

Whereupon it was evident there was no quorum present.

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

The roll being called the following gentlemen failed to answer to their names: Messrs. Berends, Bewly, Brown of Dallas, Carroll, Hollingsworth, Killough, Manning, Mills, Rainey, Rimes, Short and Venters.

On motion of Mr. Denton the call was suspended.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Hoffman, Ireland, Kemble, Mabry, Nelson, Payne, Phelps, Prendergast, Robb, Roberts, Rosborough, Russell, Sayers, Scott, Shelton, Smith of Houston, Tilson, Tivy, Tom, Watts, Westfall, Wilder and Winkler—43.

Nays—Messrs. Abbott, Allison, Armstrong, Ellett, Harrison, Joseph, Kleberg, Lane, Moore, Morris, Noeggerath, Powers, Sabin, Salter, Schmidt, Shaw, Smith of Colorado, Storey, Stockbridge, Thurmond, Trolinger, Washington, Williams and Wood—24.

Special order, No. 816, "An act to provide for an election of a commission to select a site for a branch penitentiary," was then announced.

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

Mr. Anderson moved to suspend the regular order of business and allow the special committee upon the Ohio liquor bill to report. The House refused to suspend the rules.

On motion of Mr. Cook, 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. 619, entitled "An act to exempt the land and real estate of citizens from forced sales and liability for debts hereafter contracted," beg leave to report the same back with the recommendation that the same do pass.

IRELAND, Chairman.

On motion of Mr. Cook, the bill was laid on the table and made the special order for Thursday, May 8, 10 A. M.

Report from Committee on Engrossed Bills:

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

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

No. 291, a bill to be entitled "An act to incorporate the Gulf, Colorado and Santa Fé Railway Company."

No. 453, a bill entitled "An act regulating taxation."
And find the same correctly engrossed.

BOOTY, Chairman.

Report from Committee on Enrolled Bills.

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

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

No. 47, "An act supplemental to and amendatory of an act entitled an act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company, passed November 11, 1871."

No. 218, "An act to incorporate the Pioneer Fire Company, No. 1, of the city of Corpus Christi."

No. 808, "An act to enable district judges to make temporary appointments of clerks of the district courts in cases of vacancies."

No. 747, "An act 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."

And find the same correctly enrolled, and have this day, the sixth of May, at 11 o'clock A. M., presented the same to the Governor for his approval.

SHAW, Chairman.

Unfinished business, Senate amendments to House bill No. 468, "An act for the relief of J. Lancaster," was read and concurred in, and the bill passed.

The resolution offered by Mr. Roberts on May 1, changing the five minutes rule, was read.

Mr. Rosborough moved to strike out "ten" and insert in lieu thereof "two."

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

The concurrent resolution offered by Mr. Kleberg, to adjourn *sine die* May 15, was read.

On motion of Mr. Winkler, the resolution was laid on the table.

The concurrent resolution offered by Mr. Mills, to adjourn *sine die* May 31, was read.

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

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Booty, Bordeaux, Broaddus, Brown of Upshur, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Gaston, Gilpin, Harrison, Hoffman, Ireland, Joseph, Manning, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Robb, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Watts, Westfall, Winkler and Wood—45.

Nays—Messrs. Abbott, Allison, Berends, Bledsoe, Day, Doyle, Ellett, Kemble, Mabry, Mills, Moore, Phelps, Roberts, Sabin, Schmidt, Shelton, Stockbridge, Trolinger, Washington, Wilder and Williams—21.

The resolution offered by Mr. Brown of Dallas, changing the order of the call of districts in afternoon sessions, was read.

Mr. Ireland moved to strike out "name" and insert in lieu thereof "district."

Mr. Mills moved to amend so as to prevent a second call of those whose names have already been called.

Mr. Shaw moved to lay the resolution and amendments on the table, which was carried.

The Speaker then announced he would hereafter, at the evening sessions devoted to that purpose, have the districts called from the bottom and top of the list alternately, excluding those already called.

Mr. Cook moved to suspend the rules and take up the resolution offered by Mr. Ireland, changing the order of business at the morning session. The House refused to suspend.

Senate joint resolution No. 39, memorializing Congress to provide for the improvement of the entrance into Matagorda bay, was taken up and read first time; rules suspended, read second time, and passed to a third reading.

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

Senate bill No. 311, "An act to incorporate the Bastrop Turn Verein," was read first time by caption; rules suspended, read by caption second time, and passed to a third reading.

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

Senate bill No. 258, "An act to amend sections seven, ten and twenty of an act entitled an act to incorporate the Tyler Tap Railroad Company, approved December 1, 1871, and to grant land to said company to aid in the construction of its road," was taken up and referred to the special committee on railways.

Senate bill No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof," was taken up and referred to the special committee on railways.

Senate bill No. 327, "An act supplemental to an act entitled an act reimbursing Bastrop county, and appropriating the sum of two hundred and twenty-five dollars for that purpose, approved March 20, 1873," was read first time.

Mr. Morris moved to refer to the Committee on Claims and Accounts. The House refused to refer.

The bill then passed to second reading.

Senate bill No. 331, "An act to prohibit the sale of intoxicating liquors within two miles of Pattonville, in Lamar county," was read first time; rules suspended, read 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 motion to reconsider the vote passing Senate bill No. 13, "An act to consolidate the Houston Tap and Brazoria, the Huntsville Branch Railway, and the Victoria and Columbia Railway with the Houston and Great Northern Railway," was put. The House refused to reconsider.

House bill No. 125, a bill to be entitled "An act to prescribe the mode and manner of designating exempted homesteads in certain cases," was taken up, the Senate amendment thereto concurred in, and the bill passed.

Senate joint resolution No. 40, authorizing and requiring the sheriff of Williamson county, by himself or deputy, to summon a *posse* for the purpose of pursuing and arresting certain persons accused of crime, and providing rewards for such arrests, was taken up, pending the substitute offered therefor by Mr. Ireland.

Mr. Mills moved to lay the substitute on the table. The House refused to table.

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

The House then adopted the substitute by the following vote:

Yeas—Messrs. Speaker, Adriance, Anderson, Armstrong, Berends, Booty, Bordeaux, Chambers, Cook, Cunningham, Davenport, Denton, Eastland, Gaston, Ghent, Harrison, Hoffman, Ireland, Kemble, Lane, Manning, Nelson, Powers, Prendergast, Robb, Rosborough, Russell, Sayers, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Westfall, Winkler and Wood—37.

Nays—Messrs. Abbott, Allison, Bledsoe, Broaddus, Brown of Upshur, Carroll, Day, Ellett, Ford, Joseph, Kleberg, Mabry, Mills, Moore, Noeggerath, Payne, Phelps, Sabin, Salter, Schmidt, Scott, Shaw, Stockbridge, Tivy, Trolinger, Washington, Watts, Wilder and Williams—29.

Mr. Powers moved to amend by substituting the word "five" before the word "hundred" wherever it occurs, in place of the word "two."

The amendment was adopted by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Bledsoe, Booty, Broaddus, Carroll, Chambers, Cook, Davenport, Eastland, Ford, Hoffman, Joseph, Kleberg, Lane, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Roberts, Rosborough, Sabin, Salter, Scott, Shaw, Smith of Colorado, Smith of Houston, Stockbridge, Tilson, Tivy, Venters, Washington, Watts, Wilder, Williams and Winkler—42.

Nays—Messrs. Anderson, Armstrong, Berends, Bordeaux, Brown of Upshur, Brown of Dallas, Cunningham, Day, Denton, Doyle, Gaston, Ghent, Gilpin, Harrison, Ireland, Kemble, Manning, Payne, Robb, Russell, Sayers, Schmidt, Shelton, Short, Storey, Thurmond, Tom, Westfall and Wood—29.

Mr. Mills moved to amend by striking out "three thousand" wherever found in the resolution, and inserting in lieu thereof "nine thousand."

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

The House refused to table by the following vote:

Yeas—Messrs. Anderson, Armstrong, Berends, Bordeaux, Brown of Upshur, Cunningham, Davenport, Day, Denton, Gaston, Ghent, Gilpin, Harrison, Ireland, Joseph, Kemble, Manning, Payne, Prendergast, Robb, Russell,

Schmidt, Shelton, Short, Thurmond, Tom, Trolinger and Westfall—28.

Nays—Messrs. Abbott, Adriance, Allison, Bledsoe, Booty, Broaddus, Carroll, Chambers, Doyle, Eastland, Hoffman, Kleberg, Lane, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Roberts, Rostorough, Sabin, Salter, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Venters, Washington, Watts, Wilder, Williams, Winkler and Wood—40.

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

The amendment was then adopted.

The resolution was then adopted by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Carroll, Chambers, Cunningham, Davenport, Day, Hoffman, Joseph, Kleberg, Lane, Mabry, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Roberts, Rosborough, Sabin, Salter, Sayers, Scott, Shaw, Smith of Colorado, Smith of Houston, Stockbridge, Tivy, Venters, Washington, Watts, Wilder, Williams and Winkler—44.

Nays—Messrs. Anderson, Armstrong, Brown of Upshur, Denton, Doyle, Eastland, Gaston, Ghent, Gilpin, Harrison, Ireland, Kemble, Manning, Payne, Robb, Russell, Schmidt, Shelton, Short, Storey, Thurmond, Tilson, Tom, Trolinger, Westfall and Wood—26.

On motion of Mr. Denton, 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, Anderson, Bewley, Ellett, Kleberg and Winkler.

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

Resolved, That the rules of this House be so changed as to require the afternoon session to begin at 3 P. M. instead of 4 P. M., for the remainder of the session.

Laid over under the rule.

The special order, House bill No. 586, "An act to in

corporate the San Antonio and Austin Railroad Company," was then taken up by sections.

On motion, the following names were inserted: L. W. Mitchell, J. G. Storey, George W. Sampson of Austin, and W. G. Kingsbury.

On motion of Mr. Ireland, the word "Colorado" in line fifteen of section one was stricken out, and "Austin" inserted in lieu thereof.

On motion of Mr. Denton, the word "Colorado" was inserted before the word "river" in line six of section three.

Mr. Cook moved to amend by inserting the following as a separate section to follow section six: "That in no event shall the San Antonio and Austin Railway Company, or their successors, sell or lease to, or consolidate with any other railway company, unless with the consent of the Legislature of Texas first had and obtained; and any such sale or lease to, or consolidation with any other railway company shall be otherwise invalid, but shall work a forfeiture of the charter, chartered rights and franchises of said company." The amendment was adopted.

Mr. Smith of Colorado moved to strike out of section five, wherever it occurs, the word "consolidation," and all after the word "company," in line nine.

Mr. Berends offered the following amendment to section eight: Amend section eight by striking out all after the word "provided" in line twenty-six, to the word "that" in line thirty-two, and insert the following in lieu thereof: "Said company shall alienate the lands it may get under this act, as follows: One-fourth in eight years; one-fourth in twelve years; one-fourth in sixteen years, and the remaining one-fourth in twenty years from the date of the certificate, except so far as is necessary for the proper use and conducting the business of said railway; *provided*, said company shall not alienate its said land to any other railway company, except so far as may be necessary for the proper use and conducting the business of such other railway company; nor shall such company alienate its said land to any other company or firm of which any of the stockholders or officers of said company are members, nor to any person, firm or company, trust or partnership, for said company; and on failure to comply with the provisions of this section, said company shall

forfeit all lands received by virtue of this act, not alienated as required by law." The amendment was adopted.

Mr. Manning moved to add to section eight: "*Provided*, that the State of Texas shall not be held responsible for any deficit of public land upon which to locate said certificates." The amendment was adopted.

Mr. Smith of Colorado moved to amend by inserting in section eight, line seven, after the word "ten," the word "consecutive," which amendment was adopted.

Mr. Payne moved to insert in line three, section three, after the word "railroad," the words, "of four feet and eight and one half inches gauge." The amendment was adopted.

Mr. Prendergast moved to amend section ten by adding thereto the following: "*Provided*, that the right is expressly reserved to the Legislature to regulate the rate of charges for freight or passage on said road, and to prescribe the rights, duties and responsibilities of the officers and employes of said railroad company as a common carrier."

Mr. Mills moved to lay the amendment on the table. The House refused to table. The amendment was then adopted.

Mr. Brown of Dallas moved to add section eleven, as follows: "That this act shall take effect and be in force from and after its passage." The amendment was adopted.

Mr. Payne moved to amend by striking out all after the word "same," in line twenty, section one, and insert: "Said corporation shall continue for sixty years from the passage of this act." The amendment was adopted.

Mr. Winkler moved to amend by striking out all after the words "New Braunfels," in line thirteen of section three, to the end of the section. The House refused to adopt the amendment.

Mr. Smith of Colorado moved to insert in section two, line nineteen, after the word "company," "at some point on their main line."

Mr. Ireland offered as a substitute therefor the following: Insert "any point in the State."

The substitute was adopted and the amendment then adopted.

Mr. Payne moved to add the following section: "Said company shall commence the construction of their road

within two years from the passage of this act; and in case they should fail so to do, they shall forfeit all right to the provisions of this act." The amendment was adopted.

Mr. Scott moved to amend by inserting at the end of section three as follows: "*provided*, that said company shall not be entitled to any grant of land for said branch road or roads."

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

Mr. Smith of Colorado moved to add the following section, to follow section nine: "That this company shall not be considered created and organized until as much as one hundred thousand dollars of its capital stock shall have been taken, and five per cent. thereof paid in to the parties named in the first section of this act, for the benefit of the company, and this shall be completed within twelve months from the passage of this act, and on failure to comply therewith in that time this charter shall be considered surrendered and forfeited." The amendment was adopted.

Mr. Ireland moved to amend the amendment offered by Mr. Cook by inserting after the word "any" in third line the words "parallel or," and after the word "other" in same line the word "competing," and by striking out in same line thereafter the words "any other;" also by inserting after the word "other" in line seven the words "parallel or competing." The amendment was adopted.

Mr. Ireland moved to amend section four, line two, by striking out after the word "right" to the word "State," line eleven, and inserting in lieu thereof "under the general laws of the State." The amendment was adopted.

Mr. Prendergast moved to amend by striking out all after the words "New Braunfels" in line thirteen of section three, to the end of the section. The amendment was adopted.

The bill was then ordered engrossed.

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

Yeas—Messrs. Speaker, Adriance, Berends, Bledsoe, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Hoffman, Ireland, Joseph, Kleberg, Lane, Mabry, Manning, Mills, Morris, Noeggerath, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Russell, Sabin, Salter, Sayers, Schmidt, Short,

Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington, Watts, Westfall, Wilder William, Winkler and Wood—56.

Nays—Messrs. Abbott, Armstrong, Chambers, Cunningham, Kemble, Moore, Nelson, Rosborough, Scott, Shelton and Trolinger—11.

On motion of Mr. Brown of Dallas, Mr. Watts was added to the committee to revise the abstracts of land titles, and have the same republished.

Special order, House bill No. 596, "An act amendatory of and supplementary to an act to organize and incorporate the East Line and Red River Railroad Company, approved March 22, 1871," was then taken up, being on third reading.

Mr. Bordeaux moved to strike out "Sherman" in line seven, section two, and insert in lieu thereof "Gainesville." The amendment was adopted.

Mr. Bordeaux moved to amend section two by striking out the word "and" between "county" and "Gainesville" and after the words "Cooke county" and insert "and Montague, in Montague county." The House refused to adopt the amendment.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Berends, Booty, Broadus, Brown of Upshur, Brown of Dallas, Carroll, Davenport, Denton, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Ireland, Joseph, Kleberg, Lane, Mabry, Manning, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Russell, Sabin, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Watts, Westfall, Wilder, Williams, Winkler and Wood.—56.

Nays—Messrs. Abbott, Bordeaux, Chambers, Cook, Day, Doyle, Kemble, Trolinger and Washington—9.

Mr. Mills moved to take up House bill No. 489, known as the "Atlantic and Pacific Railway bill," and make it the special order for Thursday, May 8, at 11 A. M. The House refused to take up the bill.

Mr. Sayers moved to take up Senate bill No. 271, for the relief of C. C. De Witt, and others therein named. The House refused to take up the bill.

Mr. Smith of Colorado moved to take up House bill

No. 482, "An act to aid in the construction of the Galveston, Harrisburg and San Antonio Railway." The House refused to take up the bill.

Mr. Kemble moved to take up House bill No. 387, to incorporate the Public Building Company, of Hill county. The bill was taken up.

The following report thereon was submitted:

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

SIR: Your select committee to whom was referred a bill to be entitled "An act to incorporate the Public Building Company of Hill county," have duly considered the same, and I am instructed by the committee to report the bill back and recommend that it pass.

RUSSELL, Chairman.

Mr. Mills moved to adjourn.

The House refused to adjourn.

The reading of the bill having been dispensed with, on motion of Mr. Russell, it was ordered engrossed.

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

Mr. Watts moved to take up House bill No. 482, "An act to aid in the construction of the Galveston, Harrisburg and San Antonio Railway." The bill was taken up.

Mr. Manning offered the following amendment: Add to section two, "*provided*, the State shall not be held responsible for deficit of public domain to locate said certificates."

The amendment was adopted.

Mr. Smith, of Colorado, offered the following: Section three, line fourteen, strike out the word "Denver" and insert "Preston" in lieu thereof, and after the word "Columbus," in line fifteen, insert the word "before."

The amendments were adopted.

Mr. Storey offered the following amendment: Amend section three by adding "*provided*, that if said company prefer building their road by way of the town of Prairie Lea, in the county of Caldwell, thence to Seguin, they may do so instead of going by the town of Gonzales, and in that event they shall designate which route they will take within thirty days after the passage of this act, and notify the Secretary of State in writing the route they intend to, and shall not thereafter change the general route so adopted."

A message was received from the Senate informing the House that the Senate had passed the following bills originating in the House, viz. :

No. 126, "An act for the relief of A. S. Thurman."

No. 156, "An act to validate the survey of John B. Dillard, and authorize patent to issue on the same."

No. 243, "An act granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spivey crossing on Trinity river, in Henderson and Navarro counties."

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

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

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

No. 357, "An act to incorporate the Owensville High School."

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

No. 391, "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas."

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

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

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

No. 573, "An act to validate the election held in the town of Crockett, Houston county."

No. 575, "An act for the relief of the estate of John T. Storey."

No. 605, "An act to authorize Ezra Carpenter to build and keep a toll bridge over Big Cypress."

No. 665, "An act to prohibit the sale of intoxicating liquors within three miles of the institution of learning situated near Mount Enterprise, in Rusk county."

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

No. 671, "An act to incorporate the Mechanics' Real Estate and Savings Association of Dallas."

Also the following House bills with amendments:

No. 148, "An act amendatory of and supplemental to

an act to incorporate the Merchants' Mutual Insurance Company, approved September 18, 1866."

No. 381, "An act to incorporate the town of Ladonia, in Fannin county."

No. 794, "An act to amend section seven of an act to incorporate the city of Waco."

Also, the following bills originating in the Senate, viz :

No. 111, "An act to provide for supplying the records of Lampasas county destroyed by fire."

No. 228, "An act to incorporate the town of Jacksonville, in Cherokee county."

No. 270, "An act to amend sections one, two, fourteen and fifteen of an act to incorporate the Calvert and Belton Railroad Company, passed May 25, 1871, and to grant lands to aid in the construction of said railroad."

No. 288, "An act to incorporate the Austin and Colorado Valley Water Works and Irrigation Company, and to provide a method to aid said company in the accomplishment of the object of its creation."

On motion of Mr. Hoffman, the House then adjourned until 9 o'clock A. M. to-morrow.

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

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

Absent—Messrs. Anderson, Ellett and Schmidt.

On motion of Mr. Carroll, Mr. Kemble was excused for one week.

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

On motion of Mr. Chambers, the chaplain, Mr. Lovejoy, was granted leave of absence for four days from Monday next.

On motion of Mr. Smith of Colorado, Mr. Hollingsworth was excused for two days.

On motion of Mr. Brown of Dallas, Mr. Anderson was excused for this day on account of important business.

On motion of Mr. Cook, Mr. Rimes was excused for four days on account of sickness.

On motion of Mr. Mills, Mr. Washington was excused for four days from Monday next.

Mr. Scott presented a memorial from citizens of Marion county in relation to the International Railway Company; Referred to the Committee on State Affairs.

Mr. Prendergast presented a petition of citizens of Limestone county against the formation of a new county out of a portion of the lower part of said Limestone county. Referred to the Committee on Counties and County Boundaries.

Mr. Cook introduced a bill to prevent railway and other corporations from leasing or selling their chartered rights, privileges or franchises to, or consolidating with other railway or chartered corporations. Read first time; rules suspended and read second time.

Mr. Booty moved to lay the bill on the table, make it special order for Saturday, May 10, at 11 A. M., and have one hundred copies printed, which motion carried.

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 improvements of Galveston, and to provide for a tax of one-fourth of one per centum for a sinking fund wherewith to pay the principal and interest of said bonds. 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.

On motion of Mr. Rainey, Mr. Ford was added to the standing committee to examine the offices of the Comptroller and Treasurer.

Mr. Brown of Dallas introduced a bill supplementary to the acts incorporating the city of Dallas. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Adrianse introduced a bill to provide for the investigation of fires in certain cases. Read first time; rules suspended and read second time.

Mr. Kleberg moved to refer the bill to Judiciary Committee No. 1. The House refused to refer.

The bill was then ordered engrossed.

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

Mr. Sabin introduced a joint resolution of the State of

Texas, relative to the character of the election in 1872, and as to its effects upon the permanency of the capital, the constitutional amendment, the power to make a land grant, and the term of office of the members elected to the Senate and House of Representatives. Read first time, and, on motion of Mr. Sabin, laid on the table and one hundred copies ordered printed.

Mr. Ireland moved to reconsider the vote of yesterday, passing Senate bill No. 296, "An act prescribing the times of holding general elections in the State of Texas."

After discussion had thereon, Mr. Kleberg moved the previous question.

Mr. Smith of Colorado rose to a point of order; said the point being that the bill had passed from the possession of the House, and could not be reconsidered.

The Chair decided (Mr. Booty in the chair) the point of order not well taken.

Mr. Mills appealed from the decision of the Chair.

Upon that appeal Mr. Payne moved the previous question, which was seconded and the main question ordered.

The House sustained the decision of the Chair.

The vote was then reconsidered by the following vote:

Yeas—Messrs. Speaker, Adriance, Berends, Booty, Brown of Dallas, Carroll, Cook, Cunningham, Denton, Doyle, Eastland, Harrison, Ireland, Joseph, Kleberg, Mabry, Manning, Moore, Morris, Noeggerath, Phelps, Powers, Rimes, Robb, Roberts, Rosborough, Sabin, Sayers, Scott, Shaw, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Venters, Washington, Wilder Williams and Wood—42.

Nays—Messrs. Armstrong, Bewley, Bledsoe, Bordeaux, Broaddus, Brown of Upshur, Chambers, Davenport, Day, Ellett, Ford, Gaston, Ghent, Gilpin, Hoffman, Kemble, Killough, Lane, McDonald, Mills, Payne, Rainey, Russell, Salter, Shelton, Short, Smith of Colorado, Trolinger, Van Zandt, Watts, Westfall, and Winkler—32.

Mr. Harrison moved that the bill lie on the table, which carried by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Berends, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Denton, Doyle, Eastland, Gaston, Harrison, Ireland, Joseph, Kemble, Killough, Mabry, Manning, McDonald, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Rainey, Rimes, Robb, Roberts, Ros-

borough, Sabin, Salter, Sayers, Scott, Shaw, Smith of Houston, Storey, Stockbridge, Tilson, Tivy, Tom, Venters, Washington, Wilder, Williams and Wood—49.

Nays—Messrs. Armstrong, Bewley, Bledsoe, Bordeaux, Chambers, Cunningham, Davenport, Day, Ellett, Ford, Ghent, Gilpin, Hoffman, Lane, Payne, Prendergast, Russell, Shelton, Short, Smith of Colorado, Thurmond, Trolinger, Van Zandt Watts, Westfall and Winkler—26.

The resolution offered by Mr. Denton changing the hour of assembling of the evening session from four P. M. to three P. M. was read and adopted.

On motion of Mr. Sayers, House bill No. 809, to provide for the condemnation and sale of lands for State taxes, was made special order for Monday, May 12, at 10 A. M.

Special order, House bill No. 619, to exempt the lands and real estate of citizens from forced sale and liability for debts hereafter contracted, was announced, read second time and ordered engrossed.

Mr. Cook moved to suspend the rules and put the bill on its third reading. The House refused to suspend.

By request, Mr. Prendergast was excused by the House from service on the committee to investigate the charges against William Chambers, Judge of the First Judicial District.

Senate amendments to House bill No. 381, "An act to incorporate the the town of Ladonia, in Fannin county," were read and concurred in, and the bill passed.

On motion of Mr. Storey, the regular order was suspended and Judiciary Committee No. 1 was granted leave to report upon Senate bill No. 179:

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

SIR: Judiciary Committee No. 1, to whom was referred Senate bill No. 179, entitled "An act making appropriations 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 have instructed me to report the bill back, with amendments, and recommend that the same be adopted, and that the bill thus amended do pass.

G. W. SMITH, Chairman.

1. Amend section one by inserting before the word "provided," the following: "For per diem and mileage of witnesses before the Committee on Privileges and Elec-

tions in matter of contested seats in House of Representatives, \$1800.

"For per diem and mileage of witnesses before Committee on Public Lands and Land Office, in matter of the State of Texas v. Ruggles *et al.*, \$650.

"For expenses of sergeant-at-arms and special sergeant-at-arms, in summoning witnesses under orders of the several committees of the House of Representatives, \$350."

2. Amend section two: After word "committee," in third line, insert "or the certificate of the chief clerk of the House, countersigned by the Speaker, or of the secretary of the Senate, countersigned by the President."

The amendments were adopted, and the bill passed to third reading.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Armstrong, Berends, Bewley, Bledsoe, Bordeaux, Broaddus, Chambers, Cook, Cunningham, Davenport, Denton, Doyle, Eastland, Ellett, Gaston, Gilpin, Harrison, Ireland, Joseph, Kemble, Killough, Lane, Mabry, Manning, McDonald, Moore, Morris, Noeggerath, Payne, Phelps, Powers, Prendergast, Rimes, Robb, Roberts, Rosborough, Russell, Sabin, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Watts, Westfall, Winkler and Wood—58.

Nays—Messrs. Mills, Scott and Wilder—3.

Senate amendments to House bill No. 704, "An act to amend section seven of an act entitled an act to incorporate the city of Waco," were read and concurred in, and the bill passed.

A message was received from the Senate informing the House that the Senate had passed the following bills, originating in the House, viz:

No. 171, "An act amendatory of and supplementary to an act to incorporate the Central Bank, passed March 31, 1871."

No. 173, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of the institution of learning, situated at Woods, in Panola county, Texas."

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

No. 392, "An act to incorporate the Garden Valley Seminary, in Smith county."

No. 457, "An act for the relief of Michael B. Boteham."

No. 473, "An act to authorize the county of Bell to issue interest bearing bonds, and levy and collect a special tax for the payment of the same, for building a jail and poor house in said county."

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

No. 536, "An act to change and define the boundary lines of Trinity county, and to provide for the further organization of the same."

No. 553, "Joint resolution authorizing Hon. I. G. Kilgough to draw the pay of the Hon. Louis Frankee, deceased."

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

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

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

And the following bills with amendments, viz :

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

No. 210, "An act to incorporate the town of Whitesborough, in Grayson county."

And that the Senate refused to concur in the amendments of the House to Senate bill No. 52, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one of an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870."

Also, that the Senate had passed the following bills, originating in the Senate, viz :

No. 162, "An act for the relief of Thomas F. McKinney."

No. 235, "An act for the relief of the heirs and assigns of Joseph Percival, deceased."

No. 236, "An act to incorporate the Eastern Narrow Gauge Railroad Company."

No. 226, "An act for the relief of the heirs of Augustus W. Shipley."

No. 297, "An act for the relief of R. C. Hunt."

No. 305, "An act to incorporate the Texas Land and Colonization Company."

No. 322, "An act to authorize G. W. Harper to construct and keep a toll bridge across South Sulphur Fork of Red river."

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 bill, to-wit:

No. 723, "An act to re-incorporate the city of Corpus Christi."

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

SHAW, Chairman.

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

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

No. 575, "An act for the relief of the estate of John T. Storey."

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

No. 125, "An act to prescribe the mode and manner of designating exempted homesteads in certain cases."

No. 468, "An act for the relief of J. Lancaster."

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

SHAW, Chairman.

The Committee on Engrossed Bills submitted the following reports:

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

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

No. 821, "An act to authorize the County Court of Waller county to issue coupon interest-bearing bonds for the building of a court house, jail, and transcribing deeds, etc., and to levy a tax for the same."

No. 832, "An act providing compensation for persons examining railroads."

No. 844, "An act to authorize the County Court of Walker county to levy a special tax to repair the court house and jail in said county."

No. 823, "An act to incorporate the Deutscher Volks Fest Verein von Houston (German Volks Fest Association of Houston)."

No. 824, "An act requiring the Commissioner of the General Land Office to furnish the surveyor's office of Hays county with a transcript of the records of said office."

No. 833, "An act making provision for the trial of all State officers, not provided for in the Constitution."

And find the same correctly engrossed.

BOOTY, Chairman.

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

SIR: Your Committee on Engrossed bills have carefully examined House bill No. 286, "An act to suppress gambling;" House bill No. 847, "An act supplementary to the act incorporating the city of Dallas," and find the same correctly engrossed.

BOOTY, Chairman.

Leave being granted, Mr. Bewley offered the following:

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

SIR: The managers to whom was referred the charges against J. G. Scott, Judge of the Tenth Judicial District, ask leave of the House to prefer and file such additional charges and specifications against said Scott, judge ~~at~~ aforesaid, as they may from time to time deem proper for the interest of the prosecution and the State.

The permission requested was granted.

Senate amendments to House bill No. 148, "An act amendatory of and supplementary to an act to incorporate the Merchants Mutual Insurance Company, approved September 18, 1866," were read and concurred in, and bill passed.

A message from the Senate announced that that body

refused to concur in the amendments by the House to Senate bill No. 52, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one, of an act entitled an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870."

The bill and message were taken up, and the House refused to recede from its amendments.

On motion of Mr. Wood, and under instruction from the House the Speaker appointed the following gentlemen a committee of conference upon the disagreement upon the bill: Messrs. Wood, Sayers and Venters, and the clerk was instructed to inform the Senate of the request of the House for a like committee on the part of Senate.

Senate bill No. 111, "An act to provide for supplying the records of Lampasas county," destroyed by fire, was read first time; rules suspended, read second time, and passed to third reading.

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

Senate bill No. 228, "An act to incorporate the town of Jacksonville, in Cherokee county," was read first time by caption; rules suspended, read second time and passed to a third reading.

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

A message was received from the Senate, announcing that that body, as a high court of impeachment, had made the following order: That the secretary of the Senate be instructed to inform the House of Representatives that the Senate was organized as a high court of impeachment and ready to receive the managers of the House appointed to represent the House in the trial of the Hon. John G. Scott, Judge of the Tenth Judicial District, against whom articles of impeachment had been presented by the House of Representatives.

Leave being granted, Mr. Ireland introduced a bill to be entitled "An act prescribing the times of holding general elections in this State." Read first time, and on motion of Mr. Ireland, the bill was made special order for

Thursday, May 8, at 9:30 o'clock A. M., and one hundred copies were ordered printed.

Leave being granted, Mr. Mills submitted a report from the Committee on the Penitentiary.

It being evident there was not a quorum present, on motion of Mr. Harrison, the House then adjourned until 3 o'clock P. M.

AFTERNOON SESSION.

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

The following gentlemen were absent:

Messrs. Bewley, Booty, Brown of Upshur, Gilpin, Killough, Kleberg, Mabry, Phelps, Prendergast, Roberts, Sayers, Schmidt, Thurmond and Winkler.

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

On motion of Mr. Chambers, Mr. Van Zandt was excused indefinitely on account of sickness.

On motion of Mr. Broaddus, Mr. Salter was excused until Monday next.

Mr. Chambers called up House bill No. 850, "An act prescribing the times of holding general elections in this State." The bill was read second time.

Mr. Sabin offered the following amendment: Amend by striking out "1873" and inserting in lieu thereof "1874."

Mr. Ireland moved to lay the amendment on the table. The amendment was tabled by the following vote:

Yeas—Messrs. Speaker, Adriaance, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Ireland, Joseph, Kemble, Kleberg, Lane, Manning, McDonald, Mills, Morris, Noeggerath, Payne, Powers, Prendergast, Rainey, Robb, Rosborough, Russell, Salter, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall and Wood—61.

Nays—Messrs. Abbott, Ellett, Moore, Phelps, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—10.

Mr. Morris moved to postpone the further consideration of the bill until 9:30 A. M., to-morrow.

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

Mr. Brown, of Dallas, moved to amend as follows: Add to section first, "*Provided*, that at each biennial election, as above provided, after the first Tuesday in December, 1873, there shall be elected only one-third of the whole number of Senators as their respective terms may expire, or until the next apportionment shall have been made." The amendment was adopted.

The bill was then ordered engrossed.

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

Mr. Ireland moved to strike out of the last clause, "and this act shall take effect from and after its passage," which motion carried.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Armstrong, Berends, Bewley, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Ireland, Joseph, Kemble, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Mills, Morris, Nelson, Noeggerath, Payne, Powers, Prendergast, Rainey, Robb, Rosborough, Russell, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall and Wood—63.

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

A message from his Excellency the Governor was received, relative to the apportionment bill.

The thirtieth district was called. The members of that district, being unable to agree upon a bill to be called up, the fifth district, being next in order, was then called. Mr. Morris, for that district, called up House bill No. 489, a bill to aid in the construction of the Atlantic and Pacific Railroad.

The special committee on railroads reported a substitute bill therefor, of same caption, which was read and adopted. The bill was then considered by sections.

Mr. Sabin offered the following amendment: Insert be-

tween the words "or" and "otherwise," section two, the words, "reserved, sectionized or." The amendment was adopted.

Mr. Cook offered the following amendment to section two: Add to section two: "*Provided*, that the reservation of lands made by this act, for the benefit of the Atlantic 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, being a citizen of the State of Texas under section eight, article ten, of the Constitution of the State of Texas, nor the location of any genuine land certificate entitling the owner or owners to land out of the public domain of the State of Texas, save and except certificates which have been, or may be hereafter issued under any general or special law, donating land to railroads, canals or other internal improvements, which are intended by this act to be excluded from location within the limits of said reservation." The amendment was adopted.

Mr. Westfall moved to amend section two by striking out "ten" and inserting in lieu thereof "eight;" also section three by striking out "twenty" and inserting in lieu thereof "sixteen." The amendments were adopted.

The bill was then ordered engrossed.

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

Yeas—Messrs. Speaker, Adriance, Berends, Bewley, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Cook, Davenport, Day, Denton, Doyle, Eastland, Gaston, Gilpin, Harrison, Hoffman, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Mills, Moore, Morris, Nelson, Noeggerath, Phelps, Powers, Prendergast, Robb, Roberts, Sabin, Sayers, Scott, Shaw, Shelton, Storey, Stockbridge, Thurmond, Tivy, Washington, Watts, Westfall, Wilder, Williams and Wood—50.

Nays—Abbott, Armstrong, Bordeaux, Carroll, Chambers, Kemble, Payne, Rosborough, Smith of Houston and Tom—10.

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

The Committee on Private Land Claims submitted the following report:

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

SIR: Your Committee on Private Land Claims, to to whom was referred Senate bill No. 271, "An act for the relief of C. C. De Witt, and other persons therein named," have had the same under consideration, and direct the same be reported back to the House, with a recommendation that it do pass.

ROBB, for Committee.

The bill was read second time and ordered engrossed.

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

It appearing there was no quorum present, Mr. Denton moved a call of the House, which was seconded. The roll being called, the following gentlemen were found to be absent: Messrs. Ellett, Ghent, Phelps, Salter, Schmidt, Short and Wilder.

A quorum having been obtained, on motion of Mr. Denton, the call was suspended.

On motion of Mr. Russell, Mr. Bewley was granted leave of absence from the sessions of the House, on account of official business connected with the pending trial of the Hon. John G. Scott.

Mr. Broaddus offered the following resolution :

Resolved, That hereafter in the evening sessions, when private or other bills may be called up, the rule shall be, that one district shall be called at the top of the list of districts, and the members of the House from that district may agree and call up one bill; one district shall then be called from the bottom of the list, and the members from that district may call up one bill; one district in the middle of the list shall then be called, with the like privilege; then the next from the top, and the next from the bottom, then next from the middle upwards, and the next from the middle downwards, and so on. If the members of any district fail to agree upon the bill to be called up, the next district shall be called.

Laid over one day under the rules.

Mr. Booty offered the following resolution :

Resolved, That hereafter this House will hold night sessions on Tuesday nights and Thursday nights, beginning at 7:30 o'clock P. M., for the consideration of private and local bills exclusively.

Laid over under the rules.

The Committee on Engrossed Bills submitted the following report:

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

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

No. 850, a bill to be entitled "An act prescribing the times of holding general elections in this State."

And find the same correctly engrossed.

BOOTY, Chairman.

The sixth district being called, Mr. Gaston called up Senate bill No. 258, "An act to amend an act to incorporate the Tyler Tap Railroad Company, approved December 1, 1871, and to grant land to aid in the construction of its road."

The bill was considered by sections.

Mr. Westfall moved to amend section five by inserting after the word "inspector," the words "under oath."

The amendment was adopted.

Mr. Brown of Upshur offered the following amendment: Add the following: "And if said Tyler Tap runs within five miles of Longview, it shall run in one-half mile of said place, and construct a freight depot at the same place." The amendment was adopted.

Mr. Denton offered the following amendment: Add to section six: "Provided, that the State expressly reserves the right to regulate the charges for freight and passage over said road." The amendment was adopted.

The bill was then ordered engrossed.

On motion of Mr. Brown of Dallas, the rules were suspended, the bill read third time.

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

Mr. Smith of Houston moved a call of the House, which was seconded.

The following gentlemen were absent: Messrs. Ellett, Ghent, Killough, Kleberg, Phelps and Schmidt.

Mr. Brown of Dallas moved to suspend the call. The House refused to suspend.

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

Mr. Brown of Dallas moved to suspend the call. The House refused to suspend the call.

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

Mr. Brown of Dallas moved to suspend the call. The House refused to suspend the call.

Mr. Brown of Dallas moved to excuse the absent members. The House refused to excuse.

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

Mr. Ireland moved to excuse the absent members for the evening. The House decided to excuse.

Mr. Denton moved to refer the bill to the special committee on railroad charters. The House refused to refer.

The bill then passed by the following vote :

Yeas—Messrs. Speaker, Adriance, Armstrong, Berends, Booty, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cunningham, Davenport, Day, Eastland, Gaston, Gilpin, Harrison, Hoffman, Ireland, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tilson, Tivy, Watts, Westfall, Wilder, Williams, Winkler and Wood—52.

Nays—Messrs. Abbott, Bledsoe, Bordeaux, Chambers, Cook, Denton, Doyle, Nelson, Payne, Prendergast, Short, Storey, Tom, Trolinger, Venters and Washington—16.

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

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

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

Absent—Messrs. Ellett, Mills and Schmidt.

On motion of Mr. Shelton, Mr. Nelson was excused on account of sickness.

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

Mr. Armstrong introduced a bill to repeal the ninth and tenth sections of "An act to incorporate the International Railway Company, and to provide for the aid of the State of Texas in constructing the same," passed August 5, 1870. Read first time ; rules suspended and read second time.

Mr. Harrison moved to lay the bill on the table, which carried.

Mr. Harrison moved to take up House bill No. 176, "An act to repeal all laws and parts of laws now in force authorizing the State of Texas to aid in the construction of railroads in bonds or money donations or subsidies," which motion carried.

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

On motion of Mr. Scott, Mr. Russell was excused for the day on account of business.

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

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 489, "An act to aid in the construction of the Atlantic and Pacific Railroad." and find the same correctly engrossed.

BOOTY, Chairman.

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

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

No. 387, a bill entitled "An act to incorporate the Public Building Company of Hill county, Texas."

No. 848, a bill to be entitled "An act to provide for the investigation of fires in certain cases."

No. 846, "An act authorizing the city of Galveston to issue her bonds to the amount of five hundred thousand dollars, in aid of the improvement of the bar and harbor of Galveston, and to provide a tax of one-fourth of one per centum, for a sinking fund wherewith to pay the principal and interest of said bonds."

And find the same correctly engrossed.

BOOTY, Chairman.

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

The following gentlemen failed to answer:

Messrs. Anderson, Ellett, Schmitt and Stockbridge.

On motion of Mr. Lyendecker, the leave of absence of Mr. Hester as extended indefinitely.

On motion of Mr. Abbott, Mr. Stockbridge was excused from the call.

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

The House then refused to table by the following vote :

Yeas—Messrs. Abbott, Adriance, Berends, Joseph, Mabry, Moore, Phelps, Roberts, Sabin, Washington, Wilder and Williams—12.

Nays—Messrs. Speaker, Armstrong, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hoffman, Ireland, Killough, Kleberg, Lane, Leyendecker, Manning, McDonald, Mills Morris, Noeggerath, Payne, Powers, Prendergast, Rainey, Robb, Rosborough, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall, Winkler and Wood—58.

Mr Watts offered the following amendment: Strike out section two of the bill.

Pending the discussion, the hour for the special order, No. 595, "A bill to divide the State of Texas into six congressional districts," was announced.

On motion of Mr. Ireland, the special order was postponed for half an hour.

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

The amendment offered by Mr. Watts was then adopted by the following vote :

Yeas—Messrs. Armstrong, Bledsoe, Bordeaux, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Harrison, Ireland, Killough, Kleberg, Leyendecker, Manning, McDonald, Payne, Powers, Prendergast, Rainey, Robb, Rosborough, Sayers, Scott, Short, Smith of Houston, Storey, Tom, Trolinger, Van Zandt, Venters, Watts, Westfall Winkler and Wood—41.

Nays—Messrs. Speaker, Abbott, Adriance, Allison, Berends, Broaddus, Day, Ellett, Green, Hoffman, Joseph, Lane, Mabry, Mills, Moore, Morris, Noeggerath, Phelps, Roberts, Sabin, Shaw, Shelton, Smith of Colorado, Stockbridge, Tilson, Tivy, Washington, Wilder and Williams—29.

The bill was then ordered engrossed.

A message was received from the Senate informing the House that the Senate had passed the following bills, originating in the House, viz. :

No. 200, "An act granting a charter to Jas. A. Mitcham and H. L. Gilmore to create, keep and run a ferry boat at New Bazette landing or crossing on the Trinity river, in Henderson county and Navarro county."

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

No. 424, "An act to amend an act prescribing the time of holding the District Courts in the several judicial districts in the State, approved August 10, 1870."

No. 664, "An act to amend section three of an act to incorporate the Falls County Turnpike Road and Bridge Company, approved April 12, 1871."

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

No. 727, "An act to prohibit the sale of intoxicating, spirituous or vinous liquors within three miles of Roxton Chapel and Seminary, in Lamar county."

And the following bills with amendments, viz. :

No. 274, "An act to amend an act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the city of Bryan."

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

A subsequent message from the Senate announced that that body was now sitting as a high court of impeachment for the trial of the Hon. John G. Scott, Judge of the Tenth Judicial District, and was ready to receive the managers appointed by the House to conduct the trial on the part of that body.

The Speaker announced the managers would govern themselves accordingly.

The special order, House bill No. 595, to divide the State of Texas into six congressional districts, was then taken up, and, on motion of Mr. Wood, postponed until Friday, May 9, at 9:30 A. M.

Unfinished business, House bill No. 210, "An act to incorporate the town of Whitesborough, in Grayson county," was taken up, and the Senate amendments thereto read.

The House refused to concur in the amendments.

House bill No. 196, "An act to amend an act entitled

an act to incorporate the city of Calvert, in Robertson county, approved April 12, 1871," was taken up, the Senate amendments thereto read and concurred in, and the bill passed.

House bill No. 429, "An act to authorize H. B. Boston, A. Hamilton and R. B. Hudson to erect a pontoon bridge over the Guadalupe River, at the town of Clinton, in De Witt county, Texas," was taken up, the Senate amendments thereto read and concurred in, and the bill passed.

House bill No. 274, a bill to be entitled "An act to amend an act entitled an act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the city of Bryan," was taken up, the Senate amendments thereto read and concurred in, and the bill passed.

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

Resolved by the House of Representatives, That the managers in the impeachment of Judge John G. Scott be authorized to associate such persons with the said trial as they may think proper, with the consent of the court of impeachment.

Mr. Mills offered the following proviso :

Provided, that said associate counsel shall not be entitled to any compensation from the State for said services.

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

The resolution was then adopted.

Senate bill No. 327, "An act supplemental to an act entitled an act reimbursing Bastrop County and appropriating the sum of two hundred and twenty-five dollars for that purpose, approved March 20, 1873," was taken up, read second time and passed to third reading. On motion, the rules were suspended, the bill read third time and passed.

Senate bill No. 254, "An act to incorporate the city of El Paso," was read first time; rules suspended, read second time and passed to third reading. On motion of Mr. Powers, the rules were further suspended, the bill read third time and passed.

Senate bill No. 162, "An act for the relief of Thomas F. McKinney," was read first time and referred to the Committee on Claims and Accounts.

Senate bill No. 235, "An act for the relief of the heirs and assigns of Joseph Percival, deceased," was read first time and referred to the Committee on Private Land Claims.

On motion of Mr. Cook, House bill No. 619, "An act to exempt the lands and real estate of citizens from forced sale and liability on all debts hereafter contracted," was taken up, made special order for Saturday, May 10, at 10 A. M., and one hundred copies were ordered printed.

Senate bill No. 236, "An act to incorporate the Eastern Narrow Gauge Railroad Company," was read by caption and referred to the Special Committee on Railways.

Senate bill No. 266, "An act for the relief of the heirs of Augustus W. Shipley," was read first time by caption and referred to the Committee on Private Land Claims.

Senate bill No. 270, "An act to amend sections one, two, fourteen and fifteen of an act to incorporate the Calvert and Belton Railway Company, passed May 25, 1871, and to grant land to aid in the construction of said railroad," was read by caption and referred to the Special Committee on Railways.

Senate bill No. 297, "An act for the relief of R. C. Hunt," was read first time; rules suspended, read second time and passed to third reading. On motion, the rules were further suspended, the bill read third time and passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Armstrong, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gaston, Ghent, Gilpin, Green, Harrison, Hester, Hoffman, Joseph, Killough, Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Prendergast, Rainey, Robb, Rosborough, Sayers, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Washington, Watts, Westfall, Wilder, Williams and Wood—65.

Nays—None.

A message was received from his Excellency the Governor, returning House bill No. 411, "An act making an appropriation for C. R. Gibson," together with his objections to the same.

Senate bill No. 305, "An act to incorporate the Texas

Land and Colonization Company," was read first time; rules suspended, read second time and passed to a third reading.

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

Senate bill No. 322, "An act to authorize G. W. Harper to construct and keep a toll bridge across South Sulphur fork of Red River," was read first time and passed to a second reading.

Mr. Rainey moved that a special committee be raised to consider the House and Senate congressional apportionment bills, and report thereon to-morrow. The House refused to raise the committee.

The resolution offered by Mr. Broaddus, changing the order of calling the districts, was read.

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

The resolution offered by Mr. Booty providing for night sessions on Tuesdays and Thursdays, was read.

Mr. Ellett offered the following amendment, which was adopted: "*Provided*, no charters for railroad companies shall be considered at such sessions."

Mr. Powers moved to amend by inserting after railroads "asking subsidies." The House refused to adopt the amendment. The resolution was then adopted by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ellett, Ford, Gaston, Ghent, Gilpin, Green, Harrison, Hester, Hoffman, Joseph, Killough, Kleberg, Leyendecker, Manning, McDonald, Mills, Noeggerath, Phelps, Prendergast, Rainey, Robb, Rosborough, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Trolinger, Watts, Westfall, Williams and Wood—57.

Nays—Messrs. Abbott, Lane, Mabry, Moore, Powers, Roberts, Washington and Winkler—8.

A message was received from the Senate informing the House that the Senate had passed the following bills originating in the Senate, viz:

No. 213, "An act to incorporate the Steamship Wharf Company."

No. 256, "An act to authorize the County Court of Lampasas county to levy a special tax."

No. 263, "An act to incorporate the town of Zavala, in the county of Smith."

No. 269, "An act empowering the Police Court of Cherokee county to levy and collect a special tax for the purpose of paying off the present outstanding indebtedness of said county."

No. 283, "An act making an appropriation to pay a judgment against the State in favor of E. M. Smith."

No. 289, "An act to incorporate the Hebrew Sinai Congregation."

No. 293, "An act for the relief of A. Howell."

No. 300, a bill for the relief of Quilla J. Nichols."

No. 326, "An act to validate first-class certificate No. 150, issued to Freeman Prewitt by the board of land commissioners of Jasper county, July 5, 1839."

On motion of Mr. Cunningham, Mr. Broaddus was excused for the day on account of sickness.

Mr. Watts moved to reconsider the vote of yesterday passing House bill No. 489, "An act to aid in the construction of the Atlantic and Pacific railroad," and to lay that motion on the table. The motion carried.

Mr. Gaston offered the following resolution :

WHEREAS, The Committee on Claims and Accounts has not had the opportunity to report for several weeks, and as there are several claims before said committee which in justice should receive the consideration of the present Legislature; therefore,

Resolved, That said committee be permitted to report this evening at 4:30 o'clock.

On motion of Mr. Kleberg, the resolution was laid on the table.

Mr. Bordeaux moved to take up House bill No. 197, "An act to authorize county courts to levy a road and bridge tax, and to improve roads and bridges," which motion carried, and the bill was taken up by sections.

Mr. Wood offered the following amendment to section one: Strike out of section one all in line five, commencing with the word "to," to the word "and" inclusive, in line seven; and after the word "the" in line seven, insert: "taxes collected for the benefit of roads and bridges," and strike out the word "same." Strike out section six. The amendments were adopted.

Mr. Tilson moved to strike out of section three, line seven, the words "hereinbefore provided for," and insert "of the county."

The Speaker announced no quorum was present.

Mr. Washington moved to adjourn. The House refused.

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

The roll being called, the following gentlemen failed to answer to their names: Messrs. Adriance, Anderson, Brown of Dallas, Hoffman, Robb, Schmidt and Storey.

On motion of Mr. Harrison the call was suspended.

The amendment was then adopted.

Mr. Bledsoe offered the following amendment: In line five, section four, strike out "three" and insert "two."

Mr. Powers moved, as a substitute for the amendment, to strike out section four.

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

The amendment offered by Mr. Bledsoe was then adopted.

Mr. Bledsoe offered the following amendment to section four: "And no justice of the peace shall be allowed to receive pay for more than ten days in one year for such service."

Mr. Powers moved to amend the amendment by striking out "ten" and inserting in lieu thereof "five." The amendment was adopted, and the amendment thus amended was adopted.

Mr. Denton moved to add to section five: "*Provided*, that such person shall not be allowed more than one dollar per day for such work." The amendment was adopted.

Mr. Bledsoe moved to insert in section five, line seven, after the word "same," "when such work is actually done," which motion carried.

Mr. Wood moved to amend the caption so as to read as follows: "An act to authorize the county courts of the several counties to keep up and improve roads and bridges." The amendment was adopted.

Mr. Smith, of Colorado, offered the following amendment: In section seven, strike out all down to the word "hereby," in line two, and insert in lieu thereof as follows: "that an act entitled 'An act to authorize county

courts to levy a road tax, and to improve roads and bridges,' passed August 4, 1870, is." The amendment was adopted.

The bill was then ordered engrossed.

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

On motion of Mr. Harrison the House then adjourned until 3 P. M.

AFTERNOON SESSION.

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

Absent—Messrs. Booty, Ellett, Ireland, Noeggerath, Schmidt, Short, Smith of Colorado, Stockbridge, Thurmond and Venters.

On motion of Mr. Rainey Mr. Hollingsworth was excused until Monday next.

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 compared and examined the following bills :

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

No. 156, "An act to validate the survey of John B. Dilard, and authorize patent to issue on the same."

No. 126, "An act for the relief of A. S. Thurmond."

No. 357, "An act to incorporate Owensville High School."

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

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

No. 391, "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas."

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

No. 416, "An act to prohibit the sale of spirituous liquors within six miles of Davilla Institute, Milam county."

No. 573, "An act to validate the election held in the town of Crockett, Houston county."

No. 243, "An act granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spivey crossing on Trinity river, Henderson and Navarro counties."

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

W. A. SHAW, Chairman.

Leave being granted, Mr. Brown of Dallas offered the following resolution:

Resolved, That this House will take no further action on any bill now pending or hereafter introduced for or concerning private corporations, the objects of which can be accomplished under the act concerning private corporations, approved December 2, 1871, and the amendment thereto passed at the present session of the Legislature.

Resolved, That all such bills, in the hands of committees may be withdrawn without prejudice by the members who may have introduced them, and that this resolution shall not be suspended except by the unanimous consent of the House.

Laid over under the rules.

The special order was announced, being the report of conference committee upon the disagreement of the two houses upon the Texas and Pacific Railway bill. The following was submitted:

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

SIR: Your committee appointed to confer with a like committee from the Senate on House bill No. 467, entitled "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," have considered the same, and agree to recommend that the Senate's third amendment to section one shall be substituted with the following: "Provided, said road shall be completed and put in running order to the main line of the Transcontinental road near Texarkana, or from such point on said line as the railroad now being constructed from Little Rock to a junction with said Transcontinental road may cross the Arkansas State line, the same not being more than seven

miles north of Texarkana, by January, 1874, and shall build and maintain a depot within one-half mile of the town of Clarksville.”

Also recommend that section two be made to harmonize with the preceding amendment by inserting in the ninth line of engrossed bill after the word “Texarkana,” and before the word “to,” the following: “or to the point of junction of the Transcontinental road on the Arkansas State line with the railroad now being constructed from Little Rock thence.”

That the senate recede from its fifth amendment of section four, which struck out the word “issuance,” in line seven, and inserted the word “location.”

And that the House concur in the other amendments of the Senate.

WEBSTER FLANAGAN,
for Senate committee.
GEO. W. SMITH,
for House committee.

On motion of Mr. Watts, the further consideration of the pending matter was postponed until 10:30 A. M. Saturday, May 10.

House bill No. 482, “An act to aid in the construction of the Galveston, Harrisburg and San Antonio Railway,” was taken up, pending the amendment offered by Mr. Storey.

Mr. Killough offered the following amendment: In section three before “Gonzales,” in line seven, add “La Grange.”

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

Division of the question being called for, the amendment to the amendment was laid on the table.

The amendment was then tabled.

Mr. Hester moved to amend section three by adding after “town,” in line twenty-two, “*Provided further,* that the line of said road shall not touch the county of Lavaca.” The amendment was adopted.

Mr. Payne offered the following amendments: Add the following section: “Said company shall not have the right to sell, rent, lease or consolidate with any other parallel or competing railroads in this State, nor enter into any agreement, partnership or consolidation with any other railroad, in order to control the rates of freight or

passage on said railroad; and in case said company violate the provisions of this section it shall forfeit all the rights and privileges granted in this act."

Also the following:

"Said railroad company shall be governed by the laws of the State of Texas now in force or hereafter to be enacted in relation to the control and management of railroads, its officers and employes."

The amendments were adopted.

Mr. Smith of Colorado moved to add to the end of section three: "And to issue certificates of stock in the company to any person, his or her heirs or assignees, equal in amount to what any such person, his or her heirs or assignees, may have or was entitled to in the Columbus Tap Railway Company."

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

The amendment was then adopted.

Mr. Killough moved to amend by adding after the word "company," in section three, "shall release to the citizens of Fayette and Bastrop counties all right, title and interest they may have to the grade from the town of Alleyton in the direction of the town of La Grange and." The amendment was adopted.

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

Mr. Hoffman moved to insert in line ten, section three, after the word "mentioned": "*Provided*, that the depot at New Braunfels shall be on the west side of the Guadalupe river." The amendment was adopted.

Mr. Storey moved to add to the end of section four: "That section eleven of an act entitled 'An act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company, and to the other special acts relating to said company,' passed July 27, 1870, be and the same is repealed." The amendment was adopted.

Mr. Smith, of Colorado, offered the following amendments: In section four, line two, strike out after the word "such" to "and" in line three, and insert in lieu thereof "laws as is now or may hereafter be passed, to regulate freight and passage and the general business op-

erations of railroad companies of this State." In line seventeen insert after the word "other" the word "railroad." In line twelve insert "8" for "6," "12" for "8;" and in the thirteenth line insert "16" for "10;" and in the fourteenth line insert "20" for "12;" and after the word "acquiring" in line fifteen, insert "the certificates for." After the word "other," in line seventeen, insert "railroad." The amendments were adopted.

Mr. Brown, of Dallas, moved to amend the caption by adding: "and to repeal section eleven of an act supplementary to the act to incorporate the Buffalo Bayou, Brazos and Colorado Railway Company, and to the other special acts relating to said company, passed July 27, 1870." The amendment was adopted.

The bill was then ordered engrossed.

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

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

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

Yeas—Messrs. Speaker, Adriance, Anderson, Berends, Booty, Brown of Dallas, Davenport, Denton, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hester, Hoffman, Ireland, Lane, Mabry, Manning, Morris, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Sayers, Shaw, Short, Smith of Colorado, Storey, Thurmond, Tilson, Tivy, Tom, Watts, Westfall, Winkler and Wood—40.

Nays—Messrs. Abbott, Allison, Armstrong, Bledsoe, Bordeaux, Brown of Upshur, Chambers, Cook, Cunningham, Day, Doyle, Joseph, Killough, Kleberg, Leyendecker, Moore, Noeggerath, Sabin, Scott, Shelton, Smith of Houston, Stockbridge, Trolinger, Venters, Washington and Williams—26.

Whereupon it appeared two-thirds had not voted for the bill.

Mr. Bordeaux moved to reconsider the vote.

After discussion, Mr. Thurmond moved the previous question, which was seconded, and the main question ordered.

The vote was then reconsidered.

Mr. Ireland moved to strike out the last amendment offered by Mr. Storey, and substitute therefor the follow-

ing: "Provided, this company shall not be exempt from taxation, if it accepts the benefits of this act."

Mr. Sabin moved to recommit the bill and amendment to a special committee. The House refused to recommit. The amendment was then adopted.

Mr. Hester moved to strike out the amendment offered by himself and adopted by the House. The amendment was stricken out.

Mr. Winkler in the chair.

Mr. Taylor moved to strike out the amendment to the caption offered by Mr. Brown of Dallas, which motion carried.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Berends, Bledsoe, Booty, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hester, Hoffman, Ireland, Kleberg, Lane, Mabry, Manning, McDonald, Morris, Noeggerath, Payne, Powers, Prendergast, Robb, Roberts, Rosborough, Sayers, Shaw, Shelton, Short, Smith of Colorado, Storey, Stockbridge, Tilson, Tivy, Tom, Watts, Westfall, Williams, Winkler and Wood—53.

Nays—Messrs. Abbott, Armstrong, Chambers, Joseph, Killough, Moore, Phelps, Sabin, Smith of Houston, Washington and Wilder—11.

The Committee on Enrolled Bills submitted the following report:

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

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

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

And find the same correctly enrolled, and have this the eighth day of May, at 5:35 o'clock P. M., presented the same to the Governor for his signature.

SHAW, Chairman.

The Committee on Engrossed Bills submitted the following report:

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

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

No. 176, a bill to repeal all laws and parts of laws now in force authorizing the State of Texas to aid in the construction of railroads in bonds or money donations or subsidies.

No. 586, a bill to be entitled "An act to incorporate the San Antonio and Austin Railroad Company."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Morris, the House adjourned until 8 o'clock P. M.

EVENING SESSION.

House met pursuant to adjournment. Roll called.

Absent—Messrs. Abbott, Adriance, Anderson, Armstrong, Bewley, Booty, Bordeaux, Brown of Dallas, Carroll, Cook, Eastland, Ellett, Ghent, Hester, Hoffman, Joseph, Manning, Mills, Moore, Morris, Payne, Powers, Rainey, Schmidt, Scott, Stockbridge, Thurmond, Tilson, Tivy, Tom, Washington and Winkler.

Mr. Allison moved to adjourn. The House refused.

Mr. Denton moved a call of the House. Call sustained.

On motion of Mr. Watts, Mr. Prendergast was excused on account of sickness.

Absent—Messrs. Abbott, Adriance, Anderson, Bordeaux, Carroll, Eastland, Ellett, Hester, Hoffman, Joseph, Manning, Mills, Moore, Morris, Schmidt, Scott, Tilson, Tom, Washington and Winkler.

Mr. Booty moved to adjourn. The House refused.

The sergeant-at-arms was dispatched after absent members.

Mr. Watts moved to adjourn. The House refused.

A quorum was announced.

Mr. Shaw moved to adjourn. The House refused.

Mr. Brown of Dallas moved to adjourn. The House adjourned until 9 A. M., to-morrow.

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

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

Absent—Messrs. Bewley, Ellett, Gillette, Mills, Phelps, Rainey and Schmidt.

On motion of Mr. Powers, Mr. Cook was excused on account of urgent business.

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

Mr. Westfall introduced a bill to prohibit the sale or otherwise disposing of spirituous or intoxicating liquors within six miles of Little River Academy, in Bell county, Texas. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Gilpin introduced a bill supplementary to and amendatory of an act entitled "An act to reincorporate the city of Corpus Christi." Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Phelps introduced a bill to issue a donation warrant to the heirs of Jack Lowrie, deceased, a San Jacinto soldier. Referred to the Committee on Private Land Claims.

Mr. Payne introduced a bill to authorize the Commissioner of the General Land Office to issue a donation land warrant to Peter Rouche. Referred to the Committee on Private Land Claims.

Mr. Sabin offered the following resolution:

Resolved, That the rule or resolution establishing night sessions be and the same is hereby set aside and done away with.

Laid over under the rules.

Mr. Anderson introduced a bill to prohibit the sale or giving away of intoxicating liquors within three miles of Prairie Grove church and seminary of learning, situate in Hill county. Read first time; rules suspended, read second time and ordered engrossed.

On motion of Mr. Ford, the name of Evergreen, in Washington county, was added in bill and caption.

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

Mr. Booty introduced a bill to incorporate the officers and members of Gaiety Lodge No. 84 of the Independent Order of Odd Fellows, situated at Carthage, Texas. Read first time; rules suspended read second time and ordered engrossed.

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

Mr. Abbott introduced a bill to provide for holding an election for county officers in the county of Waller, and authorizing commissioners to hold the same. Read first time; rules suspended and read second time.

On motion of Mr. Winkler, the words "and registration laws" were added.

Mr. Powers moved to amend so as to fix the first Monday in July as the time of holding said election, which motion carried.

The bill was then ordered engrossed.

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

Mr. Berends introduced a bill to authorize the County Court of Gillespie county to contract a loan by issuing interest-bearing bonds for the purpose of building a court and jail. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Rosborough introduced a bill to incorporate the Little River Academy, in Bell county. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Winkler introduced a bill for the relief of Elisha Anglin and others therein named. Referred to the Committee on Private Land Claims.

Mr. Chambers introduced a joint resolution amendatory of section six, article nine of the Constitution of the State of Texas. Read first time and referred to the Committee on Constitutional Amendments.

Mr. Watts introduced a bill to amend section three of an act entitled "An act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871, approved November 13,

1871." Read first time; rules suspended, read second time and ordered engrossed.

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

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

SIR: Your committee to whom was referred House bill No. 631, entitled "An act to authorize the County Court of Brazos county to levy and collect a special tax of one-fourth of one per cent. to complete the court house, and make more secure the jail in said county," beg leave to report the same back, with the recommendation that it do pass.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

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

Mr. Powers introduced a bill to amend article three hundred and fifty of "An act to adopt and establish a penal code for the State of Texas," approved August 28, 1856. Read first time and referred to Judiciary Committee No. 1.

The special order was announced, House bill No. 595, a bill to divide the State of Texas into six congressional districts.

On motion of Mr. Wood the bill and substitute were referred to a special committee of ten, with instructions to report thereon Monday, May 12, at 10 A. M.

The Speaker appointed the following committee: Wood, chairman, Brown of Dallas, Kleberg, Mills, Powers, Rainey, Sabin, Smith of Colorado, Tilson and Watts.

Mr. Tivy introduced a bill to validate the bounty land warrant of heirs of Thomas Jackson, deceased. Read first time; rules suspended, read second time and ordered engrossed.

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

A message from the Senate announced that that body was sitting as a high court of impeachment, for the trial of Hon. John G. Scott, and was ready to receive the managers on the part of the House. The managers were instructed to govern themselves accordingly.

On motion of Mr. Storey, Judiciary Committee No. 1 reported as follows:

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

SIR: The Committee on Judiciary No. 1, to whom was referred House bill No. 776, entitled "An act to prevent the herding of stock on certain lands therein named," have considered it, and have instructed me to report the same to the House, with amendments, and recommend their adoption and passage with the bill.

G. W. SMITH, Chairman.

1. In line eleven of section one, strike out the word "citizen," and insert "resident."
2. In line four of section two, make same amendment.
3. In last line but one of section two, strike out the word "five" and insert "one;" and after the word "dollars," at the end of the section, add, "for each hour of delay after notice given."

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

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

Further report from same committee:

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

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 737, entitled "An act supplementary to an act to establish a penal code for the State, approved August 26, 1856," have had the same under consideration, and have instructed me to report the bill back to the House, with a substitute for the same, and recommend the adoption and passage of said substitute.

G. W. SMITH, Chairman.

The substitute having been read, Mr. Wood offered the following amendment: Amend by striking out "confinement in the penitentiary for one year," and insert in lieu thereof, "by fine not less than one hundred dollars, and the jury may add confinement in the county jail for not less than one month." The House refused to adopt the amendment. The substitute was then adopted.

On motion of Mr. Ghent the bill was postponed until Wednesday, May 14, at 11 A. M., and made special order for that hour.

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

No. 310, "An act to confer additional jurisdiction on the presiding justices of the peace of Lamar and Fannin counties, and to prescribe the powers and duties of the officers of said courts."

No. 186, "An act for the relief of the heirs of Harrison W. Goyne, deceased."

No. 231, "An act to provide for the sale of lands belonging to the common school fund, and the lands set apart to the several State asylums."

No. 241, "An act to amend sections thirteen, fourteen, sixteen and seventeen, of an act entitled an act to incorporate the town of Palestine, in Anderson county."

No. 342, "An act to authorize and require the County Court of Robertson county to retire certain county scrip therein specified, and to issue the bonds of said county in lieu thereof."

No. 304, "An act to incorporate the Clinton Bridge Company."

No. 247, "An act for the relief of William Simpson."

A message was received from his Excellency the Governor, relative to the establishment of quarantine on the Texas coast.

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

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

No. 853, a bill to be entitled "An act supplementary to and amendatory of an act entitled an act to re-incorporate the city of Corpus Christi."

No. 197, a bill to be entitled "An act to authorize the County Court of the several counties to keep up and to improve roads and bridges."

No. 481, "An act to incorporate the Defiance Hook and Ladder Company No. 1, of the city of Jefferson."

No. 806, "An act to prohibit the sale or giving away of spirituous, vinous, malt, or other intoxicating liquors within two miles of certain places therein named."

And find the same correctly engrossed.

BOOTY, Chairman.

On motion of Mr. Watts, Senate bill No. 301, "An act making an appropriation for the payment of the State police and employés," was taken up and read second time.

Mr. Short moved to postpone the further consideration of the bill until Wednesday, May 14, at 10 A. M., and make it special order for that hour.

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

Mr. Mills moved to amend the title by adding "Militia and State Guards, and a sufficient amount is hereby appropriated for this purpose."

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

Mr. Ireland, on behalf of the managers of the House in the John G. Scott case, submitted the following additional articles of impeachment against Hon. John G. Scott, Judge of the Tenth Judicial District of the State of Texas, and resolution thereto relating:

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

SIR: The Committee of Managers, on the part of the House of Representatives on the impeachment of Judge John G. Scott, Judge of the Tenth Judicial District, here now present and exhibit additional articles of impeachment against said John G. Scott, and recommend the passage of the following resolution.

IRELAND, Chairman.

Resolved by the House of Representatives, That the following nineteen additional articles of impeachment against John G. Scott, Judge of the Tenth Judicial District, be, and are hereby, adopted and preferred, and that said managers be, and are hereby, instructed to proceed to the High Court of Impeachment and exhibit and prefer the same against said Scott, said articles being hereto attached as a part hereof.

Amended Articles of Impeachment.—State of Texas v. Judge John G. Scott.

ARTICLE XI.

The House of Representatives of the State of Texas, in the name of all the people of Texas, and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in the capacity of judge heretofore, to-wit, at the July Term of the District Court, A. D. 1871, of

the county of Henderson, in said Tenth Judicial District, did willfully, maliciously and corruptly, during the term of said court, from the bench, dismiss from the criminal docket of said court, without having any entry thereof made upon the minutes of the court, upon his motion, the criminal prosecution against one W. D. Weldon, the said Weldon having been at the said July Term of said court duly and lawfully indicted by the grand jury of said county for perjury, and the State's witnesses, Eber Meredith and Gaston Meredith, two credible witnesses of said county, being then and there present, ready by their testimony to establish the guilt of said W. D. Weldon as charged in said indictment; and at the same time the said John G. Scott, judge as aforesaid, from the bench, told the said W. D. Weldon to go home, and that if the said Meredith or Carmichael bothered him, the said W. D. Weldon, in reference to said charge of perjury, to let him, the said John G. Scott, know, and that he, the said John G. Scott, district judge as aforesaid, would protect him, or words to that effect. Whereby the House of Representatives do charge that the said John G. Scott, judge as aforesaid, in manner and form as aforesaid, did aid, abet and assist the said W. D. Weldon, charged with perjury as aforesaid, to escape from the custody of the law and to avoid conviction and the just punishment prescribed by the penal code of the State of Texas, for the high crime of perjury.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that, by reason of the acts of the said John G. Scott, judge as aforesaid, the said John G. Scott is guilty of a high crime, misdemeanor and malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of district judge of the State of Texas.

ARTICLE XII.

The House of Representatives of the State of Texas, in the name of all the people of Texas, and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in the capacity of Judge heretofore, to-wit, at the March, July or November term, A. D. 1871, of the Dis-

trict Court of the county of Henderson, in said Tenth Judicial District, did willfully, maliciously and corruptly, during one of the terms of the court as aforesaid, enter up an order on the minutes of said court investing Wm. H. Martin, Esquire, a citizen of said county, with the power and control over the persons and labor of two colored boys under the age of twenty-one years, and in said order decreed that the said Martin should have the control of the persons and labor of said two colored boys—their names not being known to the managers of the House—until they arrived at the age of twenty-one years; and further ordered that said Wm. H. Martin be not required to take oath as guardian of said minors, or to give any bond and security, as required by law. Whereby the House of Representatives do charge that the said John G. Scott, judge as aforesaid, in his official capacity as aforesaid, is guilty of a false imprisonment of the said two colored boys, against the provisions of the Civil Rights Bill of the United States of America, and also the Fifteenth Amendment to the Constitution thereof, and against the peace and dignity of the State of Texas.

Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that by reason of the acts of the said John G. Scott, judge as aforesaid, the said John G. Scott is guilty of false imprisonment, and of a high crime and misdemeanor, and of malfeasance in office, and by reason of his acts, as aforesaid, has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XIII.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do further charge, that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in his capacity as such judge heretofore, to-wit, at the August Term, A. D. 1871, of the District Court of the county of Anderson, in the said Tenth Judicial District, did willfully, maliciously, corruptly and unlawfully, during the term of said court, enter up an order discharging the grand jury of said Anderson county, then lawfully in session, during the first week of the term of said District Court, and while said

grand jury was in discharge of its duties as such grand jury, and before it had completed its investigations of the criminal charges then being investigated by it, for the purpose and with the design of willfully, maliciously, corruptly and unlawfully preventing the said grand jury from finding true bills of indictment against one Thomas D. Evans, then District Attorney of the State of Texas for said Tenth Judicial District, for the crimes of embezzlement of the moneys of the State of Texas, and of the county of Anderson, and for fraudulently and unlawfully extorting money by and under color of his said office of district attorney, from R. B. Petty, C. L. Thompson, Daniel Waggoner, Henry Fields, R. C. Parks, Jesse R. Parker, and others; and for the purpose, and with the intent and design, willfully, maliciously, corruptly and unlawfully preventing the said grand jury from finding true bills of indictment against one George D. Kelley, then and there the sheriff of said Anderson county, for the crimes of embezzlement of the moneys of the State of Texas, and of the county of Anderson, and for fraudulently and unlawfully extorting money by and under color of his said office of sheriff of said Anderson county, from certain freedmen of color, citizens of the State of Texas, whose names are not now to these managers known, but who then resided on the plantation of one Jacob Crist, and one Ira Milligan, citizens of said Anderson county. Whereby, in view of the premises, the House of Representatives of the State of Texas do charge and say, that the said John G. Scott, judge as aforesaid, in manner and form as aforesaid, did willfully, maliciously, corruptly and unlawfully prevent the said grand jury from finding true bills of indictment as aforesaid, against the said Thomas D. Evans, district attorney as aforesaid, and the said George D. Kelley, sheriff as aforesaid, for the crimes aforesaid. Wherefore, in view of the premises, the House of Representatives of the State of Texas do charge, that the said John G. Scott, judge as aforesaid, is guilty of high crimes and misdemeanors, and of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of district judge of the State of Texas.

ARTICLE XIV.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in his official capacity as such judge heretofore, to-wit, at the August term, A. D. 1871, of the District Court of said Anderson county, in the said Tenth Judicial District, did, during the first week of the term of said court, and while the grand jury of said Anderson county were engaged in the lawful discharge of their duties as such grand jury, and before it had completed its investigations of the criminal charges then being investigated by it, willfully, maliciously, corruptly and unlawfully refuse to permit the said grand jury to examine the books and papers and records of the office of the clerk of the District Court of said Anderson county, and the tax assessment rolls therein filed, after said grand jury, as a body, had appeared in open court, and through their foreman asked the permission of the said John G. Scott, judge as aforesaid, to examine the same in the lawful discharge of the investigation of the criminal charges before said grand jury; and the said John G. Scott, judge as aforesaid, in open court, unmindful of his duty as such judge, did willfully, maliciously, corruptly and unlawfully refuse to permit the said grand jury to examine said books, papers, records and tax assessment rolls, and did then and there with a loud voice declare and say that the records of his court should not be used by said grand jury for the purpose of enabling them to indict the officers of his court (meaning thereby that the said grand jury should not use said books, papers, records and tax assessment rolls to enable them to prepare and furnish true bills of indictment against Thomas D. Evans, District Attorney of the Tenth Judicial District of the State of Texas, for the crimes of embezzlement and extortion as mentioned and charged in Article XIII hereof, and against George D. Kelley, sheriff of said Anderson county, for the crimes of embezzlement and extortion as mentioned and charged in Article XIII hereof). Whereby the House of Representatives of the State of Texas do charge that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in his official ca-

capacity as aforesaid, and in manner and form as aforesaid, is guilty of high crimes and misdemeanors, and of malfeasance in his office, and by reason of his acts as aforesaid has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XV.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, while acting in his official capacity as such judge heretofore, to wit, at the August term, A. D. 1871, of the District Court of Anderson county, one of the counties composing the said Tenth Judicial District of the State of Texas, in open court, while the grand jury of said Anderson county was in session, did vehemently and virulently charge N. W. Hunter, an attorney of said court, with having tampered with said grand jury for this, that because the said N. W. Hunter had furnished certain data and memoranda to said grand jury, at the special instance and request of some of the members of said grand jury, that he, the said N. W. Hunter, had been guilty of a most grave and serious crime, when in fact and in truth the said N. W. Hunter had not been guilty of any crime in that behalf, but had furnished said memoranda and data in the exercise of his rightful duty as a citizen of the State of Texas, in giving information to said grand jury to enable them to perform their duty as such grand jury, in the investigation of the crimes of embezzlement and extortion alleged to have been committed by Thomas D. Evans, the District Attorney of the Tenth Judicial District, in the State of Texas, and by George D. Kelley, sheriff of said Anderson county. And the said John G. Scott, judge as aforesaid, unmindful of his duties as such judge, and in disregard of the legal rights and duties of the attorneys of said court, did then, and there, in open court, make and proclaim in a loud voice his verbal order that neither the said N. W. Hunter, or any other attorney of his said court, should, directly or indirectly, communicate with or give information to said grand jury, except through him, the said John G. Scott, judge of said court, on pain of fine and imprison-

ment; and that the said John G. Scott, judge as aforesaid, by the denunciation of the said N. W. Hunter, as aforesaid, and by the verbal order of him, the said John G. Scott, judge as aforesaid, given as aforesaid, did design and intend, then and there and thereby, willfully and maliciously, corruptly and unlawfully, to shield and protect the said Thomas D. Evans, district attorney as aforesaid, and George D. Kelley, sheriff as aforesaid, from and against any indictments which might have been found against them by said grand jury of said court for the crimes of embezzlement and extortion, as charged in article thirteen hereof; and by reason of the aforesaid acts, declarations and doings of the said John G. Scott, judge as aforesaid, the said John G. Scott, judge as aforesaid, did, then and there and thereby, willfully, maliciously, corruptly and unlawfully prevent the said grand jury of said court from finding true bills of indictment against the said Thomas D. Evans, district attorney as aforesaid, and the said George D. Kelley, sheriff as aforesaid, for the crimes of embezzlement and extortion, under color of their said offices as such. Whereby, in view of the premises, the House of Representatives of the State of Texas do charge and say that the said John G. Scott, judge aforesaid, is guilty of high crimes and misdemeanors in office, and of malfeasance in office, and by reason of his acts as aforesaid has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XVI.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do further charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in his official capacity as judge of the said Tenth Judicial District, heretofore, to-wit, at the August term, A. D. 1871, of the District Court of the county of Anderson, in said judicial district, did willfully, maliciously, corruptly and fraudulently falsify the records of the District Court of said Anderson county, in said judicial district, in this, that he caused the minutes of the court to be written, and to state that the grand jury had reported that they, the said grand jury, had completed

their investigation for the term, or words of like import, when, in fact and in truth, the grand jury of said court at said term reported in open court that they had further investigations of violations of the law to make, and when in fact the said grand jury had then under investigation certain charges of embezzlement, bribery and extortion against Thomas D. Evans, District Attorney for the Tenth Judicial District, and also charges of embezzlement and extortion in office against George D. Kelley, sheriff of the county of Anderson, in said Tenth Judicial District, whereby the said John G. Scott, judge as aforesaid, with the view and intent to protect and shield the said Thomas D. Evans, district attorney as aforesaid, and the said George D. Kelley, sheriff as aforesaid, from being indicted for their said crimes, and did then and there aid, abet and assist the said Thomas D. Evans, district attorney as aforesaid, and George D. Kelley, sheriff as aforesaid, from the just punishment and penalty of the law for such crimes made and provided. Wherefore, in view of the premises, the House of Representatives of the State of Texas do charge and say that the said John G. Scott, judge as aforesaid, is guilty of a high crime and misdemeanor, and of malfeasance in office, and has, by reason of his acts, rendered himself unfit any longer to exercise the high duties of a district judge of the State of Texas.

ARTICLE XVII.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, heretofore, to wit, at the April term, A. D. 1872, of the District Court of Anderson county, in said Tenth Judicial District, as district judge, unlawfully combined and confederated with one Thomas D. Evans, District Attorney of the said Tenth Judicial District, to cause and induce the grand jury of said term of said court to prefer and return into open court two hundred and ten bills of indictment against one William H. McClellan, then a citizen of said Anderson county, for gaming and keeping a gambling house; the said John G. Scott, judge as aforesaid, and Thomas D. Evans, district attorney as afore-

said, believing the said McClellan had about five thousand dollars in money, and unlawfully designing and intending and confederating together for the purpose of unlawfully obtaining and extorting the said money from the said McClellan, did have the said McClellan arrested by the sheriff of Anderson county, Texas, at the said term of the said court as aforesaid, to answer to said two hundred and ten bills of indictment; and the said Scott and the said Evans, unlawfully combining and conspiring together to get possession of the said money, did then and there, by color of their said office, put the said McClellan in fear of losing his liberty, by requiring the said McClellan to enter into bond or recognizance in the enormous sum of five hundred dollars in each of said two hundred and ten cases, making in the aggregate the sum of one hundred and five thousand dollars bail; accompanying said order by the verbal direction that the said McClellan should give good bail in each of said two hundred and ten cases, and that the securities should show their ability to pay the amount of the bail required in each of said cases, over and above their property exempt from forced sale by law, and over and above their other liabilities; and by making and giving his, the said Scott's, judge as aforesaid, verbal order and directions, that the sheriff of said Anderson county should not take and approve the bonds and securities of the said McClellan, as he, the said sheriff, was authorized by law to do in cases of misdemeanor, but that the said McClellan should enter into bond before him, the said John G. Scott, judge as aforesaid, in open court, and in default of so doing, that he, the said McClellan, should be confined in the county jail of said Anderson county, and by means of the said oppression and illegal orders, and by the imprisonment of the said McClellan, caused the said McClellan to despair of ever regaining his liberty; and whilst in the said condition of despair, and under duress, the said John G. Scott, judge as aforesaid, confederating with the said Thomas D. Evans, district attorney aforesaid, caused the said McClellan to plead guilty to seventy-five of said bills of indictment against him, being told by them that by so doing, he, the said McClellan, would be released from jail, and restored to his liberty, and to sign a deed of trust to his grocery, and all his personal effects, to Thomas D. Evans, or agent, for

the State of Texas, and to deliver the same up to the said Thomas D. Evans, district attorney, and agent as aforesaid; and that in consideration of the full surrender of all his said estate, the said McClellan was released for the time being, and allowed, as the sub-agent of the State of Texas (so called), to resume possession of his said personal estate and grocery, to run and conduct the same in the name of the State of Texas, as sub-agent of said State as aforesaid, under the direction of the said John G. Scott, judge as aforesaid, and of the said Thomas D. Evans, district attorney as aforesaid, and to retail his liquor for the use of the said Thomas D. Evans, district attorney as aforesaid, and the said John G. Scott, judge as aforesaid; and to make the said institution fascinating and remunerative, said John G. Scott, as Judge of the said Tenth Judicial District, did wickedly, and unmindful of the high duties of his office, advise the said McClellan, sub-agent as aforesaid, to introduce into said establishment at least six lewd and lascivious women, and that the said sub-agent did, in accordance with the instructions of the said Scott, as aforesaid, introduce into said establishment said six lewd and lascivious women, who did then and there, and in the said establishment, ply their several vocations under the direction of the said sub-agent of the State of Texas; and thereafter, to-wit, at the August term, A. D. 1872, of said court, the said institution failing to be a financial success, the said Thomas D. Evans, district attorney as aforesaid, under the directions and advice of the said John G. Scott, as Judge of the Tenth Judicial District, did cause the re-arrest and confinement in jail of the said McClellan, and under color of the said deed of trust, void as aforesaid, did sell at public auction all of the said estate of the said McClellan, and did then and there, and thereby, by color of his said office, as such district judge, extort and force from the said McClellan about the sum of nine hundred and forty dollars, only two hundred dollars of which sum was accounted for and paid into the treasury of the said county of Anderson. Whereby, in view of the premises, the House of Representatives of the State of Texas do charge and say, that the said John G. Scott, Judge of the Tenth Judicial District, in manner and form as aforesaid, was and is guilty of oppression in office, and of unlawfully, and by color of his office, extorting money from

said McClellan, malfeasance in office and of a high crime and misdemeanor in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XVIII.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do further charge that the said John G. Scott, Judge of the Tenth Judicial District of the State of Texas, heretofore, to-wit, at the April term, A. D. 1871, of the District Court of the county of Anderson, one of the counties in said Tenth Judicial District of Texas, did willfully, maliciously, corruptly and unlawfully, without warrant of law, and without charge or accusation against one Henry Fields, a citizen of said Anderson county, in said State, falsely imprison in the county jail of said Anderson county the said Henry Fields in the county of Anderson; and the said John G. Scott, judge as aforesaid, from the bench, in open court, at the April term of said court aforesaid, in a loud voice did verbally proclaim and order the said Henry Fields to pay to Thomas D. Evans, District Attorney of said Tenth Judicial District, the sum of one hundred dollars, or that he, the said John G. Scott, judge as aforesaid, would keep the said Henry Fields in the said county jail of said Anderson county until the said sum was paid. Whereby the said John G. Scott, judge as aforesaid, by and under color of his office, did willfully, maliciously, corruptly and unlawfully cause the said Henry Fields to be in great fear of losing his liberty, and thereby did then and there, willfully, maliciously, corruptly and unlawfully, under color of his said office as said judge, aid, abet and assist Thomas D. Evans, district attorney as aforesaid, to extort from and compel the said Henry Fields to pay to the said Thomas D. Evans, district attorney as aforesaid, the said sum of one hundred dollars, when in fact and in truth the said Henry Fields was not indebted to the said Thomas D. Evans, district attorney as aforesaid, nor to the said John G. Scott, judge as aforesaid, and was under no legal obligation to pay either of them said sum of money as aforesaid. Whereby, in view of the premises, the House of Representatives of

the State of Texas do charge that the said John G. Scott, judge as aforesaid, in manner and form as aforesaid, is guilty of false imprisonment, and of aiding, abetting and assisting the said Thomas D. Evans, district attorney, in extortion, by and under color of his said office as such judge, and is guilty of high crimes and misdemeanors, and of malfeasance in office, and by reason of his acts as aforesaid, has rendered himself unfit any longer to exercise the duties of a district judge of the State of Texas.

ARTICLE XIX.

The House of Representatives of the State of Texas, in the name of all the people of the State of Texas, and in the name of themselves, do charge that John G. Scott, Judge of the Tenth Judicial District of the State of Texas, in his capacity of judge as aforesaid, did heretofore, to wit, at the county of Kaufman, the said county of Kaufman being one of the counties composing the said Tenth Judicial District of the State of Texas, on or about the twentieth day of October, 1871, and on divers other days before and after the said twentieth day of October, aid and abet one Thomas D. Evans, the then district attorney of the said Tenth Judicial District of the State of Texas, in collecting and unlawfully obtaining from Jno. G. Gibbs, two hundred and forty-five dollars, which said sum of money the said John G. Gibbs did then and there owe to the said county of Kaufman, on four several final judgments on *scire facias* rendered against the said John G. Gibbs and others, at the September term of the District Court of said county of Kaufman, and did then and there unlawfully, maliciously and corruptly advise, assist and encourage the said Thomas D. Evans, district attorney as aforesaid, in withholding the said two hundred and forty-five dollars from the treasury of the said county of Kaufman, and did then and there, in his capacity as judge as aforesaid, unlawfully, maliciously and corruptly aid and abet the said Thomas D. Evans, district attorney as aforesaid, in embezzling the said two hundred and forty-five dollars. Wherefore the House of Representatives of the State of Texas, in view of the premises, do charge that by reason of the acts and deeds of the said John G. Scott in manner and form as aforesaid, he, the said John G. Scott, judge as aforesaid, in his capacity as

aforesaid, was and is guilty of unlawfully, maliciously and corruptly aiding and abetting the said Thomas D. Evans, district attorney as aforesaid, in embezzling the aforesaid two hundred and forty-five dollars, and was then and there and thereby guilty of malfeasance in office and of a high crime and misdemeanor in office, and by reason of the premises did then and there render himself unfit any longer to exercise the duties of district judge of the State of Texas.

Mr. Mills moved to amend the resolution by providing that the former articles be withdrawn.

Mr. Joseph moved to lay that motion on the table, which was carried by the following vote:

Yeas—Messrs. Speaker, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Brown of Upshur, Brown of Dallas, Carroll, Chambers, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Gilpin, Harrison, Hester, Hoffman, Ireland, Joseph, Killough, Lane, Leyendecker, Manning, McDonald, Morris, Noeggerath, Powers, Prendergast, Rainey, Robb, Rosborough, Russell, Sayers, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—59.

Nays—Abbott, Green, Mills, Moore, Phelps, Roberts, Stockbridge, Washington, Wilder and Williams—10.

Mr. Abbott moved to adjourn. The House refused. The resolution was then adopted.

The consideration of the pending matter, Senate bill No. 301, was then resumed, and the bill passed to a third reading.

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

Mr. Manning offered the following amendment: "*Provided* that three thousand dollars of the appropriation be set aside to reimburse Colonel Gathings."

On motion of Mr. Shaw, the amendment was laid on the table.

The bill then passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Armstrong, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Carroll, Chambers, Davenport, Day, Denton, Eastland, Ford, Gaston, Gilpin, Green, Harrison, Hester, Hoffman, Joseph, Killough,

Kleberg, Lane, Leyendecker, Mabry, Manning, McDonald, Mills, Moore, Morris, Noeggerath, Phelps, Powers, Rainey, Roberts, Rosborough, Sayers, Scott, Shaw, Shelton, Smith of Colorado, Storey, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Venters, Washington, Watts, Westfall, Wilder, Williams, Winkler and Wood—61.

Nays—Brown of Upshur, Doyle, Prendergast, Robb, Russell, Short, Smith of Houston and Tom—8.

On motion of Mr. Phelps, the House adjourned until 3 P. M.

AFTERNOON SESSION.

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

Absent—Anderson, Armstrong, Ellett, Ghent, Green, Mills, Morris, Short and Winkler.

The following communication from His Excellency the Governor was read and spread upon the journal:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 7, 1873. }

GENTLEMEN: The act sent to this office on the first instant, entitled "An act making a new apportionment of the Representative and Senatorial Districts of the State of Texas," became a law to-day without my approval.

I did not return it, though very objectionable, because perhaps it is a little better than the pre-existing apportionment, and I was informed that if objected to there might possibly be no other act on the subject passed at this session.

The Constitution, in article three, section thirty-four, seems to look to an apportionment of the members among the districts according to the number of qualified electors in the State; the next best means therefore of arriving at a fair apportionment, would be to take the United States census of 1870, but I conclude from the result that this could not have been done.

The flagrant inequality and unfairness of the apportionment made, will be apparent from the following comparative specimens of districts taken from the act, with their respective populations as given by the census:

First District.....	30,660
Second District.....	32,917
Sixteenth District.....	31,606
Twenty-ninth District.....	35,007
Thirtieth District.....	40,494
Eighth District.....	21,990
Seventh District.....	22,121
Twenty-second District.....	20,592
Twenty-third District.....	22,650
Twenty-fifth District.....	17,494

I have thought it proper to place before the Legislature in this shape the contents of this important bill, under the conviction that these and other irregularities therein must have been overlooked. And further, that the Legislature before it adjourns will, by supplemental act, correct the same, and do even justice to all sections of the State in this very essential requisite of our system of government—equality of representation.

If my views in this regard meet the concurrence of the Legislature, I will suggest a return to the rule in force before the adoption of the present apportionment, of distributing the members of the House of Representatives without regard to the senatorial districts. I mean by this that where, for instance, any one county has alone sufficient relative population for a representative, to give it one, and so of other counties or combinations of counties. Thus representation in that House may be better equalized, and more in accord with the local wishes of the people.

Respectfully,

EDMUND J. DAVIS, Governor.

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

On motion of Mr. Morris, the message was referred to the Committee on Apportionment.

The following message was also received, ordered spread upon the journal, and referred to the special Committee on Quarantine.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, May 8, 1873. }

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

GENTLEMEN : In my message at the opening of your

session, I called your attention to the fact, that by a decision of the courts the fees collected from shipping to support quarantine had been cut off, and I asked an appropriation for its support. Again, in my estimates sent to your houses on January 23, I included the amount of an appropriation thought necessary for this purpose. Nothing having been done by the houses on the subject, and the time having now arrived when quarantine should be established, I have issued my proclamation therefor, to commence on the fifteenth instant, but it cannot be enforced without an appropriation.

I am informed that the yellow fever is very severe at some of the ports on the southern coast of America, and may be brought at any time to the ports of Texas. The quarantine has kept it off from our coast now for six years, and it remains for you to decide whether the system is to be continued or abandoned.

Very respectfully,

EDMUND J. DAVIS, Governor.

The sixth district was called, and Mr. Brown of Upshur called up House bill No. 589, "An act to incorporate the Texas University." The bill was read second time and ordered engrossed.

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

Mr. Moore called up Senate bill No. 97, upon which the following report was submitted:

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

SIR: The Committee on Town and City Corporations, to whom as referred Senate bill No. 97, "An act to incorporate the Hallville Masonic Institute, at Hallville, Harrison county, Texas," have examined the same, and beg leave to report the same back, with the recommendation that it do pass.

DAVENPORT, for Committee.

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

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

Mr. Roberts called up House bill No. 470, "An act to compensate Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas."

The following report thereon was submitted:

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

SIR: Your committee to whom was referred House bill No. 470, beg leave to refer the same back and recommend that the bill be amended by striking out the item of nineteen hundred and twenty acres, and that the bill thus amended do pass.

IRELAND, Chairman.

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

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

Mr. Tilson called up the following bill, reported by the Committee on Private Land Claims :

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

SIR: Your Committee on Private Land Claims, to whom was referred relief claim for heirs or assignees of Earl Stanley Williams, deceased, have duly considered the same, and a majority of the committee instruct me to report the accompanying bill and recommend its passage.

LANE, Chairman.

The bill, being "An act for the relief of the heirs or assignees of E. S. Williams, deceased, was read; rules suspended, read second time and ordered engrossed.

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

Mr. Powers having received the call from Mr. Taylor, called up Senate bill No. 120, "An act amendatory of an act entitled an act to incorporate the Rio Grande Railway Company, approved August 13, 1870," upon which the following reports were submitted :

Report from Committee on Internal Improvements :

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

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 120, entitled "An act amendatory of an act to incorporate the Rio Grande Railroad Company, approved August 13, 1870," have had the same under serious and *laborious* consideration, and a majority of the committee have instructed me to report the same back to the House and recommend the adoption of the accompanying amendments, and that the bill, so amended, do pass.

WINKLER, Chairman.

1. Insert in sixth line from the end of section one, the following: After the words "Rio Grande" the words "and may receive and deliver by railroad on the bank of the Rio Grande all freight for trans-shipment; *provided*, that all freights or merchandise delivered from said railroad and destined to Matamoros, and all freights or merchandise from Matamoros destined to said railroad, shall be delivered and received at the local depot in Brownsville and passed to or fro on a public ferry at the city of Brownsville; *and provided further*, that nothing herein contained shall be construed to confer on said company any right to enter upon or take possession of any of the rights or franchises conferred upon or pertaining to the Brownsville Levee Company without compensation being made according to law."

2. Strike out the word "or" and insert the word "and" in first section, fourth line from the end of the section.

3. Add the following additional section as section two: "Compensation shall be made by the company in the manner provided by law to the proprietors of property on the streets through which the railroad may be constructed, for any damages that may accrue to them by reason thereof; *provided*, that the company shall be governed by any general laws passed or to be passed by this State regulating railroad companies and their business operations."

Minority report from Committee on Internal Improvements.

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

SIR: The undersigned, a minority of the Committee on Internal Improvements, beg leave to submit the following report on Senate bill No. 120, entitled "An act amendatory of an act entitled an act to incorporate the Rio Grande Railroad Company," dissenting from the report of the majority. In support of this report we say,

1. The charter of the company authorized the building of a road from the Laguna Madra to Brownsville, on the Rio Grande. Without legal authority from the charter the road has *been built into* Brownsville more than two miles, most of the way, however, by the consent of the city. The road as now completed best serves to prosper Brownsville, and fosters most the interest of the people.

2. The amendment seeks to authorize the company to

build the road *through* to the bank of the river, whereby Brownsville will, if the company uses the power thus given (if given), become a *whistling* station.

3. Brownsville is a frontier city and lives the precarious life of such a city. We think she ought to be builded up instead of impoverished and weakened by throwing her resources into the lap of a rival and foreign city.

4. The city of Brownsville resists the amendment sought. The rival interest insists upon its passage.

5. The city of Brownsville is willing that the road shall run into the city, and have all the facilities that it can reasonably claim, but they they oppose a track being laid *through* the city. We think they are right in doing so.

6. The streets through which it is proposed to build the road are only forty feet wide, which fact would subject the property on each side to constant hazard.

7. Brownsville is a Texas city; Matamoros a Mexican one. The population of Matamoros is Spanish and Mexican, avowedly and openly hostile to American institutions; to the American people as a race, their interests and prosperity. The president and a great majority of the directors of the road are of Spanish-Mexican origin, whose natural impulses and business interests prompt them to tear Brownsville down and build Matamoros up.

Believing the foregoing facts to be true, we do not feel willing to see the amendment pass, helpful to Matamoros, as it will prove, and irremediably hurtful to Brownsville.

ASHLEY N. DENTON,
GEO. W. SMITH.

I concur substantially in the above conclusions, but not with all the points stated.

JOHN H. BROWN.

The special railroad committee, to whom the bill and amendments offered by the Committee on Internal Improvements had been referred, offered the following amendment, and in case of its adoption, recommended the passage of the bill: Add to third amendment proposed by the Committee on Internal Improvements the following: "And the right is expressly reserved to the State to fix and regulate the rate of charges for transporting freight and passengers over said road, and also the duties and liabilities of said company as a common car-

rier; and provided further, that said company shall not sell, lease or rent to, or consolidate with, or purchase any converging, parallel or competing line of railroad." The amendment offered by the special committee was adopted.

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

The first amendment was then adopted.

The second amendment was adopted.

The third amendment was adopted.

The bill then passed to third reading.

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

Mr. Denton offered the following amendment: In line twelve, after the word "Rio Grande," insert "as may be determined between the city council of said city and the said corporation."

On motion of Mr. Powers the amendment was laid on the table.

Mr. Smith of Colorado offered the following amendment: Add to section two: "That all freights and merchandise delivered to and from said railroad, whether destined for Mexico or not, shall be received and delivered at the depot of the company in Brownsville; but the company shall have the right to extend its road to the bank of the river for the purpose of getting water from the same; but the road from the depot in Brownsville to the river shall not be used for the purpose of transporting freight or merchandise, travel or other business."

On motion of Mr. Powers, that amendment was laid on the table.

Mr. Thurmond offered the following amendment: Amend section two, line forty, by striking out all after the word "operations," to the end of the section.

On motion of Mr. Powers, that amendment was laid on the table.

The bill then passed.

Mr. Kleberg moved to adjourn. The House refused.

Mr. Scott called up House bill No. 570, "An act creating the county of Wedgefath," upon which the following report was submitted:

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

SIR: Your committee to whom was referred House

bill No. 570, creating the county of Wedgefarth, beg leave to report the same back with the recommendation that it do pass.

IRELAND, Chairman.

The bill was read second time and ordered engrossed.

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

The Committee on Enrolled Bills submitted the following report:

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

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

No. 536, "An act to change and define the boundary lines of Trinity county, and to provide for the further organization of the same."

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

No. 553, "Joint resolution authorizing Hon. I. G. Kilgough to draw the pay of the Hon. Louis Frankee, deceased."

No. 457, "An act for the relief of Michael B. Bottingham."

No. 605, "An act to authorize Ezra Carpenter to build and keep a toll bridge on Big Cypress."

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

No. 671, "An act to incorporate the Mechanics' Real Estate and Savings Association of Dallas."

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

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

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

No. 148, "An act amendatory of and supplementary to an act entitled an act to incorporate the Merchants' Mutual Insurance Company, approved September 18, 1866."

And find the same correctly enrolled, and have this the ninth day of May, at 3:50 o'clock P. M., presented the same to the Governor for his approval.

SHAW, Chairman.

The Committee on Engrossed Bills reported as follows :

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

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

No. 482, a bill to be entitled, "An act to aid in the construction of the railroad of the Galveston, Harrisburg and San Antonio Railway Company."

No. 860, a bill to incorporate Little River Academy, in Bell county.

And find the same correctly engrossed.

BOOTY, Chairman.

Mr. Shaw called up House bill No. 396, a bill granting H. M. Matthis, principal, and Colonel L. D. De Lyon, Miss Mollie E. B. Beaver, Miss Fannie Bradford and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, Texas, the privilege of granting diplomas to students who complete the course of study established by the principal and faculty of the institution.

The passage of the bill was recommended by the Committee on Education.

The bill was read second time and ordered engrossed.

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

Mr. Booty moved to adjourn. The House refused.

Mr. Mabry called up House bill No. 66, "An act to amend an act to incorporate the Dallas and Wichita Railroad Company."

The special railroad committee, Mr. Prendergast, chairman, offered the following amendments :

1. Strike out the words "ninety years," in section one, and insert "sixty years from the date of this act."

2. Add to section two the following: "*Provided*, that when the direct line of said road passes within five miles of the county seat of any county through which it may be built, said road shall run to said county seat, and said company shall establish and keep a depot within one-half mile of the business part of said town; *provided*, said town shall furnish to said company, free of charge, the right of way through said town, and sufficient ground for switches, turnouts, etc., and such buildings as may be necessary and proper for said road, not to exceed fifteen

acres in each case; *and provided, further*, that said company shall not be compelled to run said road within one-half mile of any county seat, where, from natural obstacles, it is impracticable to do so; but in such case said road shall run, and a depot be established as near said town as such natural obstacles will admit; and should said road be located through any county before the definite location of the county seat thereof, then it shall not be necessary for said road to run within one-half mile of said town."

3. Strike out section four.

The amendments were adopted.

Mr. Brown of Dallas offered the following amendment: Add to section one: "*Provided*, nothing in this section shall impair any liability or obligation incurred by the present owners of said charter, to the original incorporators in said charter."

Mr. Venters moved that the bill lie on the table and be made special order for Monday, May 12, at 4 P. M., and that one hundred copies be printed. The House refused.

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

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, May 10, 1873. }

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

Absent—Messrs. Ellett, Killough and Scott.

On motion of Mr. Leyendecker, Mr. Noeggerath was excused for three days.

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

Mr. Tilson presented a petition of citizens of Bowie county, relative to the De Kalb College lands. Referred to a committee of the delegation from the Eighth District.

Mr. Robb presented a petition of eighty citizens of Angelina county, protesting against the abolition of the Third Judicial District. Referred to the Committee on Judicial Districts.

Mr. Smith of Colorado presented a petition of citizens

of Fort Bend county against the passage of a stock law. Referred to the Committee on Agriculture and Stock Raising.

Mr. Westfall introduced a bill for the relief of the heirs of Willis D. Andross. Referred to the Committee on Private Land Claims.

Mr. Booty in the chair.

Mr. Smith of Colorado introduced a bill to authorize J. T. Veale to remove the obstructions to the navigation of Little Cypress Bayou. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Hester introduced a bill to prohibit the sale, barter or giving away of spirituous or intoxicating liquors within five miles of Bethel Church and Seminary of Learning, in Lavaca county. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Hoffman introduced a bill to amend section two of an act entitled "An act amendatory of and supplemental to an act entitled an act to incorporate the city of New Braunfels, approved January 7, 1860." Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Sabin introduced a bill to amend the tenth and twelfth sections of "An act to regulate proceedings in the district courts, approved May 13, 1846." Read first time; rules suspended and read second time.

On motion of Mr. Sabin, the bill was referred to a special committee of Messrs. Sabin, Armstrong, Prendergast and Joseph, with instructions to report thereon Monday morning, May 12.

Mr. Sabin introduced a bill to amend the first and fourth sections of "An act entitled an act to reduce into one and amend the several acts concerning executions, approved January 27, 1842." Read first time and referred to the same select committee.

Mr. Sayers introduced a bill to sever the counties of Concho and McCulloch from Bexar land district, and attach them to the land district of San Saba. Read first

time and referred to the Committee on Counties and County Boundaries.

Mr. Robb introduced a bill to levy a special tax in the county of Angelina. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Mills introduced a bill to incorporate the Navasota Real Estate Building and Saving's Association of Texas. Read first time; rules suspended, read a second time, and on motion of Mr. Mills, referred to a select committee of one—Mr. Denton.

Mr. Williams introduced a bill to incorporate the Texas Well and Irrigating Company. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Smith of Colorado introduced a bill to authorize the County Court of Colorado county to issue interest-bearing bonds for the purpose of funding the present outstanding indebtedness of said county. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Broaddus moved to reconsider the vote of yesterday passing Senate bill No. 301, "An act making an appropriation for the payment of the State police and employés, and that that motion be postponed until Monday, May 12, at 4:30 P. M.

Mr. Washington moved to lay that motion on the table.

The House refused to table by the following vote:

Yeas—Messrs. Abbott, Berends, Green, Mabry, Mills, Moore, Roberts, Sabin, Stockbridge, Washington, Wilder and Williams—12.

Nays—Messrs. Speaker, Adriance, Allison, Armstrong, Bledsoe, Booty, Broaddus, Brown of Dallas, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gaston, Ghent, Gilpin, Harrison, Hester, Hoffman, Joseph, Lane, Leyendecker, Manning, McDonald, Nelson, Powers, Prendergast, Rainey, Robb, Rosborough, Russell, Sayers, Schmidt, Scott, Shaw, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—55.

The motion of Mr. Broaddus then carried.

A message was received from the Senate informing the House that the Senate had passed the following bills originating in the House, viz. :

No. 754, "An act to incorporate the board of trustees of Centerville Academic School."

No. 846, "An act authorizing the city of Galveston to issue her bonds to the amount of \$500,000 in aid of the bar and harbor 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."

No. 489, "An act to aid in the construction of the Atlantic and Pacific Railroad," with amendments.

Also, the following bills originating in the Senate, viz. :

No. 259, "An act to incorporate the Fort Worth and Denver City Railroad Company."

No. 281, "An act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico."

A subsequent message informed the House that the Senate was sitting as a high court of impeachment for the trial of John G. Scott, Judge of the Tenth Judicial District, and was ready to receive the managers on the part of the House of Representatives.

The managers were instructed to govern themselves accordingly.

The special order was announced, House bill No. 619, "An act to exempt the land and real estate of citizens from forced sale and liability for debt hereafter contracted."

On motion of Mr. Tivy, the special order was temporarily postponed, and the Committee on State Affairs instructed to make the following report :

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

SIR: Your Committee on State Affairs, to whom was referred House bill No. 487, entitled "An act to enable the several counties of this State to build court houses and jails," have duly considered the subject, and are of the opinion that the passage of an act embracing the objects contained in said bill would save the State a large amount of special legislation, therefore the committee instruct me to report the accompanying substitute and recommend its passage.

VENTERS, for Committee.

The substitute, being "An act to enable the several counties of this State to build court houses and jails," was read and adopted.

The bill was then read second time and ordered engrossed.

On motion of Mr. Cook, the bill was recommitted to the following special committee: Cook, chairman; Powers and Ghent, with instructions to report on Monday, May 12, at 10 A. M.

The special order was then taken up, read second time and ordered engrossed.

Mr. Cook moved to suspend the rules and put the bill on its third reading. The House refused to suspend.

Mr. Mills introduced "A bill to incorporate the Navasota Real Estate and Building Association," which was recommended by Mr. Denton as a substitute for the bill of same caption referred to him. Read first time; rules suspended, read second time and ordered engrossed.

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

On motion of Mr. Rainey, the following report was submitted:

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

SIR: Your standing Committee on Comptroller's and Treasurer's Offices proceeded on the fifth of this month to examine the Treasurer's office. This committee commenced their examination from the date at which the present Treasurer, Dr. B. Graham, took charge of that office, which was about the first day of July, 1872. They did not go back to an earlier date in the affairs of that office, because the special committee appointed at the suggestion of the Governor, were and are now at work examining the papers, books, etc., of that office, prior to the first of July, 1872.

Your committee deem it necessary to state that they would have examined the Comptroller's and Treasurer's offices at an early period of the present session, but for the fact that the members of the committee were assiduously confined to more pressing duties on other committees, but would have carried on the examination any way had they been allowed the necessary clerical assistance, which was refused, but sometime after allowed to the special committee.

After a careful examination, we are enabled to report that the affairs of that office are in a satisfactory condition. The books are correctly kept, as is evidenced in the fact that no errors whatever were found in the statement of deposits nor of disbursements, when compared with the quarterly statements furnished your committee by the Comptroller, and also with the deposit warrants and paid warrants, which had been canceled by the Comptroller, which were compared with the entries on the books. The vaults were opened and the money and bonds carefully counted, and the amount found to be about twenty-six dollars in excess of the amount called for by the comparison made between the Comptroller's statements and the books of the Treasurer. This excess may be accounted for in the advantage gained in making change when money is paid into the treasury, which, of course, is unavoidable.

For the information of the House the committee will state that at this date there is about \$300,000 in currency and near \$47,000 in gold in the vaults belonging to the available school fund. These amounts are approximately estimated, because the various amounts are not placed to the credit of their appropriate funds until the end of each fiscal quarter, at which time the Treasurer makes his quarterly report to the Comptroller. There are—

Of United States Bonds, five per cent. and	
six per cent.	\$360,050 00
Of Frontier Defense Bonds, seven per cent.,	
gold	199,000 00
Of Railroad Bonds	1,753,317 00
Of State Bonds, five per cent. and six per	
cent.	537,008 21
And Brazos County, ten per cent., Bonds..	12,000 00

Your committee feel highly gratified to be able to state to the House that the State Treasury is under excellent management. In addition they will state that the whole amount of funds now in the treasury vaults will amount to \$470,004, currency, and \$70,791.91, specie.

Very respectfully,

RAINEY, Chairman ;
 HOLLINGSWORTH,
 BROWN, of Upshur,
 FORD,

The special order, being the report of the Conference

Committee on House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railway through the State to the Pacific Ocean," was announced.

Mr. Bledsoe moved to postpone the consideration of the report until Monday, May 14, at 12 M., which motion carried.

Unfinished business, Senate bill No. 288, "An act to incorporate the Austin and Colorado Valley Water Works and Irrigation Company, and to provide a method to aid said company in the accomplishment of the objects of its creation," was read first time; rules suspended and read second time.

Mr. Wood moved to strike out section six.

Mr. Cook moved to refer the bill to Judiciary Committee No. 1, and make it special order for Wednesday, May 14, at 11 A. M., which carried.

Mr. Brown of Dallas in the chair.

Mr. Shaw moved to reconsider the vote passing Senate bill No. 120, "An act amendatory of an act to incorporate the Rio Grande Railway Company, approved August 13, 1870," and that motion be postponed until Monday, May 12.

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

The Speaker in the chair.

The special order was announced, being House bill No. 845, a bill to prevent railways and other corporations from leasing or selling their chartered rights, privileges or franchises to, or consolidating with other railway or chartered corporation." The bill was read second time.

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

The House refused to table by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Booty, Bordeaux, Brown of Dallas, Chambers, Eastland, Ford, Gaston, Gilpin, Green, Harrison, Hollingsworth, Mabry, McDonald, Moore, Morris, Phelps, Robb, Roberts, Rosborough, Shaw, Stockbridge, Thurmond, Tilson, Tivy, Venters, Washington, Watts, Wilder and Williams—33.

Nays—Messrs. Armstrong, Berends, Broaddus, Carroll, Cook, Cunningham, Davenport, Denton, Doyle, Ellett, Hester, Hoffman, Joseph, Lane, Leyendecker, Manning, Mills, Nelson, Powers, Prendergast, Rainey,

Russell, Schmidt, Scott, Shelton, Short, Smith of Colorado, Smith of Houston, Storey, Tom, Trolinger, Westfall, Winkler and Wood—34.

The bill was then ordered engrossed.

Mr. Hollingsworth moved to take up for action House bill No. 816, to provide for the election of a commission to select a site for a branch penitentiary. The House refused.

He then moved to take up the bill and make it special order for Monday, May 12, at 11 o'clock A. M. The House again refused.

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

AFTERNOON SESSION.

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

Absent—Bewley, Brown of Dallas, Ellett, Hollingsworth, Killough, Kleberg, Short, Wilder and Winkler.

On motion of Mr. Thurmond, Mr. Chambers was excused for the evening.

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

Resolved, That A. T. Watts and B. W. Rimes be excused from further duty upon the special committee raised to investigate the charges against the Hon. William Chambers, Judge of the First Judicial District, and that A. S. Broaddus, L. J. Storey, C. C. Gallaway and S. T. Robb be appointed a committee to investigate said charges, and report by bill or otherwise.

Mr. Abbott moved to lay the resolution on the table. The House refused.

The resolution was then adopted.

A message was received from his Excellency the Governor, in relation to "An act to release certain taxes to the residents of the counties 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," and submitting a communication relative thereto from the Attorney General.

On motion of Mr. Tom, the Committee on Agriculture and Stock Raising submitted the following report:

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

SIR: Your Committee on Agriculture and Stock Raising, to whom was referred House bill No. 172, entitled "An act to incorporate El Paso Irrigation Company," having had the same under consideration for some time, instruct me to report back the accompanying substitute with the unanimous recommendation that it do pass.

THURMOND, Chairman.

The substitute recommended by the committee was read and adopted.

The bill was then taken up by sections.

Mr. Hoffman moved to amend section twelve by striking out "sixteen" sections, and inserting in lieu thereof "twelve." The House refused to adopt the amendment.

Mr. Abbott offered the following amendment: "That the main channel of the canal shall be twenty-five feet wide and six feet deep, and that ditches shall not count in miles of completed work." The House refused to adopt the amendment.

Mr. Abbott moved to amend by striking "six" out of "six hundred and forty," and leaving "forty," and after the word "forty" add "and a mule."

Mr. Ghent moved to recommit the bill to a special committee of five, which motion carried.

The Speaker appointed Messrs. Cook, Abbott, Scott, Smith of Colorado and Tom said committee.

On motion of Mr. Mills, Senate bill No. 274 was taken up.

The following report thereon was submitted :

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

SIR: The Committee on State Affairs respectfully recommend the passage of Senate bill No. 274, "An act to validate and supplement the charter of the Bastrop Coal Company."

J. H. BROWN, Chairman.

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

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

Mr. Brown of Dallas moved to reconsider the vote passing House bill No. 570, "An act creating the county of Wedgefath." The vote was reconsidered.

Mr. Brown of Dallas offered the following amendment to the bill: Amend section one by striking out all from the word "at," in line five, to the word "Pan-handle," in line nine, and insert: "The southwest corner of Greer county, on the Prairie Dog Town Fork of Red river." Strike out of line ten, section one, the words "along said boundary line west," and insert, "with the west boundary."

The amendment was adopted and the bill passed.

Mr. Anderson moved to take up Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company." The motion carried.

The following report was submitted:

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

SIR: The special committee to whom was referred Senate bill No. 100, entitled "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises in the Houston and Texas Central Railway Company," having carefully considered the same, have instructed me to report the bill back to the House, with the accompanying amendments, and when so amended, that it do pass.

PRENDERGAST, Chairman.

Amend by adding as section two the following: "SEC. 2. This act of consolidation is passed, and shall become operative on condition that said consolidated road shall not, in either of its branches, be sold, leased, rented to or consolidated with any other parallel, competing or converging railroad, and that said company shall not purchase, own or control any such parallel, competing or converging road; and upon the further condition that the State shall have the right to regulate and fix the rate of charges for transporting freight and passengers over said road, and to prescribe and regulate the duties and liabilities of said company as a common carrier; and upon the still further condition that the portion of said Northwestern Railroad not yet built, if built at all by said company, shall be constructed and put in operation within the time required by the charter of said road; and should the general line of the portion of said road not yet built,

pass within five miles of any established county seat, then said road shall run to said county seat, and said company shall establish and keep a depot for freight and passengers within one-half mile of the business portion of said town, on condition that the right of way through said town, and sufficient ground, not less than fifteen acres, for switches, turnouts, and such buildings as may be necessary and proper, shall be furnished to said company free of charge; *provided*, that said company shall not be compelled to construct said road within one-half mile of any county seat where, from natural obstacles, it is impracticable to do so; but in such case said road shall run, and a depot be established as near said town as such natural obstacles will admit; and should the line of said road be definitely located through any county before the permanent location of the county seat thereof, then it shall not be necessary for said road to be so varied from its line as to run within one-half mile of said town."

Strike out section two and insert the following:
 "SEC. 3. This act shall take effect and become operative upon the acceptance by said company of the conditions herein stated."

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

The House refused to table by the following vote:

Yeas—Messrs. Abbott, Adriaance, Green, Joseph, Mabry, Mills, Moore, Phelps, Robb, Roberts, Sabin, Schmidt, Stockbridge and Wilder—14.

Nays—Messrs. Allison, Anderson, Armstrong, Berends, Booty, Broadus, Brown of Upshur, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Gallaway, Gaston, Ghent, Gilpin, Harrison, Hester, Hoffman, Lane, Leyendecker, Manning, McDonald, Nelson, Payne, Powers, Prendergast, Rainey, Rosborough, Russell, Sayers, Scott, Shelton, Smith of Colorado, Smith of Houston, Storey, Thurmond, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Winkler and Wood—48.

Mr. Anderson moved the previous question, which was seconded and the main question ordered. The amendments were then adopted.

The bill then passed to third reading.

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

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

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

Absent—Messrs. Bewley, Ellett, Mills and Payne.

On motion of Mr. Stockbridge, Mr. Wilder was excused on account of sickness.

On motion of Mr. Broaddus, the leave of absence of Mr. Salter was extended one day.

On motion of Mr. Green, the leave of absence of Mr. Abbott was extended one day.

On motion of Mr. Gaston, Mr. Russell was added to the Committee on Claims and Accounts.

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

Mr. Venters presented a petition from citizens of Jack county, asking permission to levy a special tax. Referred to the special committee upon that subject, Powers, chairman.

Mr. Robb presented a petition from citizens of Angelina, remonstrating against the dismemberment of said county. Referred to the Committee on Counties and County Boundaries.

Mr. Smith of Colorado introduced a bill to authorize the County Court of Colorado county to levy a special tax for the erection of a county jail. Read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Rosborough introduced a bill to prohibit the sale or disposal of intoxicating liquors within one and a half miles of Oak Grove Academy, in Coryell county. Read first time; rules suspended, read second time and ordered engrossed.

Mr. Manning offered the following amendment: "*Be it further enacted*, that no license to deal in intoxicating liquors, by retail or otherwise, within two miles and a half of any college, academy, seminary or school, shall be granted or issued; *provided*, that this section shall not apply to any incorporated town, or the seat of any county, and any person or persons who may deal in such

liquors within said prohibited limits shall be subject to all the penalties and liabilities provided by law for such dealing without license."

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

The amendment was then adopted.

Mr. Powers moved to strike out all of the bill after the enacting clause except the adopted amendment, which motion carried.

On motion of Mr. Powers the caption was changed to read, "An act to prohibit the granting of license for the sale of intoxicating liquors within two and one-half miles of any college, academy, seminary or school, not embraced in any incorporated town or county seat." The bill was then read third time and passed.

On motion of Mr. Broaddus, Mr. Sabin was added to the committee to investigate the charges against Hon. William Chambers, Judge of the First Judicial District.

On motion of Mr. Wood the committee on apportionment of congressional districts was granted until Wednesday, May 14, at 12 M., to make report.

Mr. Hollingsworth introduced a bill to make an appropriation to purchase a library for the penitentiary. Read first time.

Mr. Hollingsworth moved to suspend the rules and put the bill on its second reading. The House refused.

House bill No. 489, "An act to aid in the construction of the Atlantic and Pacific Railroad," was taken up, the Senate amendments thereto concurred in, and the bill passed.

Senate bill No. 281, granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, was read first time and referred to the Committee on Pensions, with instructions to report thereon as soon as practicable.

Senate bill No. 231, "An act to provide for the sale of lands belonging to the common school fund and the lands set apart to the several State asylums," was read first time and referred to Judiciary Committee No. 1, with instructions to report thereon Thursday, May 15, 11 A. M.

Senate bill No. 241, "An act to amend sections thirteen, fourteen, sixteen and seventeen of an act entitled an act to incorporate the town of Palestine, in Anderson county," was read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 186, "An act for the relief of the heirs of Harrison W. Goyne," was read first time and referred to the Committee on Private Land Claims.

Senate bill No. 213, "An act to incorporate the Steamship Wharf Company," was read first time and referred to the Committee on Town and City Corporations.

Senate bill No. 247, "An act for the relief of William Simpson," was read first time and referred to the Committee on Private Land Claims.

Senate bill No. 289, "An act to incorporate the Hebrew Sinai Congregation," was read first time and referred to the Committee on Town and City Corporations.

Senate bill No. 269, "An act empowering the Police Court of Cherokee county to levy and collect a special tax for the purpose of paying off the present outstanding indebtedness of said county," was read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 256, "An act to authorize the County Court of Lampasas county to levy a special tax," was read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 293, "An act for the relief of A. Howell," was read first time; rules suspended, read second time and passed to third reading.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Berends, Bledsoe, Booty, Bordeaux, Broaddus, Brown of Dallas, Brown of Upshur, Carroll, Chambers, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Hester, Hoffman, Hollingsworth, Joseph, Killough, Lane, Lyendecker, Mabry, Manning, McDonald, Moore, Morris, Nelson, Phelps, Powers, Prendergast, Roberts, Russell, Sabin, Scott, Shaw, Shelton, Short, Smith of Colorado, Storey, Tilson, Tivy, Tom, Trolinger, Venters, Watts, Westfall, Wilder and Williams—61.

Nays—Messrs. Armstrong, Kleberg, Smith of Houston, Thurmond and Wood—5.

Senate bill No. 300, "An act for the relief of Quilla J. Nichols," was read first time, and referred to the Committee on Claims and Accounts.

Senate bill No. 304, "An act to incorporate the Clinton Bridge Company," was read first time, and referred to the Committee on Roads, Bridges and Ferries.

Senate bill No. 326, "An act to validate first class land certificate No. 150, issued to Freeman Prewitt by the board of land commissioners of Jasper county, July 5, 1839," was read first time; rules suspended, read second time and passed to third reading.

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

Senate bill No. 259, "An act to incorporate the Fort Worth and Denver City Railway Company," was read by caption and referred to the Special Railroad Committee.

Senate bill No. 263, "An act to incorporate the town of Zavala, in the county of Smith," was read first time; rules suspended, read second time and passed to third reading. On motion of Mr. Gaston, the rules were further suspended, the bill read third time and passed.

Senate bill No. 283, "An act making an appropriation to pay a judgment against the State in favor of E. M. Smith," was read first time and referred to Judiciary Committee No. 2, with instructions to report Thursday, May 15, at 9 A. M.

Senate bill No. 322, "An act to authorize G. W. Harper to construct and keep a toll bridge across South Sulphur fork of Red river," was read second time and passed to third reading. On motion, the rules were further suspended, the bill read third time and passed.

Senate bill No. 342, "An act to authorize and require the County Court of Robertson county to retire certain county scrip therein specified, and to issue the bonds of said county in lieu thereof," was read by caption first time; rules suspended, read second time and passed to third reading. On motion of Mr. Wood, the rules were further suspended, the bill read third time and passed.

On motion of Mr. Storey, the vote passing Senate bill No. 326, "An act to validate first class land certificate No. 150, issued to Freeman Prewit by the board of land commissioners of Jasper county, July 5, 1839," was re-considered, and the bill was referred to Judiciary Committee No. 2.

Senate bill No. 100, "An act to provide for the merger of the Waco and Northwestern Railroad Company, with its properties, rights, privileges and franchises, in the Houston and Texas Central Railway Company," was taken up and read third time.

Mr. Nelson offered the following amendment: "*Provided further*, that any branch railroad that may hereafter be constructed by the Houston and Texas Central Railroad Company, running within five miles of any county seat, shall be required to establish a depot for freight and passage within one-half mile of the court house thereof; *provided*, the citizens of said county seat shall furnish the right of way through said town and all necessary grounds for depot purposes, not to exceed thirteen acres in amount." The House refused to adopt the amendment.

Mr. Smith of Colorado offered an amendment, to which Mr. Winkler offered the following amendment: "*Provided further*, that the said Houston and Texas Central Railway Company shall commence their northeastern branch at the town of Corsicana, in Navaro county, and connect with the main line upon the grounds donated by the citizens of Corsicana." The House refused to adopt the amendment to the amendment.

Mr. Smith of Colorado then withdrew his amendment.

The bill then passed.

The Conference Committee on the part of the House upon Senate bill No. 52, "An act to amend sections one, one hundred and fourteen, one hundred and ninety-two, two hundred and seventeen, two hundred and thirty-five, two hundred and forty, two hundred and forty-two, two hundred and fifty, two hundred and fifty-one, two hundred and fifty-two, two hundred and sixty-six and three hundred and forty-one of an act entitled "An act prescribing the mode of proceeding in district courts in matters of probate, approved August 15, 1870," submitted the following report.

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

GENTLEMEN: Your committee of free conference, to whom was referred Senate bill No. 52, with amendments by the House, have considered the same, and respectfully recommend the following:

1. That the Senate agrees to the first amendment made by the House, to-wit, to the caption of the bill.

2. That the House recede from its second amendment.

3. That the House recede from its third amendment.

4. That the Senate agrees to the fourth amendment.

5. That the House recede from its fifth amendment to the Senate bill.

6. That the Senate agrees to the sixth amendment made by the House.

7. That the Senate agrees to so much of the seventh amendment by the House, as strikes out section eight of Senate bill, and the House recedes from so much of said amendment as strikes out section nine of Senate bill.

8. The Senate agrees to so much of House amendment eight as changes section ten of Senate bill to section twenty-one, and the House recedes from the remainder of said amendment.

9. The Senate agrees to so much of House amendment nine as changes section eleven to twenty-two, and twelve to twenty-four instead of twenty-six, to which the House agrees.

10. Senate agrees to House amendments to the following sections of the probate law, to which the Senate bill is amendatory, to wit: House amendments to sections twenty, forty-three, forty-five, sixty-three, sixty-eight, one hundred and twenty-nine, one hundred and thirty-nine, one hundred and forty-six, one hundred and seventy-six, one hundred and eighty-two; and Senate agrees to House amendment to section one hundred and ninety-two, with the following amendment to House amendment of said section one hundred and ninety-two, to wit: Add before the first word, "claims," of the last sentence in said section as amended by the House, the word "unliquidated;" to which said amendment the House agrees.

11. The Senate agrees to House amendment of section two hundred and forty-three, with the following amendment to said amendment, to which the House agrees: Strike out after the figures "243" in third line, down to the word "and" in eighth line, and instead thereof insert the following: "All public sales of real estate made by the order or decree of the District Court, in matters of probate, shall be made on the first Tuesday of the month, at the court house door of the county where such sale is ordered; and the administrator or executor shall give pub-

lic notice of such sale, by publishing a notice of the same for three successive weeks prior to the day of sale, such publication to be once each week in a newspaper, if there be one published in the county where such sale is made; if there is no paper published in the county where such sale is made, then such notice shall be given by posting written or printed notices of the time and place of sale, in at least three public places in the county where the land is situated, one of which public places shall be the court house door." To which said amendment the House agrees.

12. The Senate agrees to the House amendment to sections two hundred and forty-six, two hundred and ninety-one, and to the repealing section of House amendment, except so much of same as repeals section two hundred and fifty-two, from which the House recedes.

13. The House recedes from its amendment to section two hundred and fifty-one of probate law.

14. The House recedes from its amendment to section thirteen of Senate bill.

15. The House recedes from its amendment termed "additional," on the last page of its engrossed amendments.

16. Strike out section fourteen, the repealing clause of Senate bill. Section thirteen of Senate bill will become section twenty-five, and repealing clause House amendments section twenty-six.

All of which is respectfully submitted by the committee with the recommendation that the same be adopted.

JOHN L. HENRY,

Chairman Senate Committee.

W. D. WOOD,

Chairman House Committee.

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

The resolution abolishing night sessions was read.

The House refused to adopt.

Mr. Wood in the chair.

On motion of Mr. Killough, the Committee on Immigration submitted the following report:

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

SIR: Your committee, to whom was referred the resolution to revise the immigration laws, have had

the same under consideration, and instruct me to report the two accompanying bills.

Mr. Denton moved to adjourn. The House refused.

The first bill, being a bill to amend section seven of "An act entitled an act to organize the bureau of immigration, approved May 23, 1871," was read first time; rules suspended and read second time.

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

Mr. Broaddus moved to adjourn. The House refused.

The call being made, the following gentlemen were found to be absent: Messrs. Abbott, Booty, Bordeaux, Mabry, Mills, Powers and Sayers.

On motion of Mr. Westfall the sergeant-at-arms was dispatched after absent members.

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

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

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

Mr. Speaker in the chair.

Mr. Winkler moved to suspend the call, which carried.

Pending the discussion the special order was announced, being the report of the conference committee upon House bill No. 467, "An act to adjust and define the rights of the Texas and Pacific Railway Company within the State of Texas, in order to encourage the speedy construction of a railroad through the State to the Pacific Ocean."

The report having been read, Mr. Storey moved to postpone the further consideration of the bill until Friday, May 16. The House refused to postpone.

Mr. Payne moved to postpone until Thursday; May 15.

Pending the discussion a message was received from his Excellency the Governor returning House bill No. 723, "An act to re-incorporate the city of Corpus Christi," together with his objections to the same.

The discussion having been resumed, Mr. Tilson moved the previous question, which was seconded, and the main question ordered. The House then refused to postpone.

Mr. Cook moved to adjourn. The House refused.

The report was then adopted and the bill passed by the following vote:

Yeas—Messrs. Speaker, Abbott, Adriaance, Allison, Anderson, Bewley, Booty, Brown of Upshur, Brown of Dallas, Chambers, Cunningham, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Gilpin, Green, Harrison, Hoffman, Hollingsworth, Killough, Lane, Manning, McDonald, Moore, Morris, Nelson, Phelps, Powers, Rainey, Robb, Roberts, Rosborough, Sabin, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Smith of Houston, Stockbridge, Thurmond, Tilson, Tivy, Trolinger, Venters, Watts, Westfall, Wilder, Williams, Winkler—53.

Nays—Messrs. Armstrong, Berends, Broaddus, Carroll, Cook, Denton, Doyle, Ellett, Ghent, Gillette, Hester, Joseph, Kleberg, Leyendecker, Mabry, Payne, Prendergast, Russell, Sayers, Storey, Tom, Veale, Wood—23.

Mr. Bledsoe announced he was paired off with Messrs. Van Zandt and Bordeaux.

Mr. Denton gave notice he would present a protest against the passage of the bill, which he wished spread upon the journals of the House.

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

AFTERNOON SESSION.

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

Absent—Messrs. Bewley, Cunningham, Day, Ellett, Mills, Robb, Smith of Colorado and Veale.

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, to-wit:

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

No. 392, "An act to incorporate the Garden Valley Seminary, in Smith county, Texas."

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

No. 171, "An act amendatory of and supplementary to an act entitled an act to incorporate the Central Bank passed March 31, 1871."

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

No. 173, "An act to prohibit the sale of intoxicating or spirituous liquors within two miles of the institution of learning situated at Woods, Panola county, Texas."

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

No. 794, "An act to amend section seven of an act entitled an act to incorporate the city of Waco."

And find the same correctly enrolled, and have this, the . . . day of May, at 4:45 o'clock P. 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 the following bills, to-wit :

No. 664, "An act to amend section three of an act entitled an act to incorporate the Falls County Turnpike Road and Bridge Company," approved April 12, 1871.

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

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

No. 424, "An act entitled an act prescribing the times of holding the District Courts in the several judicial districts in the State," approved August 10, 1870.

No. 727, "An act to prohibit the sale of intoxicating, spirituous, or vinous liquors within three miles of Roxton Chapel and Seminary, in Lamar county."

No. 381, "An act to incorporate the town of Ladonia, in Fannin county."

No. 274, "An act to amend an act entitled act to reorganize the town of Bryan, in Brazos county, Texas, and incorporating said town as the city of Bryan."

And find the same correctly enrolled, and have this, the twelfth day of May, at 11:35 o'clock A. M., presented the same to the Governor for his signature.

SHAW, Chairman.

The Committee on Engrossed Bills submitted the following report :

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

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

No. 859, "An act to prohibit the sale and giving away of intoxicating liquors within three miles of Prairie Grove Church and seminary of learning, situated in Hill county, and Evergreen, Washington county, Texas."

No. 874, a bill to be entitled "An act to authorize the County Court of Colorado county to issue interest bearing bonds for the purpose of funding the present outstanding indebtedness of said county."

No. 863, "An act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871, approved November 13, 1871."

No. 776, a bill to be entitled "An act to prevent the herding of stock on certain lands therein named."

No. 856, "An act to incorporate the officers and members of Gaiety Lodge No. 84 of the Independent Order of Odd Fellows, situated at Carthage, Texas."

No. 865, a bill to be entitled "An act to validate bounty land warrant No. —, issued to the heirs of Thomas Jackson."

No. 631, "An act to authorize the County Court of Brazos county to levy and collect a special tax of one-fourth of one per cent, to complete the court house and make more secure the jail in said county."

No. 875, "An act to incorporate the Texas Well and Irrigation Company."

No. 876, "An act to incorporate the Navasota Real Estate and Building Association."

No. 867, a bill entitled "An act to levy a special tax in the county of Angelina for the purpose of building a court house and jail."

No. 870, a bill to be entitled "An act to authorize J. T. Veale to remove the obstructions to the navigation of Little Cypress Bayou."

No. 396, "An act granting H. M. Matthis, principal, and Colonel L. D. De Lyon, Miss Mollie E. Beaver, Miss Fannie Bradford and Miss Nannie Hughes, assistant teachers of the Dangerfield High School, Dangerfield, Titus county, Texas, the privilege of granting diplomas to students who complete the course of study established by the principal and faculty of the institution."

No. 857, "An act to provide for holding an election for county officers in the county of Waller, and authorizing commissioners to hold the same."

No. 866, a bill to be entitled "An act to prohibit the sale of, bartering or giving away, spirituous or intoxicating liquors within five miles of Bethel Church and seminary of learning in Lavaca county."

No. 470, a bill to be entitled "An act to compensate Aaron S. Mangum for services rendered as a soldier in the army of the Republic of Texas."

No. 589, "An act to incorporate the Texas University."

No. 852, "An act to prohibit the sale of or otherwise disposing of spirituous or intoxicating liquors within six miles of the Little River Academy in Bell county, Texas."

No. 858, a bill to be entitled "An act to authorize the County Court of Gillespie county to contract a loan by issuing interest-bearing bonds for the purpose of building a court house and jail."

No. 288, a bill to be entitled "An act for the relief of the heirs or assigns of E. S. Williams, deceased."

No. 845, a bill to be entitled "An act to prevent railways and corporations from leasing or selling their chartered rights, privileges or franchises to or consolidating with other railway or chartered corporations,"

And find the same correctly engrossed.

BOOTY, Chairman.

Unfinished business, House bill No. 66, "An act to amend an act to incorporate the Dallas and Wichita Railroad Company," was taken up, pending an amendment by Mr. Brown, of Dallas. The amendment was adopted.

Mr. Venters offered the following amendment: Amend section two, by inserting in line after the word "northwesterly" the following: "To the town of Denton, in Denton county, and shall erect freight and passenger depots within one-half mile of the court house; *provided*, said town shall secure and donate to said company, free of charge, the right of way through the corporate limits, and all necessary grounds for tracks, switches and other depot purposes, not to exceed ten acres, thence continuing northwesterly."

Mr. Brown, of Dallas, offered the following substitute for the amendment: Insert in section two, after the word "northwesterly," in line eight, "to or as near the town of Decatur, in Wise county, as the topography of the

country will admit, and thence;" add to the end of section two, "*provided*, that if it be found impracticable to reach the town of Decatur by reason of its elevated position, then said company shall establish and maintain a freight and passenger depot as near said town as said road may run, for its convenience, but said company shall not be allowed to lay out a new town at such point."

The House refused to adopt the substitute. The amendment was then adopted.

Mr. Brown, of Dallas, moved to amend by adding to the caption: "And to aid in the construction of said road." The amendment was adopted. The bill was then ordered engrossed.

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

Yeas—Messrs. Speaker, Abbott, Adriance, Anderson, Armstrong, Berends, Bledsoe, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Doyle, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hoffman, Hester, Hollingsworth, Joseph, Killough, Kleberg, Lane, Mabry, Manning, McDonald, Moore, Morris, Nelson, Payne, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Russell, Sabin, Sayers, Schmidt, Scott, Shaw, Shelton, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Venters, Watts, Westfall, Wilder, Williams, Winkler and Wood—65.

Nays—Messrs. Chambers, Leyendecker, Smith of Houston and Trolinger—4.

Mr. Gallaway called up Senate bill No. 292, "An act to incorporate the Sherman, Tyler and Henderson Railway Company, and to grant lands to aid in the construction thereof."

The special railroad committee offered the following amendments, upon the adoption of which they recommended the passage of the bill:

1. Amend section sixteen by adding after the word "Company's," in line four from the bottom, as follows: "The even sections thereof being reserved to the State for the school fund."

2. Amend section seventeen by striking out in line three from the bottom, the following, "railroad," and further amend by adding to same section the following:

“Nor to any person, firm or company in trust for said company, and on failure to comply with, or any violation of the provisions of this act, said company shall forfeit all right to land secured by this act not alienated as required by this act as required by law.”

3. Amend section nineteen by adding to said section the following: “And any violation of the foregoing provision of this section shall work a forfeiture of rights secured by this act.”

4. Amend section twenty-two by adding to said section as follows: “That this charter shall remain in force for the term of sixty years and no longer.”

The amendments were adopted.

On motion of Mr. Lane, the names of H. B. Simonds, Thos. M. Cain and W. W. Morris were added to the list of incorporators.

Mr. Morris moved to add to the list of incorporators the names of P. F. Edwards, A. Birdwell, W. B. Harper, A. B. Collins and T. Camp.

The House refused to insert the names presented.

On motion of Mr. Gaston, the further reading of the bill was dispensed with.

Mr. Trolinger offered the following amendment: Amend section . . . by inserting after “Sherman,” “thence to Kentucky Town, in Grayson county, and establish and maintain a passenger and freight depot within one-half mile of the center of the business part of said town; *provided*, said town shall furnish sufficient ground for depots, switches, turnouts, and right of way, not to exceed fifteen acres.” The amendment was adopted.

Mr. Cunningham moved to amend section eight by inserting in line seven, after the word “of,” “Bonham and.”

Mr. Russell moved to amend the amendment by adding “*provided* said road shall run within five miles of said town.”

The House refused to adopt the amendment to the amendment.

The amendment was then put and lost.

On motion of Mr. Morris, his name was stricken from the list of incorporators and that of James H. Jones added.

The bill then passed to third reading.

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

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

Yeas—Messrs. Speaker, Abbott, Adriance, Allison, Anderson, Berends, Broaddus, Brown of Upshur, Brown of Dallas, Carroll, Cook, Cunningham, Davenport, Day, Eastland, Ford, Gallaway, Gaston, Ghent, Gillette, Gilpin, Green, Harrison, Hester, Hollingsworth, Joseph, Killough, Lane, Mabry, Manning, McDonald, Moore, Nelson, Phelps, Powers, Prendergast, Robb, Roberts, Rosborough, Sabin, Sayers, Schmidt, Scott, Shaw, Shelton, Smith of Colorado, Storey, Stockbridge, Thurmond, Tilson, Tivy, Tom, Watts, Wilder, Williams and Wood—57.

Nays—Messrs. Chambers, Denton, Doyle, Smith of Houston and Westfall—5.

On motion of Mr. Nelson, upon his call, the Committee on Private Land Claims submitted the following report: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Private Land Claims, to whom was referred the memorial of the heirs of Migginson Loveing, deceased, have had the subject under careful consideration, and a majority of the committee have instructed me to report the accompanying bill and recommend that it do pass.

C. L. ABBOTT, for Committee.

The bill, being a bill for the relief of the heirs of Migginson Loveing, deceased, was read first time; rules suspended, read second time and ordered engrossed.

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

On motion of Mr. Cook, the leave of absence of Mr. Rimes was extended until Wednesday, May 14.

Mr. McDonald asked leave to introduce an important resolution. The House refused.

On motion of Mr. Lane, upon his call, the Committee on Private Land Claims submitted the following report: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: Your Committee on Private Land Claims, to whom was referred the memorial of the heirs of David Huffman, deceased, have carefully considered the same, and have instructed me to report the accompanying bill and recommend that it do pass.

C. L. ABBOTT, for Committee.

The bill, being a bill for the relief of the heirs and legal representatives of David Huffman, deceased, was read first time; rules suspended, read second time and ordered engrossed.

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

Mr. Denton presented the following protest, which was ordered spread upon the journals of the House.

Mr. Abbott moved to dispense with the reading of the protest. The House refused, and the protest was read: *Hon. M. D. K. Taylor, Speaker of the House of Representatives:*

SIR: The undersigned asks leave, as one of the Representatives of the people of Texas, to enter the following protest against the passage of the bill to be entitled, "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," for the following reasons, and asks that the same be spread upon the journals of the House:

In the opinion of the undersigned, the act in question is contrary to the plain letter as well as the spirit and meaning of the Constitution of the State.

The Constitution, article ten, section eight, gives every citizen in the State the right to locate and appropriate to his own use one hundred and sixty acres of land out of the public domain of the State. It was clearly the intention of the framers of the organic law to give the citizen the right to make his own selection upon any portion of the vacant, unappropriated public domain of the State, and in the opinion of the undersigned, the Legislature has no right to abolish or abridge this right. It is proposed in the sixth section of this act to set apart for the benefit of this company a vast reservation eighty miles in width and more than four hundred miles in length, within which vast territory this favored company have the exclusive right to locate their certificates, and the citizens of the State are prohibited from exercising that right, which is guaranteed to them by the section of the Constitution above referred to.

The undersigned is of opinion that said act is also contrary to the second section of the bill of rights, which distinctly says that "all freemen, when they form a social

compact, have equal rights, and no man, or set of men, is entitled to exclusive, separate public emoluments or privileges;" and the undersigned does not understand how it is possible to so construe this section of our Constitution as to avoid the conclusion that this great reservation, which locks up such a vast extent of our territory, is an exclusive privilege in favor of this company, and against all other railroad companies operating within the State, as well as every citizen of the State. The undersigned further charges that said act creates a great landed monopoly in favor of this company, to the injury of other and competing companies, and in violation of the constitutional rights of every citizen in the State. (See Const., Bill of Rights, section eighteen.)

If the Legislature has the right to set apart and lock up this vast belt of territory, for the exclusive use and benefit of this company, most of the stockholders of which are non-residents, which territory is the common property of all the people of Texas, then it certainly has the same right to still further set apart and lock up other reservations for the benefit of other companies, whose rights are abridged by the reservation to this company; and so on until all the public domain is thus reserved and locked up for the sole use and benefit of railroad companies; and the citizen who holds a certificate for military services rendered the State in the hour of trial and danger to the State, or the citizen who wishes to avail himself of the right guaranteed by article ten, section eight of the Constitution, is completely cut off from and deprived of that right, although there may yet remain millions of acres of public domain unappropriated.

Aside from the constitutional objections to said act, the undersigned feels constrained to protest against the great and manifest injustice to the citizens of the State in thus shutting them out from a great portion of the public domain upon which they have a lawful and constitutional right to locate their certificates and settle with their families.

The undersigned further protests against the partiality shown to this company as compared with the dealings of the State towards other companies equally meritorious, and perhaps more useful. The undersigned, believing as he does that this company *holds no claim, either moral or legal*, against the State, is in favor of extending to it.

the same assistance and advantages that we do to other companies, and nothing more.

Respectfully submitted,

ASHLEY N. DENTON.

The undersigned fully concur in the above protest, and ask leave to enter their further protest against the action of the House on Monday, the twelfth of May, in violating a solemn compact, made and entered into on Saturday, the tenth instant, to the effect that free discussion should be allowed upon the measure above alluded to, which compact was violated by moving the previous question, and thus cutting off all discussion. We wish further to be distinctly understood as holding the opinion that said company had no legal or moral claim against the State of Texas, and in voting against this measure, we did not intend to recognize any pretended claim for land or money against the State.

A. N. DENTON,

GUSTAVE COOK,

JAS. ARMSTRONG,

J. F. LEYENDECKER,

H. C. GHENT,

W. D. WOOD,

JOHN W. CARROLL,

J. F. TOM,

J. PAYNE,

L. J. STOREY,

A. S. BROADDUS,

T. A. HESTER,

L. E. GILLETTE,

M. E. KLEBERG.

I concur in the main features of the foregoing protest.

D. M. PRENDERGAST.

The special order was announced, being the motion to reconsider the vote passing Senate bill No. 301, "An act making an appropriation for the payment of the State police and employés."

Mr. Broaddus moved to postpone its further consideration until Friday, May 16, at 4 P. M., which motion was carried by the following vote:

Yeas—Messrs. Allison, Anderson, Armstrong, Broaddus, Brown of Upshur, Carroll, Cook, Cunningham, Davenport, Day, Denton, Doyle, Eastland, Gaston, Gillette, Hollingsworth, Joseph, Lane, McDonald, Payne, Powers, Prendergast, Robb, Rosborough, Russell, Sayers, Scott, Smith of Colorado, Smith of Houston, Thurmond, Tivy, Tom, Winkler and Wood—34.

Nays—Messrs. Speaker, Abbott, Adriance, Berends, Bordeaux, Chambers, Ford, Gilpin, Harrison, Hoffman, Killough, Kleberg, Leyendecker, Mabry, Manning, Moore, Nelson, Phelps, Roberts, Sabin, Schmidt, Shaw, Shelton,

Storey, Stockbridge, Tilson, Trolinger, Westfall, Wilder and Williams—30.

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

Mr. Russell called up House bill No. 503, a bill to be entitled "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company."

The special railway committee reported a substitute therefor under the following caption: A bill to be entitled "An act supplemental to an act entitled an act to incorporate the Pacific and Great Eastern Railway Company, approved August 13, 1870,"

Mr. Anderson moved to dispense with the reading of the bill. The House refused.

Pending the reading, it being evident that a quorum was not present, Mr. Phelps moved to adjourn. The House adjourned until 9 A. M. to-morrow.

HOUSE OF REPRESENTATIVES,)
AUSTIN, TEXAS, May 13, 1873. }

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

Absent—Messrs. Cook, Mills and Veale.

On motion of Mr. Smith of Houston, Mr. Rainey was excused for two days.

On motion of Mr. Anderson, Mr. Cook was excused for the day.

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

Mr. Adriance presented a petition of citizens of Fort Bend, Brazoria and Matagorda counties, against the passage of the "No fence law." Referred to the Committee on Agriculture and Stock Raising.

Mr. Sabin introduced a bill to incorporate the Wilson Creek and Colorado Canal Company. Referred to the Committee on Internal Improvements.

Mr. Wood introduced a bill to render valid certain land certificates issued to Peter J. Lorillard and Edmund Hall, and to authorize the issuance of patents thereon. Referred to the Committee on Private Land Claims.

Mr. Watts offered the following resolution:

1. *Resolved*, That the extraordinary privileges attempted to be granted to the International Company by the Twelfth Legislature, by donating to said company ten thousand dollars in money for each mile of road that it should construct, and taxing the people of the State to pay said donation, was without any warrant or authority under the constitution, a gross usurpation of power, destructive of the rights of the people and of the objects of government, which are to protect the rights and property of all, and not to tax one part to enrich another part, and is, therefore, an absolute nullity.

2. *Resolved*, That Comptroller Bledsoe deserves well of the country for his stern and unyielding refusal to register and sign the bonds said railroad company are endeavoring to procure from the State, and that his course, in such refusal, meets our unqualified endorsement and approval.

Mr. Anderson offered the following amendment: "*Provided*, that if upon the trial of the legal questions involved, it should be decided adversely to the views herein expressed, by the legally constituted tribunals of the State, or United States if appealed, we will not advise or sanction repudiation, but in the meantime we pledge ourselves to use all legal means to have the people of the State properly defended against what we deem a great and outrageous violation of the rights of the people."

Mr. Sabin offered the following substitute for the resolution and amendment:

Resolved, That while we do not endorse the principle involved in the money subsidies granted to railroads by the last Legislature, yet we will abide by the decisions of the courts in relation thereto.

Resolved, That Judiciary Committee No. 2 be and the same is authorized to take all necessary steps, in case of litigation against the State or its officers, for the protection of the rights of the State.

Pending the discussion a message was received from his Excellency the Governor, returning House bill No. 557, "An act to incorporate the Brazos Santiago and Rio Grande Canal Company," with his objections to the same.

Mr. Tom moved to lay the amendment offered by Mr. Anderson, and the substitute by Mr. Sabin, on the table. Division being called for, the motion to table the substitute was put, with the following result: