JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

TWELFTH LEGISLATURE.

ADJOURNED SESSION—1871.

AUSTIN:
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1871.

man, Schutze, Self, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, York, Young, Zoeller—46.

Nays—Messrs. Abbott of Hill, Austin, Chambers, Evans, Hawkins, Jenkins, Lane, Leonard, Lyons, McKee of Fannin, Miller, Morrison, Moore of Red River, Robb, Ross, Simmons, Smyth, Stirman, Tinsley, Zapp—20.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

Mr. Miller introduced a bill (House bill No. 744) to be entitled "An act supplemental to 'an act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern branch,' passed August 2, A. D. 1870," which was read the first time.

Mr. R. L. Moore moved a suspension of the rules to put House bill No. 744 on its second reading: Rules not suspended.

Mr. R. L. Moore gave notice that to-morrow he would move the following amendment to the rules: That rule 51 of this House be stricken out, and that section twenty-two of article threeof the Constitution be inserted instead, which is as follows: "The doors of each House shall be kept open, except upon a call of either House, and when there is an executive session of the Senate."

Laid over under the rules.

On motion of Mr. Grothaus, the House, at 1 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, September 22, 1871.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Bonner, Burley and Prissick.

Prayer by the Chaplain.

On motion of Mr. J. F. McKee, the reading of the journal of yesterday was dispensed with.

The following message was received from his Excellency E. J. Davis, Governor of the State of Texas, by the hands of his Private Secretary:

GOVERNOR'S OFFICE,
Austin, Sept. 22, 1871.

To the Honorable Senate and House of Representatives of Texas:

GENTLEMEN: I have the honor to enclose a report from the "Auditorial Board," provided for by the act approved May 2, 1871, in

relation to the debt of the State existing at the time the present State government was installed.

The recommendations of the board are worthy of consideration, and I believe they will have the effect, should they be adopted by your body, to place the credit of the State on a much more substantial basis.

Respectfully,
EDMUND J. DAVIS, Governor.

[COPY.]
OFFICE OF THE AUDITORIAL BOARD,
Austin, Sept. 1, 1871.

To his Excellency, E. J. DAVIS, Governor, etc.:

SIR: In accordance with "An act to provide for the payment of the public debt of the State of Texas," approved May 2, 1871, we submit the following report:

The total outstanding debt, including interest to the first December, 1867, after excluding every debt created between the twenty-fifth January, 1861, and the fifth August, 1865, we find according to the records to be as follows:

1. Eight per cent. bonds, act of March 20, 1861, issued to S. M. Swenson and others	$17,233 56
2. Eight per cent. bonds, act of April 8, 1861	75,797 05
3. Ten per cent. Treasury warrants	148,689 84
4. Non-interest warrants	78,466 51
5. Wise and Parker county minute companies, called out by Gov. Hamilton in 1865	3,925 73
6. Unaudited claims, estimated	8,323 48
Making a total of	$332,436 17

The Auditorial Board of 1866 audited and allowed of the above as follows:

1. Eight per cent. bonds of March 20, 1861	$4,133 56
2. Eight per cent. bonds of April 8, 1861	30,389 88
3. Ten per cent. Treasury warrants	72,680 05
4. Non-interest warrants	35,047 61
5. Wise and Parker county minute companies	3,570 76
6. Unaudited claims	3,323 48
Making a total of	$149,145 34

$125,100 of this amount is now represented by six per cent. bonds issued in 1867, and known as the Throckmorton bonds. $24,045 34 is represented by certificates of debt issued by said board.

Upon a careful examination of the transactions of the board of 1866, we have been unable to discover any error in the auditing, taking the Constitution of 1866, and the laws passed in accordance therewith, as being the only guides that board had, with the exception of the sum of $10,283 13 allowed as interest on the non-interest warrants. This allowance we believe to have been made in error; but it is a question about which persons may honestly differ.

The Fourteenth Amendment to the Constitution of the United States provides that "neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave, but all such debts, obligations or claims shall be held illegal and void."

In conformity to this amendment the convention of Texas, of 1866, ordained as follows: "That the Legislature of this State shall have no authority, and are hereby forbidden to assume or make any provision for the payment of any portion of the debts contracted or incurred, or warrants issued by this State from the twenty-eighth of January, 1861, until the fifth day of August, 1865, except warrants issued in payment of services rendered or liabilities incurred before the said twenty-eighth day of January, 1861."

The constitution of 1869 goes a step beyond this and excludes a portion of the debt created before the twenty-eighth of January, 1861, to wit: "All unpaid balances, whether of salary, *per diem* or monthly allowance due to employés of the State, who were in the service thereof on the said twenty-eighth day of January, 1861, civil or military, and who gave their aid, countenance or support to the rebellion then inaugurated against the Government of the United States, or turned their arms against said government, thereby forfeited the sums severally due them." All the "ten per cent. warrants issued for military services, and exchanged during the rebellion at the Treasury for non-interest warrants, are hereby declared to have been fully paid and discharged."

These unpaid balances due on the twenty-eighth of January, 1861, amount to but an insignificant sum. The civil employés were paid monthly; their unpaid balances could therefore only consist of their pay from the first to the twenty-eighth January. The military were confined to a few companies called out by Gov. Houston during the month of January, 1861, and consequently their unpaid balances could only consist of fractions of one month's pay.

It is believed that this clause of the Constitution will not exclude over, say, $10,000. The ten per cent. warrants exchanged at the Treasury during the rebellion, for non-interest warrants, and which non-interest warrants were outstanding on the fifth of August, 1865, amount to $78,466 51. Making a total of $88,466 51.

As the Convention of 1866 did not exclude this character of claims, the Auditorial Board of 1866 redeemed about $40,000 of them, and issued in lieu thereof the six per cent. bonds known as the Throckmorton bonds. It was for the purpose of excluding this $40,000 that it was made the duty of the present board to examine all claims for money against the State reported on by the board organized under the provisional act of November 9, 1866, and requiring that where any bond or bonds were given in whole or in part for claims void under the Constitution to cancel such bonds and allow only such portion thereof as were found to be valid. Portions of this $40,000, varying in amounts from $1 to $2,000, are found in nearly every claim acted on by the board of 1866, to wit: out of three hundred and ninety-one claims acted on by that board, two hundred and sixty-four of them embrace this character of debt. To carry out the law under which we are acting these two hundred and sixty-four claims would have to be cancelled and be re-audited. In re-auditing the valid portion the interest would have to be paid, according to the tenor, which is ten per cent. The difference between this and the six per cent. the bonds bear, will amount to about $15,000, which would leave the sum of $25,000 saved to the State by the repudiating these claims.

The difficulty of carrying out the law does not stop here. The holders of the bonds absolutely refuse to submit them for cancellation, alleging that they were issued in accordance with the Constitution and laws of the State of Texas, of the United States, and that they had paid a valuable consideration for them. They are nearly all in the hands of third parties, purchasers in good faith.

In view of all the circumstances, we respectfully recommend that the action of the Auditorial Board of 1866 be confirmed, and that the Treasurer be instructed to pay the interest on the bonds issued by that board without any further action by this board.

These bonds as before stated, amount to..... ...	$125,100 00
The certificates issued by that board, but bearing the same date of interest, amount to.....	24,045 34
Making a total of.....	$149,145 34

The bonds fall due on the first of January, 1877. The interest on them is past due since the first of July, 1867.

With the foregoing recommendations carried into effect there will remain outstanding, according to the records, the sum of	$183,290 83
Less unpaid balances and non-interest warrants excluded by the Constitution	48,466 51
Leaving	$134,824 32
To which must be added interest from December 1, 1867, to January 1, 1872, estimated	$ 50,000 00
Estimated amount due on account of the penitentiary incurred since the rebellion and prior to the inauguration of the present State government	40,000 00
Estimated amount of equitable claims outstanding, not shown by the records	15,000 00
Making a total of	$216,641 08

On account of which no premium has been made for the payment of the interest.

It is believed that the foregoing statement will cover every valid claim created prior to January 28, 1861, not excluded by the Constitution.

Owing to defects in the law under which we are acting, and the strict rulings we felt bound to make in accordance therewith, but few claims have been filed for our action.

The total of claims acted upon up to date, and for which certificates of debt have issued, amount principal and interest to $16,013 98.

Respectfully submitted,
WILLIAM ALEXANDER,
A. BLEDSOE,
GEORGE W. HONEY.

Attest:
JOHN M. SWISHER, Auditing Clerk.

OFFICE OF THE AUDITORIAL BOARD OF THE STATE OF TEXAS,
September 20, 1871.

To His Excellency E. J. DAVIS,
Governor of the State of Texas:

GOVERNOR: The Auditorial Board, through myself, transmit the accompanying report to you, prepared in pursuance to its direction by Col. J. M Swisher, the auditing clerk.

The course recommended to be pursued by the Legislature is

deemed desirable, in order that a foundation for public credit may be established by the State. While the Board is restricted in its action by the limits of the law—and it is most narrowly restricted—the Legislature is not. It can act upon considerations of public policy, which the Board has not the power to entertain, and can make laws not inconsistent with the Constitution which will conform to the dictates of equity.

Sound morals demand that the State should allow and pay interest from the date when due on just claims which have not been and cannot now be paid for want of funds, and that due provision should be made for small claims, chiefly of poor men, for personal services; which, as bonds for less than $500 cannot be issued, stand upon an unjustly disadvantageous footing under the present law.

Attention is also called to the fact that the presentation of any claims to the Board is purely optionary, claims not presented not being in any wise prejudiced and not being barred.

A recent indisposition, from the effects of which I have not yet recovered, has prevented me from giving in a more extended manner such views of the law touching that portion of the indebtedness of the State, which has been referred to the consideration of the Board, as have presented themselves to me, and I am now only able to submit the foregoing brief suggestions.

I have the honor to be your obedient servant,

WILLIAM ALEXANDER,
Attorney General,
And *ex officio* President of the Auditorial Board.

Laid over under the rules.

On motion of Mr. Evans the rules were suspended and the Governor's message and accompanying documents taken up out of their regular order and referred to the Committee on Finance, with instructions to report by bill or otherwise.

PETITIONS AND MEMORIALS.

Mr. J. F. McKee presented a petition from the citizens of Wilson county for a law establishing uniform rates of toll for mills. Read and referred to Committee on State Affairs.

By unanimous consent Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Sept. 22, 1871.

Hon. WM. H. SINCLAIR,
Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have examined the following bills, viz: House bill No.

to be entitled "An act to establish the county of Franklin," and respectfully report the accompanying substitute, with the recommendation that it pass.

Very respectfully,

J. D. GEORGE, Chairman,
W. H. BONNER,
J. YORK,
W. P. McLEAN,
M. KENDALL,
R. L. MOORE.

House bill No. 596 was then read.

The substitute recommended by the Committee on County and County Boundaries was then read, and on motion of Mr. Posey it was adopted in lieu of the original bill.

The following special message was received from the Governor by the hands of his Private Secretary:

GOVERNOR'S OFFICE,
Austin, Oct. 10, 1871.

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

GENTLEMEN: I have the honor to transmit herewith copy of proclamation issued by me October 9, declaring martial law in the counties of Limestone and Freestone.

Very respectfully,
EDMUND J. DAVIS, Governor.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS.

TO ALL TO WHOM THESE PRESENTS SHALL COME.

WHEREAS, It has been officially made known to me, and the official reports have been corroborated by the verbal statements of individuals of good repute personally cognizant of the facts by them stated, that there exists in the counties of Limestone and Freestone in said State a combination of lawless men, claiming themselves to consist of several thousand persons organized as an insurrectionary force, too strong for the control of the civil authorities of said counties, which has murdered an unarmed and unoffending citizen in his own house; the individuals, composing which, carry pistols and other weapons prohibited to be worn on the person by law, have discharged firearms in public places, and have by threats, violence and organized force intimidated and controlled the civil officers of

Limestone county, so as to prevent them from discharging their respective duties, who have precluded the holding a fair election in said last named county, and who even presume to place picket guards upon the public highways, arrest and detain as prisoners, citizens of the State, and stop the coaches carrying the United States mails, and interrogate in an inquisitorial and menacing manner the passengers therein, and to cut the telegraph wires to prevent communication with the seat of government, which insurrectionary force exists as an armed and organized body contrary to law, and is too numerous to be arrested and held by the civil authorities and to be tried by the district courts;

Now, therefore I, Edmund J. Davis, Governor of the State of Texas, by virtue of the authority in me vested by the Constitution and laws of said State, do hereby declare and proclaim martial law in said counties of Limestone and Freestone, and do order that the laws be suspended therein, and that the issuance of the writ of *habeas corpus* within or directed to said counties or to either of them be prohibited until the Legislature now in session shall take such action as it may deem necessary, and until this proclamation is revoked.

An assessment of fifty thousand dollars, or so much thereof as may be necessary, being hereby directed to be levied and collected off the property subject to taxation of the resident citizens of said county of Limestone, where said combination originated, to be applied in accordance with chapter thirty-two of the General Laws of the Twelfth Legislature of the State of Texas, first session, 1871.

In testimony whereof I have hereunto signed my name and caused the great seal of the State to be affixed, at the city of Austin, this ninth day of October, A. D. 1871, and the independence of Texas the thirty-sixth.

SEAL.

EDMUND J. DAVIS, Governor.

By the Governor:

JAMES P. NEWCOMB, Secretary of State.

On motion of Mr. Slaughter, the rules were suspended and the Governor's message was taken up.

Mr. Evans moved that the further consideration of the Governor's message and accompanying papers be postponed and made the special order for Friday next at 11 o'clock A. M.

Mr. Jo. Abbott moved to amend by referring the message to a special committee of five, to report at that time. Lost.

seventeen thousand dollars for the better protection of the public buildings and archives of the State against fire."

On motion of Mr. Slaughter, the consideration of the special order was postponed until 11:30 o'clock A. M. to-morrow.

The Chief Clerk was dispatched to the Senate with the following enrolled House bills, for the signature of the President of that body: House bill No. 90, to be entitled "An act to incorporate the Lake City Cotton and Wool Manufacturing Company;" House bill No. 213, to be entitled "An act to incorporate the Benevolent Association of Austin;" and House bill No. 862, to be entitled "An act making an appropriation to supply the deficiencies existing for 1870 and 1871 for fees due district attorneys in felony cases," which were signed and returned to the House.

The following special message was received from the Governor by the hands of his Private Secretary:

GOVERNOR'S OFFICE,
Austin, Nov. 14, 1871.

To the Honorable Senate and House of Representatives of Texas:

GENTLEMEN: I think it necessary to call your attention to the condition of the laws relating to the levy of taxes, in so far as the same apply to the powers of the county or police courts to levy taxes, and to the amount of taxes authorized to be levied by those courts.

The law approved April 22 last, entitled "An act to give effect to the several provisions of the Constitution concerning taxes," in section four gives those courts authority to levy the amount of twenty-five cents on the one hundred dollars "for the support of the several county organizations thereof, and for such other public purposes as the courts thereof may order;" and in section five gives them authority to levy an equal amount "for public roads and bridges." It was doubtless thought by members who voted for those provisions that the sums to be thereby realized were ample for all county purposes; and I believe they are sufficient, and, in fact, more than sufficient, if properly and economically administered. But it will be noticed that said act, in the repealing section (twenty-second), reserves all "special conuty taxes, and other special taxes," which are accordingly not repealed thereby. I do not know whether such was the intent of the Legislature, but in many counties this provision has been construed as maintaining in force all previous laws authorizing special taxes. Among *general* laws of this nature I will call to your mind that of July 21, 1870, which provides a special tax of fifty cents on the one hundred dollars to pay off "county indebtedness;" that of August 4, 1870, which provides a special tax of twelve and a half cents on the one hundred dollars "to improve

roads and bridges," and the act of August 5, 1870, which provides a special tax of ten cents on the one hundred dollars "for the repair and completion of public buildings."

These "special taxes," amounting together to seventy-two and a half cents on the one hundred dollars, are in very many of the counties added by the county courts to the tax of fifty cents on the one hundred dollars, authorized by said fourth and fifth sections of the act of twenty-second April, and a total of one dollar twenty-two cents and a half thus exacted from the tax-payer for various county purposes. Further than this, it must be remembered that there are special acts applicable *only to individual counties*, authorizing special taxes (sometimes of one or two per cent.) for building court houses and jails, and in many other instances the county courts take advantage of the power given in section thirty-three of the "Act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," and impose an additional tax equal to the State tax, or fifty cents more on the one hundred dollars.

This matter calls loudly for action on the part of the Legislature. The amount authorized under one pretense or another to be levied by the county courts is greater than the whole taxes for support of the State Government and the public school system. It is greatly more than is necessary, and it is in many instances squandered shamefully. To illustrate, I have had several cases reported to me where the justices of the peace, sitting as the county court, have voted money of the county to pay the expense of making out their assessment rolls, for which service they receive a compensation from the State. Other instances of misappropriation are reported, such as the justices voting themselves office rent, fuel and lights.

I am of the opinion that twenty-five cents on the one hundred dollars, with the right, which the counties have, to levy an occupation tax, is sufficient for all ordinary or extraordinary county purposes, such as paying outstanding indebtedness, building or repairing court houses and jails, and all other purposes connected with the support of the county organizations. This tax is greater than was ever allowed previous to 1869 (when the military authorized a tax of fifty cents on the one hundred dollars for special purposes), and is more than an economical administration of the county funds will require.

For roads and bridges, ten cents on the one hundred dollars is sufficient, but the expenditure of even this amount ought to be guarded more effectually than it is, as the law now stands. The proceeds of the large tax now authorized for this purpose, are made way with

by many of the county courts, and people see no improvement in their roads and bridges.

Very respectfully,

EDMUND J. DAVIS, Governor.

Laid over under the rules.

Mr. Robertson moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" the main question was ordered.

The main question being on the adoption of the substitute, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Davis, Elam, Ellis, Evans, Gant, Gaston, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, McLean, Miller, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Shelburne, Simmons, Slaughter, Smyth, Stirman, Van Noy, Weaver, York, Young, Zapp—49.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Dorris, Dupree, George, Grothaus, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Patten, Robinson, Schutze, Sheriff, Shoemaker, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, Youngkin—24.

So the substitute was adopted.

House bill No. 177 was then ordered to be engrossed and passed to its third reading.

Mr. Robertson moved a suspension of the rules to put House bill No. 177 on its third reading and final passage.

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

Absent, not excused—Messrs. Franks, Gardiner, Morris, Posey, Prissick, Tinsley and Zoeller.

On motion of Mr. Slaughter the call of the House was suspended.

Mr. Slaughter moved a reconsideration of the vote by which the House laid on the table House bill No. 373, to be entitled "An act for the relief of Mrs. Nancy Luckey."

The Chair announced Mr. J. F. McKee as a member of the Committee on Town and City Corporations.

On motion of Mr. Slaughter the House, at 1:30 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

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to the great difficulty in finding owners and obtaining their consent to leases on reasonable terms. The latter method, if not wholly impracticable, will lead to indefinite delay, to the great detriment of the frontier and the army.

I would respectfully state, as suggested by General Sherman during his recent visit to the Texas frontier, that the most direct method of meeting the question seems to be for the Legislature to pass a law making lands occupied by the United States for military purposes on the frontier liable to condemnation in the same manner as lands required for railroad purposes. Arbitrators can then fix the value of the land, and the owners will be paid for the same by the United States.

I am Governor, very respectfully, your obedient servant,

(Signed) J. J. REYNOLDS,

Brev. Maj. Gen. U. S. A. Commanding.

GOVERNOR'S OFFICE.
Austin, Sept. 27, 1871.

Hon. DON CAMPBELL,

President of the Senate of Texas:

SIR: I ask the consent of the Senate to the withdrawal of my message to that body, of May 24, 1871, returning for reconsideration the act entitled "An act making an appropriation for the mileage and *per diem* pay of the members and the *per diem* pay of the officers and employés of the Twelfth Legislature of the State of Texas."

The most cogent reason I then had for asking the reconsideration of the act is not now appliable, and if that act should fail to pass over the veto, there is some doubt whether a similar act, or one to supply deficiencies in the Legislative Department, can properly be enacted during the present session.

Very respectfully,

EDMUND J. DAVIS, Governor.

Message read.

On motion of Senator Pettit, the rules were suspended to take from file Senate joint resolution No. 32 (joint resolution for the relief of Moran brothers).

On motion of Senator Douglas, Senate joint resolution No. 32 was indefinitely postponed.

Senator Bowers offered the following resolution:

Resolved, That the office of Postmaster of the Senate be dispensed with, until postage stamps can be procured for the use of members of this body.

"An act to incorporate the Galveston Paving Company." Read first time and referred to Committee on State Affairs.

BILLS ON THIRD READING.

Senate bill No. 185, "An act supplementory to the several acts now in force to regulate railroad companies." Read third time and, on motion of Senator Cole, recommitted to the committee on Internal Improvements.

On motion of Senator Gaines, the rules were suspended to take from file House bill No. 298, "An act to incorporate the Germania Club of Brenham." Read second time.

On motion of Senator Gaines, the following amendment, reported by the Committee on State Affairs, were adopted: amend by adding to section two the following: "upon their gymnastic exercises or social entertainments for pleasure." Bill passed to a third reading as amended.

On motion of Senator Gaines, the rules were further suspended and House bill No. 298 read third time and passed.

Senator Ford moved to reconsider the vote of yesterday by which the Senate refused to order the engrossment of Senate bill No. 478, "An act to authorize the Commissioner of the General Land office to appoint an assistant photographer and making an appropriation herefor.

Yeas and nays called for, and motion to reconsider carried by the following vote:

Yeas—Mr. President, Baker, Douglas, Ford, Gaines, Hall, Hertzberg, Hillebrand, Latimer, Pettit, Pyle, Ruby, Saylor, Shannon, Tendick—15.

Nays—Bell, Cole, Dohoney, Evans, Mills, Rawson—6.

Message from the Governor by his Private Secretary, Mr. Britton, was announced as follows:

GOVERNOR'S OFFICE.
Austin, Oct. 14, 1871.

Hon. DON CAMPBELL,
President of the Senate:

SIR: The Board of Education of the State of Texas, in obedience to the duty inposed on them by section four of the school law of April 24, 1871, of reporting, for the action of the Legislature, from time to time such amendments of the school laws of this State as may be found necessary, stating in their report the facts and reasons which in their opinion render necessary such proposed amendments, respectfully report as follows:

The total amount appropriated by the Legislature for salaries

of teachers and employés for the current scholastic year is $450,000, out of which must be deducted the sum of $42,000 for salaries of thirty-five supervisors under section two, which, together with, say $20,000, for payment of examiners and other employés, will reduce the amount at the disposal of teachers during the current year to $388,000. This sum is equal to an appropriation *per capita* on the scholastic population of $1 70.

The experience of the present year has shown that the scholastic population of the State has been very greatly underrated. It is difficult to believe that that population has more than doubled since 1861, when it was reported at 105,200, whereas the census for the scholastic year ending August 31, 1871, presents a total of 227,616 children, and the board believe that this is considerably less than the actual number, as in almost every instance where a comparison has been instituted between the United States census of 1870 and that taken by the tax assessors for the year 1870 to 1871, the former gives a greater number of children of scholastic age than the latter. In the county of Navarro alone this difference is 179.

In view of these facts and of the circumstance that the schools have at length been placed in running order, the board recommend that section two of the school law of April 24, 1871, be amended by enacting that the State be re-apportioned into twelve supervisors' districts, instead of thirty-five: and that over each of these twelve districts, a supervisor be appointed with an annual salary of eighteen hundred dollars, and two hundred dollars per annum for travelling expenses and postage.

By this means a yearly reduction of $18,000 can be effected in the working expenses, and a corresponding amount gained for payment of teachers, except for the current year, when, if the proposed amendment be adopted to take effect November 1, 1871, the reduction will amount to $11,000.

The board further recommend that the unexpended balance of the deficiency appropriation for the payment of teachers and employés for the year ending August 31, 1871, be permitted to be added to the appropriation for that purpose for the current year.

This balance is estimated at $33,000, but the precise amount has not yet been ascertained.

The board are also of opinion that the appropriation of $10,000 will not be sufficient to pay the expenses of taking the scholastic census for the current year at the rates fixed by the school law of

1866, and respectfully recommend either a remodeling of the rates determined by that act, or an increase of the appropriation.

All of which is respectfully submitted.

EDMUND J. DAVIS, Governor,
WILLIAM ALEXANDER, Attorney General,
J. C. DEGRESS, Supt. of Public Instruction.
Board of Education.

Message read, and upon motion of Senator Mills, referred to the Committee on Education.

On motion of Senator Bell the rules were suspended to to take from file House bill No. 746, "An act to incorporate the Texas Land and Immigration Company." Read second time and passed to a third reading.

[Senator Dohoney in the chair.]

On motion of Senator Bell the rules were further suspended and House bill No. 746 read third time and passed.

On motion of Senator Bowers the vote of yesterday, by which the Senate refused to order the engrossment of Senate bill No. 103, "An act for the relief of the heirs of W. J. Cowan, deceased," was reconsidered, and on further motion Senate bill No. 103 was recommitted to the Committee on Private Land Claims.

On motion of Senator Evans, the rules were suspended to take from file House bill No. 549, "An act to incorporate Scyene Masonic Male and Female Institute." Read first time and passed to a second reading.

On motion of Senator Pettit the rules were further suspended and the bill read second time and passed to a third reading.

On motion of Senator Evans the rules were further suspended and House bill No. 549 read third time and passed.

Under direction of the President, the Secretary returned to the House the following House bills, with information that the Senate had passed the same without amendments: House bill No. 704, "An act to incorporate the Yorktown Fire Company No. 1, of the town of Yorktown, in the county of DeWitt;" House bill No. 726, "An act to authorize Howard Keyes and his associates to construct a toll bridge across lake fork of Sabine river;" House bill No. 812, "An act to incorporate the Colorado Fire Company No. 2, of the city of Austin."

Message from the House by the Chief Clerk, Mr. Gallant, returning Senate bill No. 498, "An act amending 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870," and informing the Senate that the House had passed the same without amendment; and transmitting for signature of the President enrolled House bills