

SIR: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 136, have had the same under consideration, and instruct me to report the same back with the accompanying amendment, and recommend the adoption of the amendment and the passage of the bill.

WATTS, for Committee.

Amend by striking out all after the word "the," in tenth line, in article seven hundred and sixty-six, and inserting in lieu thereof the following: "penitentiary for not less than one nor more than two years."

The bill, being "An act to amend article seven hundred and sixty-six of the Penal Code," was read second time, amendment adopted, and passed to its third reading.

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

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

AFTERNOON SESSION.

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

Absent—Messrs. Day, Ellett, Gilpin, Ireland, Mills, Salter, Shaw, Short, Smith of Houston, Thurmond and Winkler.

On motion, Mr. Tom was excused for the evening.

Under the rule District No. 1 was called.

Mr. Armstrong called up Senate bill No. 271, "An act for the relief of C. C. De Witt and other persons therein named."

The bill was read first time; rules suspended, read second time and referred to the Committee on Private Land Claims.

Mr. Ford called up House bill No. 50, "An act to regulate the practice of medicine." The bill having been read second time.

Mr. Ford offered a substitute therefor under the same caption. The substitute was read and adopted.

Mr. Washington moved to strike out "five," in section five, and insert "ten."

Mr. Denton moved the previous question, which, being seconded, was put, and the main question ordered.

The House then refused to adopt the amendment.

The bill was then ordered engrossed.

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

Mr. Gallaway offered the following amendment: "That not more than one of the examiners shall be of the same class of physicians."

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

Mr. Gaston offered the following amendment: In the proviso to section five strike out "State" and insert "in their respective counties five years prior to the passage of this act." Amendment adopted.

Mr. Storey offered the following amendment: Amend by striking out the words "Police Court" wherever they occur in the bill and insert in lieu thereof the words "County Court." The amendment was adopted.

The bill, thus amended, was adopted and passed.

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

Resolved, That this House adjourn at 1 P. M. to-morrow until 9:30 A. M., thirtieth instant.

Laid over under the rules.

Mr. Phelps moved to adjourn. The House refused.

Mr. Rainey called up House bill No. 393.

Thereupon Judiciary Committee No. 2 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. 393, beg leave to report the same back with the remark that in the opinion of the committee there is no authority for converting the common school fund to the purposes indicated in the bill, and the committee therefore recommend that said bill do not pass.

IRELAND, Chairman.

The bill, being a bill to provide for the establishment of the Texas Military Institute, was read second time, and

on motion of Mr. Anderson, the report was laid on the table.

The bill having been read second time, Mr. Rainey offered the following amendment: Section one, line ten, after the word "of" add "any money in the State Treasury not otherwise appropriated," and strike out "the available school fund of the State."

Mr. Kleberg moved that the House adjourn until 9 A. M. to-morrow, which carried.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, April 29, 1873. }

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

On motion, Messrs. Berends and Bewley were excused on account of sickness.

On motion of Mr. Rimes, Mr. Cook was excused for the day.

On motion of Mr. Hoffman, Mr. Schmidt was excused on account of sickness in his family.

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

Mr. Adriance presented a petition of the County Court of Matagorda county, to levy a special county tax. Referred to the Committee on Finance.

Mr. Hoffman introduced a bill to amend "An act to incorporate the Pecos Irrigation, Manufacturing and Live Stock Company," approved December 1, 1871. Referred to the Committee on Agriculture and Stock Raising.

Mr. McDonald introduced a bill to define the powers of the County Courts of this State in relation to *ex officio* services of sheriffs and district clerks. Referred to Judiciary Committee No. 2.

Mr. Joseph introduced "An act to incorporate the Phoenix Hook and Ladder Company No. 2, of the city of Galveston." Referred to the Committee on Town and City Corporations.

Mr. Adriance introduced a bill to be entitled "An act to aid in the construction of the railroad of the Galveston and Colorado Railway Company." Referred to the Committee on Internal Improvements.

Also a bill for the relief of the heirs of Alexander S. Green, deceased. Referred to the Committee on Private Land Claims.

Mr. Sayers introduced a bill to amend "An act of limitations, adopted on the fifth day of February, 1841." Referred to Judiciary Committee No. 2.

Mr. Wood offered the following resolution :

Resolved, That the Speaker of this House be authorized to employ, from time to time, such additional assistance for the engrossing and enrolling clerks of this House as he may deem necessary, and at such compensation as he may agree upon.

Adopted.

Mr. Broadus offered the following resolution :

Resolved, That the daily newspapers furnished the members of the House of Representatives, from the commencement of the session, up to the sixth of March last, be paid for out of the contingent fund of the present Legislature.

Mr. Mills moved to insert after the word "for" the words "at the rate of five cents per copy."

Mr. Washington moved to strike out "five," and insert in lieu thereof "eight." Amendment lost.

The amendment of Mr. Mills was then adopted, and the resolution, thus amended, was adopted.

Mr. Brown of Dallas introduced a bill to be entitled "An act to enable certain towns and cities to erect hospitals." Read first time ; rule suspended, read second time.

Mr. Wood moved to strike out of section two the words, "and also indigent transient patients, should the State hereafter enact a law providing for paying for such patients." The motion carried.

The bill was then ordered engrossed.

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

The resolution providing for adjourning this day at 1 P. M. until 9 A. M. thirtieth instant was read.

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

Senate bill No. 136, "An act to amend article seven hundred and sixty six of the Penal Code," was taken up on third reading, pending the amendment offered by the committee. The amendment was adopted. The bill was then read third time and passed.

Report from Judiciary Committee No. 2 :

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

SIR : Judiciary Committee No. 2, to whom was referred Senate bill No. 88, entitled "An act to amend the third section of an act entitled an act concerning divorce and alimony, approved January 6, 1841," have had the same under consideration, and a majority of said committee instruct me to report the same back with the recommendation that it do not pass.

WATTS, for Committee.

The bill having been read, Mr. Anderson moved to lay the report on the table. The House refused to table.

The report was then adopted, and the bill indefinitely postponed.

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 House bill No. 560, have had the same under consideration and instruct me to report the same back with the recommendation that it do pass.

WATTS, for Committee.

The bill, being a bill to be entitled "An act to amend articles 527 and 527a of the Code of Criminal Procedure," 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. 228, beg leave to report same back to the House and recommend its passage.

IRELAND, Chairman.

The bill, being a bill to be entitled "An act to amend article four hundred and thirty-five of the Code of Criminal Procedure," was read second time and ordered engrossed.

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

Further report from same committee :

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

SIR : Your committee to whom was referred House bill

No. 332, "An act supplemental to and amendatory of the several acts concerning injunctions," beg leave to report the same back, and recommend its passage.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

On motion of Mr. Ireland, 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 Senate bill No. 85, beg leave to report the same back, with the recommendation that said bill do not pass.

IRELAND, Chairman.

The report was adopted, and the bill, being "An act concerning proceedings in the District Court," indefinitely postponed.

The special order, being Senate bill No. 296, "An act prescribing the times of holding general elections in this State," was then announced.

On motion of Mr. Booty it was referred to a special committee of five.

The Speaker appointed the following gentlemen said committee under the motion: Messrs. Ireland, chairman, Booty, Morris, Smith of Houston and Winkler.

Mr. Payne moved to suspend the rules and take up House bill No. 453, "An act regulating taxation," which motion carried.

The bill was taken up by sections.

Mr. Armstrong offered the following amendment: Section one, line four, strike out the word "one-fourth" and insert "one-fifth."

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

Mr. Payne offered the following amendment: Amend section one by adding "one-fourth of the aforesaid tax shall be for the benefit of public schools and three-fourths for the support of the State government, as may be directed by law. Amendment adopted.

Mr. Payne offered the following amendment: Add to section two "for the use of public schools."

The House refused to adopt the amendment.

Mr. Armstrong offered the following amendment: Section third, line ten, strike out the words "and fifty."

Mr. Cook offered the following amendment to the amendment: Section third, line ten, by striking out "one" and inserting "two."

The House refused to adopt the amendment to the amendment.

Mr. Watts offered the following amendment to the amendment: Amend section three by striking out all after the word "follows" in line seven, to the word "For" in line fourteen, and insert in lieu thereof as follows: "For selling spirituous and alcoholic liquors in quantities less than ten gallons, two hundred dollars; *provided*, that this section shall not be so construed as to include such liquors when sold by druggists for medical purposes; and for selling vinous and malt liquors in any quantities, fifty dollars; *provided*, that this shall not include any wines or beer manufactured in this State."

The House refused to adopt the amendment to the amendment.

The amendment was then put and failed to carry.

Mr. Cook offered the following amendment: Line one hundred and forty-nine, strike out from word "from" to word "dollars," in line one hundred and fifty-six, inclusive.

Mr. Russell offered the following amendment to the amendment: Strike out all in section three that levies an occupation tax upon hotels, eating houses, cook-shops, etc., and on merchants selling dry goods, hardware, etc., and on lawyers and physicians.

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

No. 302, "An act to incorporate the town of McDade, in Bastrop county, Texas."

No. 274, "An act to validate and supplement the charter of the Bastrop Coal Company of Texas."

No. 306, "An act to incorporate the town of Wharton, in Wharton county."

On request of Mr. Cook, he was excused from service on the committee to investigate the charges against William Chambers, Judge of the First Judicial District.

The Speaker appointed Mr. Prendergast in his stead.

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.

The following gentlemen failed to answer to their names:

Messrs. Abbott, Booty, Ellett, Gillette, Noeggerath, Wilder and Winkler.

On motion of Mr. Anderson, joint resolution No. 312, providing for a vote of the people of the State calling a Convention to frame a new Constitution for the State, and providing for the election of delegates thereto, and the time for the convening thereof, was taken up and read second time.

Mr. Morris offered the following amendment: "*Provided*, that the delegates shall be elected from the senatorial districts as organized, from which the members of this Legislature were elected."

Mr. Mills moved to lay the amendment and the joint resolution on the table.

Division being called for, the question was first put upon the amendment.

Yeas and nays were called with the following result:

Yeas—Messrs. Adriance, Anderson, Armstrong, Broadus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Davenport, Day, Denton, Doyle, Ford, Gallaway, Gaston, Ghent, Gillette, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kleberg, Lane, Manning, McDonald, Mills, Payne, Rainey, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Tilson, Trolinger, Van Zandt, Venters, Washington, Westfall and Williams—50.

Nays—Messrs. Allison, Bledsoe, Bordeaux, Gilpin, Harrison, Mabry, Moore, Morris, Nelson, Phelps, Powers, Prendergast, Schmidt, Short, Thurmond, Tivy, Tom, Watts, Wilder and Wood—20.

Whereupon the House refused to table the amendment.

The House then refused to table the joint resolution by the following vote:

Yeas—Messrs. Mabry, Mills, Moore, Morris, Phelps, Roberts and Washington—8.

Nays—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Bledsoe, Bordeaux, Broadus, Brown of Up-

shur, Brown of Dallas, Cook, Cunningham, Davenport, Day, Denton, Doyle, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kleberg, Lane, Manning, McDonald, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, Wilder, Winkler and Wood—64.

Mr. Ireland moved to strike out the preamble, which carried.

Mr. Brown of Dallas moved to amend so as to make the number of delegates from any district the same as it is in the Legislature.

Mr. Wood offered the following substitute for the amendment, and section three: "That the said Convention shall be composed of two delegates from each senatorial district of this State, to be elected by the qualified voters of each district at the same time when voting on the call for a convention."

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

The House then refused to adopt the amendment offered by Mr. Brown.

The substitute offered by Mr. Wood was then adopted.

The bill thus amended was then adopted and ordered engrossed.

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

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Cunningham, Davenport, Day, Denton, Doyle, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Harrison, Hester, Hoffman, Hollingsworth, Ireland, Joseph, Kleberg, Lane, Manning, McDonald, Nelson, Payne, Powers, Prendergast, Rainey, Rimes, Robb, Rosborough, Russell, Sabin, Salter, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, Winkler and Wood—62.

Nays—Messrs. Allison, Mabry, Mills, Moore, Morris,

Phelps, Roberts, Stockbridge, Washington, Wilder and Williams—11.

On motion of Mr. Brown of Dallas, the Committee on State Affairs were granted leave to make a special report, and submitted the following :

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

SIR: The Committee on State Affairs have considered a bill for the relief of Bayland Orphan's Home, and instruct me to report the accompanying substitute, entitled "An act to aid Bayland Orphan's Home," and recommend its passage. This is one of the noblest institutions in the State; in its purely benevolent character it has no superior. Wholly unsectarian, the only passports to admission are orphanage and destitution. Over a hundred boys and girls are now being nurtured, clothed and educated by it, entirely by voluntary private contributions. Its officers and directors are gentlemen widely known for their integrity and moral worth. The donation proposed by the bill, though small in intrinsic value, will cheer the friends and managers of the institution to renewed efforts in building up the school, and diffusing its blessings among those whose dependent condition appeals to the purest emotions of the human heart.

J. H. BROWN, Chairman.

The substitute recommended by the committee was adopted.

Mr. Ireland offered the following amendment: After the word "acres" add "of land heretofore set apart for the benefit of orphan asylums."

Mr. Anderson moved to recommit it to a special committee of three, which motion carried.

The Speaker appointed Messrs. Ireland, Anderson and Smith of Colorado said committee.

The Committee on Enrolled Bills submitted the following reports:

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

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 790, "An act defining a further cause of continuance in civil causes," and find the same correctly enrolled, and have this the twenty-ninth day of April, at 10:30 o'clock A. M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

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

SIR: Your Committee on Enrolled Bills have carefully examined and compared House bill No. 630, "An act to provide for the registration of voters, and to repeal an act to provide for 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 May 31, 1871," and find it correctly enrolled, and have this the twenty-ninth day of April, at 12:10 o'clock P. M., presented the same to the Governor for his signature.

W. A. SHAW, Chairman.

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, April 30, 1873. {

House met pursuant to adjournment. Prayer by Rev Dr. Pendleton of Virginia. Roll called; quorum present. Absent—Messrs. Ellett, Payne and Robb.

On motion of Mr. Harrison, Mr. McDonald was excused for eight days, on account of business.

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

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

On motion of Mr. Morris, leave was granted the Finance Committee to make the following report:

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

SIR: Your Committee on Finance, to whom was referred Senate bill No. 132, entitled "An act consolidating the outstanding debt of the State of Texas, and providing for the settlement and payment of the same, substituted for House finance bill No. . . . , have considered the same, and have instructed me to report the bill back to the House, and recommend that it do not pass.

The committee deem it not out of place to briefly note the following objections to the bill under consideration:

1. It proposes an issue of two millions of State bonds, and creates a permanent financial agent, with an annual salary at the rate of seven thousand five hundred dollars, with his expenses in the sale of the bonds added.

2. It compels the Governor to have the bonds prepared and delivered to the agent, at such times and in such amounts as said agent may demand; and here the authority of the Governor or other State authority ceases, as to the sale or exchange of the bonds.

3. It proposes an official bond for an agent with power to control two millions of bonds, in the sum of only one hundred thousand dollars.

4. It confers on the agent unrestricted authority to dispose of the bonds on his own terms, and in like manner to deal with and settle the outstanding obligations of the State, without the usual supervising control of the Governor or other State authority.

5. It compels the agent to consolidate Texas bonds having long to run, and tested because of no default of payment of interest to the holder. This, it is believed, cannot be done without a positive loss to the State, and with no corresponding advantage.

Your committee will only add that to put two millions of State bonds on the market at this time for any purpose, would, in their opinion, be unwise, and attended with unsatisfactory results. Instead of such a course, it is hoped that the Legislature will adopt such measures as will restrict the outstanding liabilities of the State to the lowest point consistent with the demands that should be provided for, without delay. Your committee confidently hopes that pending measures looking to this desirable result will be speedily perfected, doing ample justice to the creditors of the State.

W. W. MORRIS, Chairman.

The report was adopted, and the bill indefinitely postponed.

Mr. Trolinger presented a petition of John Bodin for relief. Referred to the Committee on State Affairs.

On motion of Mr. Mills, the special committee to investigate the office of Superintendent of Public Instruction, were granted leave, and submitted the following report:

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

SIR: Your Special Joint Committee, to whom was referred concurrent resolution directing inquiry into the official conduct and accounts of the Superintendent of Public Instruction, and of his subordinates in office, have performed the duties assigned them to the best of their ability, and report the following as the result of their investigation, to-wit:

1. In the appointment of W. B. Bonner, of Limestone notoriety," and of Geo. W. Smith, commonly known as "Brenham-burner Smith," as inspectors of schools for Grimes county, your committee are of the opinion that the Superintendent of Public Instruction did, in these appointments, evince a wanton disregard of public opinion, and a criminal disposition to make the power, with which he is vested, a means by which to reward party fealty at the expense of the common good. The character of these men, and the gross outrages with which they were charged, certainly could not have been unknown to the Superintendent, and their selection to fill so high and important a position as that of inspector of schools, does not indicate that true devotion to the best interests of the department over which he presides that was desired, if not expected by the people. The testimony of B. A. Strange (No. 9), himself an appointee as a member of the board of school directors for the same county, discloses the singular fact that Smith left the county as soon as the Republican nomination had been made, which circumstance, taken in connection with the further fact that he was at the same time postmaster at Corsicana, and while inspector was not known to visit a single school in Grimes county, leads the mind to the inevitable conclusion that his appointment was made for political purposes, and not in the interest of the people of the county to which he was sent. What merits these men possessed beyond those which the notoriety they enjoy throughout the whole country warrants in attributing to them, the evidence does not show, and your committee feel justified in the belief that the power was used, in this instance, for the purpose of promoting the success of that party of which the Superintendent is so prominent a member, and in whose efforts to control the country he has played so conspicuous a part.

2. By reference to the statement of A. S. Reed (No. 11), it will be perceived that notwithstanding the Superintendent was, more than once, notified of the character and conduct of the board of school directors of Tarrant county, no investigation was ever directed into the truth of the charges made against them, by their superior in office (the witness), and for aught your committee know, these very same men are still retained in the position to which they were originally assigned. Your committee can find no excuse for the conduct of the Superintendent in this matter, and deem it their duty to invite the special attention of this honorable Legislature to so palpable and unjustifiable a failure upon the part of the Superintendent to maintain the good character of the common school system, and to remove from official position such unworthy persons as comprise the board of school directors of which the witness speaks.

3. The testimony of L. P. Rucker and T. J. Lockett (Nos. 8 and 10, respectively), subjects the Superintendent to another charge of a very grave and serious character, that is, partiality in the payment of teachers. Your committee have failed to discover any good reason why teachers of colored schools, even though they had come from the North, should receive salaries larger than those of the same grade who teach white schools. It will be seen from the evidence of Lockett that six teachers of colored schools, who were ladies from the North, received pay at the rate of ninety dollars per month, while all other teachers, who held the same character of certificates, were paid only seventy-five dollars per month. That the Superintendent was cognizant of this fact is beyond all doubt—the vouchers of all teachers, upon which alone payment could be made, being subject to his approval. The rules and regulations adopted by the Board of Education under the act of November 29, 1871, prescribing the salaries of teachers, allowing those who have second class certificates seventy-five dollars per month, but authorizing the Superintendent, in special cases, to increase their salaries to ninety dollars per month. Why this discrimination was made does not appear in the evidence, except for the reason that these favored teachers had large schools. But they were not without assistants, and surely the character of the schools to which they were assigned did not require qualifications

superior to those necessary to be possessed by teachers of white schools.

By Rucker the fact is established that the voucher of Washburne, a teacher of a colored school, was reduced by him to seventy-five dollars per month, and forwarded to the Superintendent, who, for some reason unknown to witness, returned it, increasing Washburne's pay to ninety dollars per month. True it is that Washburne's school was large, yet the evidence shows that he was assisted by three others, all of whom taught the elementary branches in the same room.

The witness, who held a first class certificate, and was teaching a white school ranging from fifty to eighty scholars, received only the pay of a second class teacher.

Your committee respectfully submit that the Superintendent, being by virtue of the present school law, vested with almost despotic power, and requiring, with the disposition of an inquisitor, the submission of every official act of his subordinates to his own critical inspection, should be held to a strict responsibility for every piece of impropriety which may have come to his knowledge, and which he has not sought to correct.

4. The purchase of slates through the intervention of A. S. Mair (No. 2) raises a very grave suspicion in the minds of your committee that a great fraud was practiced in that matter upon the State, and, furthermore, that said fraud was committed within the knowledge and with the connivance, or through the negligence of the Superintendent. The witness, Mair, was instructed to purchase from a particular quarry a certain number of slates. It is not to be presumed that the Superintendent would have restricted the witness to a single quarry without knowing what would be the cost. In compliance with these instructions, Mair purchased four hundred and six slates, giving in payment therefor New York acceptances, due ninety days after shipment. Within twenty-five days after leaving the place of manufacture, and more than sixty days before the acceptances fell due, the slates reached Galveston and Jefferson, at a total cost to Mair of \$5434.24, when Mair was paid for them the sum of \$8275, thus realizing a net profit of \$2830.76 on so small an adventure, in so short a time, without having paid one dollar in advance. Comment is unnecessary; and while it may be true, as the witness as-