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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES.

Fourteenth Legislature--Second Session.

HOUSE OF REPRESENTATIVES, {
AUSTIN, Jan. 12, 1875. }

In accordance with legal requirement and their resolution of adjournment, the House of Representatives of the Fourteenth Legislature, met in second session, and was called to order by the Speaker, Hon. Guy M. Bryan, at 11:05 A. M. The session was opened by prayer by the chaplain, Rev. J. T. Hillyer.

The chief clerk, W. C. Walsh, called the roll. The following members answered to their names:

Mr. Speaker, Messrs. Anderson, Brown of Gregg, Brown of San Saba, Cain, Chambliss, Cochran, Delany, Denman, DeMorse, Donald, Douglass, Eastland, Epperson, Foote, Freeman, German, Goodwin, Harrison, Helton, Henderson of Smith, Jackman, Jenkins, Johnson, Lindsey, Manning, Massey, Matthews, McCuiston, Mitchell, Middleton, Nicholson, O'Neal, Patrick, Patterson, Pickett, Rosborough, Roberts, Sadler, Sayers, Scott, Smith of Travis, Smith of Grimes, Stephens, Stewart of Montgomery, Stuart of Falls, Swain, Triplett, VonBiberstein, Watson, Watts and Wortham.

The following members were absent:

Messrs. Abnar, Ballard, Barziza, Bean, Beck, Brown of Harrison, Bruce, Cardis, Easley, Edwards, Farrar, Galvan, Gellatly, Harris, Hart, Hays, Henderson of Kendall, Kemple, Kessler, Lawhon, Lea, Linn, McLeary, Meissner, Mil-

ler, Oxsheer, Reeves, Rogers, Schmidt, Simpson, Storey and Walker.

No quorum present.

Mr. Sayers moved that Col. M. S. Munson be allowed to take the oath of office as member elect from the Twelfth Senatorial District, stating that the presiding justice of his county had failed to furnish him with his credentials, but that the records in the office of the Secretary of State contained evidence of his election. There being no objection, Mr. Munson came forward.

Messrs. John M. Moore, member elect from the Thirtieth Senatorial District; W. W. Davis and J. N. Stuart, members elect from the Third Senatorial District, and R. N. Wood, member elect from the Thirteenth Senatorial District, presented their credentials. The Speaker then administered the oath to Messrs. Munson, Davis, Stuart, Moore and Wood.

Messrs. Meissner, Farrar and Schmidt were announced by the doorkeeper. The roll was again called. Quorum present.

The Speaker then delivered the following address:

Gentlemen of the House of Representatives:

I greet you as associates of the past and present session gladly and most cordially. I greet you as legislators re-assembled, I trust, to deliberate as statesmen, and to continue the work of reform prudently and wisely.

From the adjournment to the resumption of your legislative labors, an interval of more than eight months, a kind Providence has spared the life of each one of our number of ninety members. We bow in gratitude to Him, the giver of all good, for his mercy, and that the circumstances surrounding us to-day are so different from those that environed us here one year ago. Then, although the Fourteenth Legislature was fully organized, and in session in this Capitol, elected (by an overwhelming majority) in pursuance of a law enacted by the previous legislature, in conformity with the message recommendations of the Executive, approved by him, yet this same Executive refused to recognize the legislature, and endeavored to prevail upon it, to appeal with him to Washington for a decision, whether or not, it was a legislature. The members, mindful of the teachings of the founders of the government of our country, true to their duty and to their

obligations to the people, did not entertain the proposition ; truth triumphed, and error was vanquished ; and in consequence, the imposing fact stands out in bold relief to-day, that the officers of the State, are the representatives of the intelligent tax-paying people ; representatives who acknowledge their responsibility, and feel their accountability to their constituencies, an accountability that is the very essence of republican government, and *without which, government is not republican.*

Whenever the opposites of intelligence, integrity and property control in the affairs of State, and the offices are filled by the avaricious, ignorant and vicious, every department of society feels the corrupting, degrading, oppressive and destroying influence.

It would have been as craven and servile in the people of the South, to have "let politics alone," as it would be short-sighted and consummate folly in them now to forget, that their States were conquered, and the consequences that have followed. Let politics alone ! When Government stamps the social, moral and industrial character of a community, when it elevates or degrades, sustains or destroys a people !

Let us then, Representatives, cast from us all prejudices, passion and resentment, and rise to the full measure of our position. Let us swear at the altar of our State, that we will discharge our duty, our whole duty ; and nothing but our duty ; that we will act with that deliberation and forecast that will contribute to making Texas in government, what she is by nature, the greatest State in this Union.

Let us emulate the love and patriotic pride that New Englanders feel for their section, when they look upon their green mountains, gaze upon Boston harbor, or turn their eyes upon the monument on Bunker Hill, by cultivating love and pride for our own hills and plains, our green bottoms and beautiful prairies, our Alamo, and our San Jacinto. Aye, with all the fervor of devoted sons let us exclaim : Texas now, Texas *forever*, one and inseparable.

On this platform all parties in this State can unite, for it is loyal to the State, and loyal to the general government—a government that must delight in the prosperity and unity of each State, for it is the creature of the States, and its power and authority is derived from the States,

through the federal constitution, which instrument is the law of the land, and as such, should be obeyed by States, as well as by the citizens of the States and of the United States.

Let our most earnest efforts be given to making good government in its broadest sense, in every county of our State. There are counties, the oldest, the most fertile, and once the wealthiest in Texas, that gave the men, the means, and the intellect that separated Texas from Mexico, where the intelligent, tax-paying citizens are subjected to the domination of selfish or ignorant officials in local government. Effective corrections must be here applied. Should our people fail to do this, failure cannot be palliated for the reason assigned to the people of the North, for their acquiescence in the mis-government of the South, that they were remote and were not correctly informed, for *our* people *are* on the ground, and *can* know the facts, unless they willfully and selfishly close their ears and eyes. The illustrious Daniel Webster says, "that freedom from restraint is not FREEDOM, that licentiousness, the discharge from moral duties, and that general scramble which leads the idle and the extravagant to hope for a time when they may put their hands into their neighbor's pockets; call it what you please, is tyranny. It is no matter whether the Sultan of Turkey robs his subject of his property, or whether under the notion of equal rights the property earned by one shall be taken from him by a majority. I would not choose the latter, on the contrary give me Turkey, for I would prefer one despot to ten thousand. Who would labor if there was not a security that what he earns will be his own, for his own enjoyment, for the education of his children, for the support of his age, and the gratification of all his reasonable desires?"

We must have then full and complete protection of property to white and black in every county in the State, by the establishment of good local government, or our people must seal their lips in future from making complaints against the past indifference of the Northern people as to bad government in the South.

To establish good government, then, our people must feel that the highest duty of our very best men for public service, is *at home*, for without good local government here, we cannot realize the benefits of the best government at Washington.

Our condition is transition ; government, society itself has changed, and is changing, and is yet to be fixed. How important, how delicate the interests and relations to be adjusted. How wise, how patriotic and far-seeing Texan statesmen should be, to arrange and determine these properly.

A sun more glorious than that of Austerlitz has recently dawned upon our country in victories, achieved not by cannon and in the smoke of battle, but by the power of reason and justice at the ballot box—harbinger of peace!

“ Peace ! thou sayest to the nation,
Set thee down and count the cost !
Peace ! thou sayest to the mourner,
Count the treasures thou has lost.
From our vision, may thy presence
Hide the horrors of the past,
Till our hearts have learned the message,
Peace, sweet peace, has come at last.”

To secure that great blessing of peace—*good government*—we must be prudent, just, generous, and, if need be, magnanimous ; and from the experience we have had in bad local government, and the lessons learned from oppression, surely we can continue to exercise the self-control, charity, and reflection taught by wisdom and long suffering. More admirable and heroic have the Southern people borne themselves in the moral courage of self-control, in schooling their hearts and training their minds to bear and to submit, and in discharging patriotically and manfully all their duties, growing out of the deplorable state of affairs that have surrounded them since the close of the war, than was their conduct during that war ; conduct that vindicated and made resplendent and glorious “Southern chivalry,” in the untented camp, on the force march, in the bloody battle fields—from Gettysburgh to Mansfield and Glorietta ; where the old and the young, reared in the lap of ease and luxury, vied in the ranks with their more hardy brethren of the South, accustomed to toil, in upholding the course they thought was right ; acts and deeds, with the names and fame of their great leaders, that will yet be entwined in wreaths of the “Blue and the Grey,” within the chaplets of American heroes and martyrs.

Called to the position of Speaker, after a long absence from legislative assemblies, I made mistakes; but, like yourselves, acquaintance with each other and our duties, from the experience of last session, will enable us the better to meet the requirements of this.

You were very kind to me last session. I felt it then, and I appreciate it now. I beg the continuance of your generous indulgence during this session, which I hope I will merit by trying to do my whole duty.

Mr. Swain offered the following resolution :

Resolved, That the Speaker appoint a committee of three to inform the Senate that the House of Representatives has organized, and is now ready to proceed with business. The resolution was adopted.

The Speaker appointed Messrs. Swain, Smith of Grimes, and Denman said committee.

The committee after a brief absence returned and reported through their chairman that they found the Senate had ajourned until 12 M.

After a brief interval, the Secretary of the Senate was admitted, and announced that the Senate was organized, and had appointed Senators Ireland, Culberson and Dillard a committee to act in conjunction with a like committee on the part of the House to inform His Excellency, the Governor, that the Legislature was organized and ready to receive any communication from him.

On motion of Mr. Sayers, the Speaker appointed Messrs. Sayers, Epperson and Triplett a like committee on the part of the House to co-operate with the committee from the Senate, to wait upon His Excellency the Governor.

On motion of Mr. Swain, Mr. Smith of Grimes was added to the Committee on Privileges and Elections.

On motion of Mr. Cochran, Mr. Munson was added to all the committees to which Mr. Wood, former member from the Twelfth Senatorial District, had belonged.

The Speaker read the following communication :

TYLER, TEXAS, January 7th, 1875.

Hon. Guy M. Bryan, Speaker of the House of Representatives :

I hereby tender my resignation as doorkeeper of the House of Representatives of the Legislature of the State of Texas.

Circumstances have rendered it impracticable for me to attend at the present session, and I beg leave through you to give to members and officers of the House my thanks for the favors heretofore conferred, as well as their kindness and courtesy while in the service of the House.

With respect and esteem for you personally, I am your most obedient servant,

R. P. ROBERTS.

On motion of Mr. Denman, Mr. W. W. Davis was appointed upon all the committees of which the late Mr. Smith of Houston had been a member, and Mr. J. H. Stuart of Houston county, upon all the committees of which the Hon. Frank Rainey, late member from Houston county, had been a member.

On motion of Mr. Lindsey, Mr. J. M. Moore was appointed upon all the committees of which Mr. Murphy, late member from Nueces county, had been a member.

On motion of Mr. Smith of Grimes, Mr. Wood was appointed upon the following committees: Education, Finance, Penitentiaries, Agriculture and Stockraising, and Commerce and Manufactures.

On motion of Mr. Stewart of Montgomery, Mr. Stuart of Houston was appointed upon the Committee on Sanitary Legislation.

The committee appointed to wait upon the Governor, reported through their chairman, Mr. Sayers, that in conjunction with a like committee on the part of the Senate, they had discharged the duty assigned them, and were informed by His Excellency, that he would send in a message to the House immediately.

The doorkeeper announced the Secretary of the Governor, who was admitted and delivered the following message from the Governor, with accompanying documents:

MESSAGE OF THE GOVERNOR.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, January, 1875. }

*To the Honorable Senate and House of Representatives of
Texas, in Legislature assembled:*

GENTLEMEN:—It is with sincere pleasure that I greet you to-day, fresh from the people, knowing their views, opinions and wishes, bearing their confidence and prepared to give expression and legal force to their will.

A co-worker with you in a different department, but one which blends harmoniously with yours in discharging its most important functions, I tender you my best efforts, and heartiest co-operation in the execution of a common trust, for the benefit of a common constituency. The Legislative and Executive departments of the government, constituting the law-making power, meet to-day in council, in obedience to the constitution and laws of Texas, to consider, devise and sanction such measures as the public weal requires. The circumstances under which you assemble are auspicious. How striking the contrast with those which surrounded your first convocation, one year ago? Then, darkness and gloom brooded over the land, and over the hearts of the people. Forebodings of danger to popular liberty and representative government, caused the stoutest and most patriotic among us to tremble for the result. A conspiracy, bolder and more wicked than that of Cataline against the liberties of Rome, had planned the overthrow of free government in Texas. The Capitol and its purlieus was held by armed men under command of the conspirators; and the Treasury and department offices, with all the archives of the government, were in their possession. Your right to assemble in the Capitol, as the chosen representatives of the people, was denied, and the will of the people of Texas scoffed at and defied. The floors of the halls in which you now sit, had been examined by the conspirators, and it had been ascertained that the armed forces entrenched in the basement beneath, could pierce them with their missiles if necessary to attack you. The President of the United States was being implored to send troops to aid in overthrowing the government of Texas, chosen by her people by a majority of fifty thou-

sand. The local and municipal officers throughout the State, in sympathy with the infamous designs of these desperate and unscrupulous revolutionists, taking courage from the boldness of the leaders at the Capitol, were refusing to deliver over to their lawfully elected successors, the offices in their possession. An universal conflict of jurisdiction and authority, extending through all the departments of government, embracing in its sweep all the territory and inhabitants of the State, and every question upon which legitimate government is called to act, was imminent and impending. The Treasury of the State was bankrupt; even trust funds, protected by special guarantees of the constitution, had been plundered. The credit of the State was deeply dishonored, and warrants on her Treasury were being hawked for sale in the streets of the Capital at ruinous discounts. All was doubt, suspense and anxiety, and Texas seemed on the verge of a convulsion, the consequence of which no one could foresee, and brave men trembled to contemplate. How changed the condition now? All is bright, hopeful and cheering. Free government is re-established; the sovereign rights of the people vindicated; public confidence restored; State credit redeemed; official accountability recognized and enforced; the country prosperous, and the people contented. While much remains to be done in the solution of the great questions of race, education, monopoly and taxation, and many evils entailed by former mal-administration, as well as those that were inevitable sequences of the great social and political revolution through which we have passed, still remain with us; yet the operations of our governmental system are healthy and steady, and in due time, with the lights which experience and a more intimate knowledge of the subjects to be dealt with, will throw upon them at each step of its progress, I have no fears but that a solution of them in accordance with correct principle and good government, and in the interest of humanity and progress, will be evolved, and that abuses in administration, and errors of legislation will be corrected and reformed. Abuses which have taken deep root, and errors which have been sanctioned by years of acquiescence, cannot be eradicated and cured in a month or a year. A State which has been rocked with the throes of revolution for twelve years, whose society, laws and institutions have been unsettled, and in a great measure overturned, cannot in a short period

be adjusted in its new relations, so that its machinery of government will run smoothly without jarring or attrition. Time is necessary after the health of the body politic is restored, to do this, to fit the parts to each other, and to adapt the whole to the new conditions of society. An impatient and unreasoning expectation of immediate and thorough reform in government, upon a change in administration, after a long period of misrule and unrest, before a policy can be developed and bear its legitimate fruits, will always meet disappointment. Since the first meeting of your honorable bodies, much has been accomplished in the direction of good government, and the way has been made plain and easy for the accomplishment of much more. The people of Texas have their government in their own hands, and its excellence will depend upon their wisdom. I have an abiding faith that they are equal to the great task before them, and that your honorable bodies, as their more immediate representatives, will wisely and truly represent them in all that comes before you.

Looking beyond the workings of our own State government, the present prosperity and splendid future of Texas, into the broader field occupied by the national government, we find abundant evidence in the recent unprecedented uprising of the American people, that there too, the great work of reform has commenced—let us hope, to be prosecuted until honest, economical administration, inside of the limitations of the constitution, under just and equal laws, is attained; until the machinery of the Federal government is no longer used to stir up strife and conflict in the States, and create necessities, real or fancied, for Federal intervention in affairs of purely local concern, and the moral and intellectual forces in each State are “let alone,” to contend, without outside interference, for the mastery in directing and controlling its government; until gunboats and battalions shall no longer, under the Federal flag, menace American cities, and the lives and liberties of American citizens, and free suffrage is not intimidated and overawed on pretexts invented and brought about by Federal agents; until American citizens are protected in their lives and property against foreign desperadoes, robbers and thieves, and a corrupt Indian ring ceases to fatten on the blood and toil of the frontier; until the burdens of government shall rest equally, according to wealth and population, upon every section of the Union, and capital and

monopoly, rather than the people, shall cease to be the ruling power of the government; until *rings* and *combinations* shall no longer be permitted to plunder the Treasury, and manipulate the policy of the government to their advantage, and official accountability and integrity is restored; until the farmer and producer is emancipated from thralldom to the manufacturer and capitalist, and labor meets its legitimate reward; until each State in the Union is recognized as the equal of any other State, and all share alike the benefits of a common government, while none shall bear more than its just share of the burdens; until the constitution shall be the supreme law for all the States, South as well as North, for Louisiana and Massachusetts alike, and the national flag shall symbolize to the people of both, the beneficence, as well as the power and greatness of the republic, and shall equally challenge their admiration and affections; and last, and above all, until the people of the States of the South can feel, as it is their hearts most earnest desire to feel, that they too have an interest in the common government, a pride in its greatness and glory, a joy in its prosperity, a destiny wrapped in its perpetuity, and in it an inheritance for their children rich and priceless. The late popular manifestations point to these as possible, even probable results in the near future, for which the South to-day lifts its great heart in gratitude to the Ruler of the Universe, and for the first time since the beginning of reconstruction breathes freely, and feels some security against destruction. We rejoice, but our joy is that of patriots, not partizans. We think we see in this great revolution, in which the people have thrown down and trampled upon their former leaders, the beginning of a real union, a new reconstruction, not devised by crafty, heartless and corrupt politicians, in the interest of party and based on revenge and sectional hate; not written in statute or covenant, but welling up from the hearts of the people, North, East, West and South, prompted by love of country, of liberty, and of free government, and by a recognition of the perils which surround them, to which they have just been awakened—a reconstruction, cemented by a broad and comprehensive patriotism, including all the States with all their people, which, forgetting the past, remembers only that we are now citizens of a common country, bound in a common destiny, and menaced with a common danger. Such reconstruction means peace, recuperation, building up,

fresh energy and renewed hopes of a bright future for the South; home rule for all the States, honest constitutional government for the Union, and prosperity and common brotherhood for the people. Duty and patriotism alike dictate that we shall do all in our power, to bring about and hasten such a consummation; nothing should be wanting on our part to show heartfelt appreciation of the great movement, and earnest co-operation in it. While standing unyieldingly by the principles of government we believe to be correct, and maintaining inviolate the faith that is in us, we should put our feet upon every narrow and sectional feeling, and embrace in our efforts and aspirations, the glory and advancement of the whole country.

The constitution of the United States, with its amendments, is the supreme law of the land; let us yield it true homage and bear it true allegiance, and in good faith maintain the union it ordains. Let the laws of Texas be just and equal, bearing on all alike, protecting all alike, and administered with an impartiality which shall know neither class nor color, and let their enforcement assure safety to the life, liberty and property of all. Let education permeate the masses of the people, training them for the duties of citizenship, to an understanding of the constitution and workings of the government, so that each citizen will be a sentinel who will give warning of the approach of danger, and thereby preserve purity of administration, while perpetuating free government. Let free speech and respectful toleration of opposing opinions prevail, and every citizen pursue his own happiness in his own way with no one to molest or make him afraid, subject only to the laws of the land. In a word, let our conduct, our utterances, and the action of our State government, render assistance to the brave, true men of the North, the East and the West, and hold up their hands in the great struggle they are making in Southern emancipation, honest government and a fraternal union. If we are but true to ourselves and the best interests of the country, the day of deliverance is at hand, and the people of the South may soon rejoice in the blessings of good government, and a just and equal union.

In pursuance of the constitutional duty of the Executive "from time to time to give to the Legislature information in writing of the condition of the State, and recommend to their consideration such measures as he may deem expedi-

ent," I now proceed to call to the attention of your honorable bodies, the leading and more important subjects of general State interest, making such recommendations touching them as occur to me to be expedient, and to furnish for your consideration the information of the condition of the State in my possession.

CONSTITUTIONAL CONVENTION.

The present constitution of Texas, is by universal consent, admitted to be in many essential particulars an extremely defective instrument, and a barrier to many reforms desired by the people, and necessary to good government. Many of its provisions are incongruous, inharmonious and repugnant, when considered with reference to each other. Its restrictions are so many and various, and descend so much into legislative detail, as to present embarrassment at almost every turn in legislating, to meet the most ordinary vicissitudes of society. Its restrictions and its affirmative mandates are alike in many instances, at war with the views of proper policy of the people of Texas. Some of its provisions are oppressive; many are inconvenient to the people in practical operation, and others again are positive obstructions to much needed legislation. In its incongruous, repugnant and heterogeneous provisions, is faithfully reflected the extraordinary character of the assembly, and the disordered times which produced it.

Necessity forced it on the people of Texas, and held it on them until the first meeting of your honorable bodies. Prudence and policy, prompted submission to it from then, until this time. No reason exists now for longer submitting to it. The causes which one year ago rendered it imprudent to call together a constitutional convention, have ceased to exist, and the time and temper of the people are propitious for the work of constructing a new constitution.

We no longer fear Federal interference; we are not hampered with financial embarrassment; the popular mind is free from passion or excitement, and views the great questions to be solved, through no discolored medium, and last, but not least, for twelve months past, the thinking men of the State have been studying and investigating the subjects to be dealt with in framing a

constitution, and are *now prepared to act*. I therefore, recommend that your honorable bodies make provision by appropriate enactment for assembling at the earliest practicable day, a convention to be composed of delegates elected by the people, to consider of and frame a constitution of government for Texas. This convention in order that its labors may be submitted, and the elections that it may provide for, may be held during the ensuing summer or fall, it is suggested should commence its session, if possible, in April, and it is hoped will not be deferred beyond that time. I suggest as a convenient number that this convention be composed of ninety members—three from each Senatorial District—the same as the popular branch of the Legislature, that number being sufficiently large to make the body fully representative, and not so large as to be unwieldy. If your honorable bodies shall concur with me in believing that the necessity exists for a constitutional convention, and that the popular demand for one should be promptly responded to, I further recommend in view of the assemblage of this body, and of the possibility or probability that any general legislation done by your honorable bodies may be superseded by the action of the convention, or the Legislature which succeeds it, and of the expense of a long session, that no action be taken on any subject which may be postponed without manifest detriment to the public interest, and desire that the suggestions and recommendations hereinafter made, may be taken subject to this qualification.

ENFORCEMENT OF THE LAWS.

Much has been said by the public press, and by individuals, of the prevalence of lawlessness and crime since your honorable bodies were last in session, and it must be admitted, not without some foundation; but it is a curious fact, that during the past twelve months, and especially during the time when acts of lawlessness then occurring, were the engrossing topics of public and private comment, the criminal laws were being administered with a vigor and efficiency never before known in Texas. There has at no time in the history of the State been so much promptness and energy, in enforcing the penalties of the law upon criminals, as there now is. Public opinion, the mainspring and propelling power of the law, is more exacting in its

demands, and more healthful in its operation upon officials charged with the administration of public justice than ever before. That this is true is proved by the reports of district clerks of convictions of felonies and misdemeanors, and the not unfrequent infliction of the death penalty heretofore so rare. According to partial reports from about one-third of the counties, from fifteen hundred and sixty-one trials on different criminal charges, there resulted nine hundred and eighty-one convictions. The report of the Inspector of the Penitentiary shows that on the first day of September, eighteen hundred and seventy-three, there were in that institution eight hundred and eighty-three convicts, and that from that date to the first of September, eighteen hundred and seventy-four, a period of one year, eight hundred and fifty-three convicts were received; an average of a fraction over seventy-one per month, and coming within thirty of the entire number before that time in the Penitentiary. This exhibit includes only felony convictions. When to this is added the great number of convictions for misdemeanors and minor offenses, it is believed, taking population as the basis for comparison, that no State in the Union can show so much vigor in enforcement of criminal laws as these results show in Texas. It is impossible that the people through whose moral influence these results are attained, can be other than law abiding. They could have been achieved only through a healthy, steady public sentiment, at all times an indispensable support of the law, and without which it cannot be executed. That criminal violations of the law have been frequent and sometimes flagrant, is true; but it is also true that the prescribed punishment has usually followed swiftly upon the heels of the offense.

It is an historical fact that new countries in process of settlement, and until their population have time to become assimilated and homogeneous, have always been the theatres of lawlessness and crime. These characteristics have been inseparably connected with the settlement and early growth of every new State and Territory in the Union. The more rapid and luxuriant the growth and development of the country, the more marked and excessive have been these invariable accompaniments of violence and turbulence. The frontier and the border have always been especially subject to these inevitable disorders. They are the natural outgrowth of incipient and semi-organized society,

which under a republican government, cannot be repressed, and which time alone, with the best efforts of the authorities, can fully correct.

Texas has an Indian frontier and a Mexican border of not less than fifteen hundred miles, on which her people of necessity wear arms habitually for defense. Five-sixths of the population of Texas may be found in one-third of her territory. The remainder of the country is in the common acceptance, frontier. The immense tide of immigration now and for several years past pouring into the State, with for the most part good, brings some bad people. Our railroad connections furnish easy access to Texas for lawless and desperate men from other States, as well as for the good citizens, and they are not slow to avail themselves of the inviting field for their operations, presented by the peculiar surroundings of society and the country. When to these considerations we add the demoralizing results of the late civil war, it becomes a matter of wonder, not that so much, but that no more of crime and disorder prevails in Texas. With such conditions surrounding her, the difficulty of maintaining peace and good order in Texas will be readily perceived by all, while the official reports before referred to, must convince the most skeptical that the government and the people are addressing themselves in earnest to the work of executing the law and putting down crime. In order effectually to accomplish this result, recent experience has shown that it is necessary to give more strength and vigor to that department of the government which is charged with the duty of executing the laws. No officer should be expected to exercise powers with which he is not invested by the constitution and laws of the State, nor should any officer be held responsible for results which a proper exercise of his constitutional powers will not enable him to prevent or avert. He should be blamed only for a failure to use the means at his command, and the powers which belong to his office. The Executive has been freely censured, because during the past summer, when lawless men committed crimes in some three or four counties, under circumstances which attracted unusual attention, some extraordinary means were not taken to vindicate the law. An impression seems to prevail among otherwise well informed people, that the Governor is invested with an undefined general power, co-extensive with all the possibilities and contingencies on which the interest of the State, or a por-

tion of the people, might be subserved by the exercise of power. No opinion can be more erroneous. The powers of the Governor are conferred by the constitution, and laws made in pursuance of it. If a power is not granted expressly or by clear implication to the Governor, he has no right to exercise it. It was said by a distinguished judge: "The constitution is a limitation upon the powers of the legislative department of the government, but is to be regarded as a grant of powers to the other departments. Neither the Executive nor the Judiciary, therefore, can exercise any authority or power except such as is clearly granted." Looking to the constitution for the grant of power to the Governor, it is found that article 7, section 1, provides that "the Governor shall have power to call forth the militia to execute the laws of the State; to suppress insurrection and repel invasions," and the provision in article 4, section 10, that "he (the Governor), shall take care that the laws be faithfully executed." The Governor of Texas derives all his general powers for enforcement of the ordinary criminal laws of the State from these two clauses of the constitution, and that clause which makes him commander-in-chief of the militia. And except \$5000 appropriated for the recovery of fugitives from justice, which can only be drawn for payment of rewards offered for the apprehension of criminals, and the expenses incident thereto, there is not a dollar at the command of the Executive, which can be expended in enforcing the laws. The sheriffs and the district attorneys, the principal agents for the execution of the laws, upon whose vigorous discharge of duty depends, more than on all others combined, their proper enforcement, are as well as all the other officers of the executive branch, perfectly independent of the Governor. He may advise; he may urge; he may enjoin them, but he cannot command, and they may with perfect impunity, treat his best efforts with indifference. The Governor is required to "take care that the laws be faithfully executed," but none of the agencies provided by the constitution and laws, for enforcing the laws, are placed in his hands or under his control, or anywhere within his reach. In those rare cases where the local authorities of a county are unable to execute the process of the courts, and to preserve the peace, by reason of combinations too powerful to be overcome by them, the Governor may call out the militia to their aid, and he may to the extent of

the appropriation for the purpose, offer rewards for the arrest of the fugitives from justice, and make requisitions for them when they have fled the State, but beyond these cases, his action has no inherent potency, and is simply advisory. The practice which has obtained in latter days of filling out by executive usurpation, supposed shortcomings of the constitution and laws, is one which I have always condemned and do not propose to fall into. The officer who substitutes his own notions of expediency for those of the people as expressed in the constitution, and deliberately oversteps the bounds prescribed in that instrument to his authority, by exercising powers not granted him, is to say the least, an unsafe custodian of a public trust. If in apportioning the powers of government among the several departments, experience has shown that the executive branch has not received enough of power, to make it sufficiently energetic and vigorous, the constitution and laws should be changed, and that department strengthened in a legitimate way; and there is no better mode of bringing about that change, than by faithfully observing and executing the constitution and laws as they are, thereby exhibiting their defects and shortcomings. It is apparent, that as at present organized in its constitution and laws, the government of Texas is deficient in executive force and energy. I state this proposition, not in the sense which will restrict its application to the Chief Executive, but in its broad and general signification, which embraces all the agencies created for the enforcement of the laws. Our criminal code is an admirable one; the few defects in our code of criminal procedure are of form rather than of substance. The sheriffs and district attorneys furnish the chief propelling power in putting the laws into execution. The great majority of these officers are able, efficient and faithful, but as may always be expected, there are a few of both who are weak, inefficient and incompetent. The sheriff is the mainspring of the law in his county, its right arm, as the district attorney is in his district. I state it to be a fact, established by universal experience and by the records of the country, that when those offices are filled by capable, faithful and energetic men, the laws are vigorously executed, and peace and good order prevails; but that when either of them are filled by incapable and inefficient men, nothing but an unusual amount of moral force among

the people, will preserve the country from disorder and lawlessness. I have never known a case of jail breaking, and administration of lynch law to prisoners, that would not have been prevented, if the sheriff had shown to the mob that he intended to make a *bona fide* resistance; and it is only such officers as it is known will surrender their prisoners that are called on to do so. Of the four or five instances where jails were broken and prisoners executed last summer, in no one of them can I learn of any resistance made by the officer in charge. There is not a county in Texas where there are not enough of honest, law-abiding, public spirited people to maintain the law and public order, where they have the leadership of a faithful officer; but the moral force of the community must have a rallying point, and if their chief executive officer fails to furnish it, that force so essential to the execution of the laws is not developed, except, perhaps, in the criminal way of hanging offenders on a convenient tree, after despairing of their being brought to justice by the officers of the law. In view of the paramount importance to a proper administration of the criminal laws that the offices of sheriff and district attorney should be filled by competent men, there should be no tenderness for those whose inefficiency in those positions imperil the peace of whole communities, but the constitution and laws should be so changed as to furnish a short, decisive and summary method of getting rid of them. These two officers being peculiarly executive in their character, instead of being entirely independent as they now are of the Chief Executive of the State, should be required to obey his instructions pertaining to the enforcement of the laws, when not in conflict with the constitution and laws of the State, or the rights and powers of the Judiciary. The powers of sheriffs should be increased by permitting them to pursue fugitives beyond the limits of their county, and execute criminal process directed to them, in any county in the State. As a proper predicate for the rigid personal responsibility to which they should be held for the safe keeping of their prisoners, sheriffs should be relieved of their present dependence on county courts for means for this purpose, when the county authorities fail to provide a secure jail.

There should be a contingent fund placed at the command of the Governor, to use as the public interest may require, in employing detectives, counsel for the State, &c.,

when necessary. I have been repeatedly reminded of the necessity for a fund which may be drawn on for any purpose connected with the enforcement of the laws, which may not come within any appropriation made for the Executive Department. An instance occurred shortly after the adjournment of your honorable bodies last session, in which information was received from the chief of police of one of the principal Western cities, that he had discovered the existence of an association of men, some of them in Texas and some in other States, who were engaged in forging and manufacturing titles to lands in Texas, and that some of the operations of these criminals extended to frauds upon the General Land Office. The writer of the letter offered to have the matter worked up by an experienced detective, and was satisfied that evidence could be gotten to convict a number of men engaged in it. He required, of course, that the expenses and the reasonable compensation of the detective should be paid. Having no funds at my command that could be used for this purpose, I was not able to avail myself of the information. Many occasions occur which are difficult to anticipate, and therefore cannot be provided for by specific appropriation, when the public interest would be subserved by executive action, which cannot be had unless the Governor is provided with means for the purpose. It is believed that Texas is the only State in the Union in which such fund is not placed at the disposal of the Governor. So much of the fund as would be drawn, would of course have to be accounted for on proper vouchers, showing the purposes for which it was expended. The accountability of the Governor for the fund, would be as direct and full as that of any other disbursing officer. If occasion should not arise for the use of the fund, it would remain undrawn in the Treasury.

In view of the occasional necessity as shown by recent experience of a special constabulary force to aid the civil authorities in overcoming combinations too powerful for them to deal with, and of the difficulty of getting together at any time, a company composed of citizens following their usual avocations, besides the loss devolved on many of them, if compelled to leave their homes and business, I suggest, as worthy of consideration, the expediency of a law authorizing (not requiring) the Governor, when the county court of any county, at a regular or special term,

or the judge and district attorney of the district, including the county, shall certify to the Governor, that disorder and lawlessness prevail in the county to such an extent, that the ordinary authorities are unable to execute the process of the courts, preserve the peace and maintain the law, to select from the body of the people of said county a force not to exceed thirty men, who shall be subsisted and paid by the county, and armed by the State, and to appoint from the men thus selected the necessary officer to command them, who shall serve and act as the sheriff's posse and under his orders, and assist him in executing process and preserving the peace; said force to remain in service until the authority on whose certificate it was called out, shall certify to the Governor that the force is no longer necessary, or until the Governor without such certificate shall order it disbanded. An enactment of this character would offer a powerful inducement to the people of each county, in order to avoid the expense attending its enforcement among them, to preserve the peace and give their physical and moral support to the officers in discharge of their duties. It would cause them to hold their officers to a strict accountability for a proper discharge of duty. In the immediate presence of their constituents, the officers upon whose certificate the force would be authorized, would not ask it unless the necessity justified it, nor could they fail to ask it when necessary, without being held responsible for all the disorder in the county. The extraordinary agency employed to enforce the laws, coming from the body of the community in which it would operate; called into existence by officers of their election, and under command of their local authorities, would be essentially a home constabulary, and would educate the people to a realization of the fact, that after all, a proper enforcement of the laws depends on themselves. It would cast on the people, where it belongs, the responsibilities of self-government, and bring to their knowledge and appreciation the true theory of our government, which estimates the moral, and if necessary, the physical aid of every citizen under its jurisdiction, in its administration; and last, but not least, it would have the effect of breaking up the habit into which of late years many of the people of Texas have fallen, of ignoring their local authorities, and the duty they owe to the country, of assisting in maintaining the laws, and looking and appealing to the Governor for aid

on every occasion, as if he were invested with regal power. The power lodged in the Governor by such law, would be negative, and extend simply to the prevention of abuses under it.

A force of this character would be more efficient, economical, and can be raised with more expedition than a militia company. The maximum number—thirty—would scarcely ever be necessary in any county; one-third of that number would be as many men as would generally be required. The general authority of the Governor over the militia, would meet any case for which a law of this character would not sufficiently provide, in the improbable contingency that such would arise, and would enable the Governor to use the militia in any case, where for any reason it would be preferable. I cannot concur in the opinion expressed by some, that a regular police force should be organized and kept up. A body of State police under the command of the Governor, attached as they always would be to his interest, knowing no law but his will, and ready at all times to obey, is an engine of power which, under a free government, should be entrusted to no man. Such an institution would do violence to the genius of our government, and the traditions of our people. In the hands of an honest, patriotic Executive, its operation would tend directly to weaken the reliance of the people on their local authorities, and themselves, by causing them to look constantly to the Governor and his police to do that which should be done at home, thereby making this force more necessary every day to the tranquility of the State, and in the same proportion increasing and centralizing the powers of the government in the Executive, while in the hands of an ambitious and unscrupulous Governor, in addition to these consequences, such force would be used in times of party excitement for partisan purposes, and probably for the oppression of the people. The experience of Texas on this subject ought to be a sufficient warning for all time. For the same reasons that I would approve an enactment on the general plan of the one suggested for furnishing an adjunct to the ordinary authorities for execution of the laws on extraordinary occasions, I would condemn the State police system. The extraordinary conditions surrounding Texas, in the great extent of her frontier and sparsely settled territory, the variety of her interests and

still greater variety and heterogeneousness of her population made daily more so by the immense tide of immigration pouring into her limits, bringing people from every quarter of the globe, require more than ordinary energy in her government, to repress crime and disorder within the limits, of an ordinary per cent., and it is a problem presented for solution to those who frame her constitution and laws, as to how executive force and vigor commensurate with the needs of society, shall be given to the government in accordance with its genius and spirit, and the temper of the people. I am aware that some of the suggestions made of change in the laws on this general subject, cannot be followed until the existing constitution is changed, but have made them in view of the early assemblage of a Constitutional Convention, with the hope at least, that discussion of the subject may induce some beneficial result. The report of the Attorney General, containing many valuable suggestions on this subject, is respectfully called to your attention.

DISTURBANCES IN DE WITT COUNTY.

When I came into office the condition of affairs in De Witt county was such as to excite grave apprehensions of disturbances among the people, involving not only that but some of the adjoining counties. This condition resulted from outrages of the most bloody and atrocious character, committed under the leadership of one Jack Helm, who first held some sort of authority under Gen. Reynolds, commanding in Texas, and afterwards a captain's commission in the State police, and under color of this authority, with his followers, perpetrated crimes unsurpassed in the bloody annals of the Southwest, for barbarity and cruelty. From the bloody career of these bold, bad men, sprang a feud between two parties, eventually involving many good, as well as bad men, on both sides, which in July last became so extensive in its proportions, and so threatening to the public peace, that the authorities of the county appealed to the Executive for aid. Adjutant General Steele was sent to De Witt county, with instructions to inquire into the disorders there, and the necessity for calling out militia in aid of the civil authorities. Upon receipt of his report, a copy of which is herewith furnished, being satisfied that the authorities of De Witt county were powerless to deal with combinations of men who, in that

county, were openly defying the law, overawing the people and rendering life and property insecure, I commissioned, on the fourteenth day of July last, L. H. McNelly, Captain of Militia, and ordered him, with fifty men of his company, raised in Washington county, to Clinton, in DeWitt county, with instructions to report to the sheriff, and under the orders of that officer, to execute process of the courts, for arrest of criminals, to preserve the peace, and render such assistance as might be desired by the local authorities in conformity with law, as should be necessary to assert and maintain the supremacy of the law. These instructions have been obeyed to the extent of the aid needed by the civil authorities, and with one exception, mentioned in the report of Capt. McNelly, herewith furnished, all conflict and bloodshed has been prevented, and at this time it is believed that through the influence of this company of militia, under the firm, and at the same time discreet, management of the commander, De Witt county enjoys a greater degree of quiet, and of immunity from terrorism and violence, than has been known there for several years. The causes of the disorder there are so deep-seated, and they have been permitted to become so extensive before repressive measures were resorted to, that it is believed to be necessary to retain a militia force of, say thirty men in that county, for one year longer, to insure future quiet. Within that time the protection afforded will have inspired the good people of the county with confidence, to the extent that their support of the local authorities may be relied on, and State aid dispensed with. It is proper to mention in this connection, that in consequence of information received by the Executive, of the intention of lawless men to rescue a prisoner confined in jail in the city of Galveston, on charge of murder committed at Indianola, when he was being carried to the latter place for trial, in ——— last, I deemed it necessary, in order to secure the safety of the prisoner, to call out a company of militia from Galveston county to guard him to Indianola, remain with him, and carry him back to jail in Galveston after his case was disposed of. The call was responded to by Capt. N. Weeks, who, with sixty-nine men, discharged the duty required of them with alacrity and fidelity. The conduct of the officers and men of this and of Capt. McNelly's company, in leaving their business and homes for performance of the service required of them, is worthy of the highest commendation,

and entitles them to the thanks of the people of Texas, whose laws they have maintained. The necessity for calling out this company from Galveston grew directly out of the troubles in DeWitt county. The prisoner, and those against whom he was guarded, as well as the man charged to have been murdered, being citizens of that county. The expense of transportation and subsistence of the Galveston company, as also that of Capt. McNelly's company, has, there being no other funds at command of the Executive, been defrayed out of the appropriation for frontier defense. Your honorable bodies are recommended to make appropriation for payment of the officers and men. The supplemental report of Adjutant General Steele, herewith submitted, contains full information of disbursements made and deficiencies to be provided for on account of these companies.

PENITENTIARY.

On the first day of September, 1873, there were in the State penitentiary, at Huntsville, undergoing sentence of penal servitude, eight hundred and eighty-three persons, and on the first day of September, 1874, a period of one year, the number had been increased to fourteen hundred and fifty-four, after deducting all losses by death, expiration of term, pardon, escape, etc.; the average monthly receipts of convicts during that year being about seventy-one, and rapidly increasing. The report of Inspector Campbell, herewith presented, will show that the average for the months of March, April, May, June, July and August is considerably more than double that of the preceding six months. The number of convicts in the penitentiary of Texas, is believed to exceed that of any other in the United States, and the rapidity with which they are increasing, must suggest to your honorable bodies the necessity of making further provision for their safe keeping. In the prison buildings at Huntsville, as at present constructed, there are about two hundred and seventy-eight cells, each cell having been intended for the occupancy of one inmate. A new building is in process of construction, and will be shortly finished, which will contain one hundred and twenty-five additional cells; when this is completed, there will be no more room for additional buildings, as the land owned there by the State will be covered with improvements. There are six hundred

and seventy-six convicts at labor within the walls of the prison, being an average of nearly three to the cell which is seven feet two inches high, five feet wide, and seven feet long, leaving seven hundred and seventy-seven, who are employed outside. Of these latter, two hundred and fifty-five are employed on the various railroads, and the remainder are engaged in cultivating plantations, making brick, etc. The necessity for allowing so much of this labor used outside of the prison, is so absolute that it has not been deemed necessary to look closely into the legal right of the lessees thus to use it. To require a greater number than are now confined in the prison to be kept there, in overcrowded and necessarily ill ventilated cells, would generate disease, and endanger the health of the convicts, besides throwing on the lessees the expense of maintaining the excess in idleness, since no more can be employed than are now at work within the prison walls. The management of the penitentiary in all its departments is excellent, the discipline is admirable, because while strict it is humane. The convicts are well fed and clothed, and are not overworked, and all the apartments and cells in the prison are in good condition. The various mechanical and industrial operations upon which the convict labor is employed in the prison, are conducted with system, skill and enterprise, and the products will compare favorably in excellence and finish with those of any other manufactory. The contract of the lessees with the State contains a clause which requires them, as rapidly as possible, to increase the improvements and cell room of the penitentiary, in order that the spirit of the law, which requires the confinement of convicts *in the penitentiary*, may as early as possible, be complied with; and evidently contemplates that within a reasonable time they shall, by constructing additional buildings, enlarge the capacity of the prison so that it shall be equal to the demands upon it. To what extent, if at all, the rights of the State under this particular clause of that contract is modified by the recitals of the act of 1873, passed for the relief of the lessees, I have not thought it necessary to inquire, since it is not believed to be the interest of the State to incur the enormous expense of resuming possession and management of that institution, which in a short time will number two thousand convicts, if her right to do so were clearer than it seems to be. All experience proves that the least burdensome mode

to the State, of dealing with its criminal prisoners, is to lease out their labor under such guarantees as will secure their safe keeping, health and good treatment, for a fair equivalent. It is very evident that these lessees are not able to comply with their *original* contract, to increase the room in the penitentiary so as to accommodate all the convicts who may be sent there, and that provision must be made by the State to meet the emergency with which we are confronted; and in view of the fact, that immediate legislation is necessary, the attention of your honorable bodies is called to existing laws on this subject, and to the main facts of the lease under which Ward, Dewey & Patton now hold, as they must be considered in framing any action you may take in the matter. Whatever doubts may exist as to the right of the State to cancel the contract of the lessees, arising from the act of 1873, before referred to, there can be no question of her right since these parties are unable to provide for the convicts now accumulating so rapidly, proper prison room, to take charge of, if it shall be deemed advisable, and provide for the excess over the number they have provided for properly. The rights of the State are such as give ample margin for the adoption of what may be decided to be the wisest course to pursue on this subject. I cannot too strongly urge upon your honorable bodies the necessity for making additional arrangements for the custody of convicts. The great rapidity with which they are accumulating on the hands of the State, in connection with the overcrowded condition of the prison at Huntsville, leaves no time for parley or delay. I recommend, in view of the present necessities, and until they can be relieved by further action, that the restrictions upon the first class of convicts, which under the law of 1866, believed on this point to be in force, can only be employed within the prison walls, be so modified as that only the more heinous of that class and those condemned to the longer terms, be included in it; and if safe guards are considered necessary, it is suggested that the employment of such of that class as may be taken out of that restriction, outside the penitentiary, may be made to depend on the assent of the board of managers, and the inspector of the penitentiary. I recommend also, that provision be made for the purchase of land and the construction thereon of another penitentiary, and for this purpose that commissioners be appointed to select a location,

secure the title, etc., and that they be invested with such other authority as may be deemed proper for accomplishing the object in view. A personal visit to the penitentiary, and an inspection of all its apartments and inmates, has impressed upon me the conviction that a serious defect exists in our prison system, in the promiscuous mingling, in this common receptacle, of children from nine years old upwards; with old, depraved and hardened criminals. Punishment by confinement in the penitentiary is also designed as a means of reformation of the criminal, and should be so ordered and regulated as to tend to the accomplishment of that purpose. This cannot be done with the juvenile convicts, under the present arrangement of the penitentiary. They are necessarily subjected to the common rules and discipline of the prison, and to daily contact and association with the older convicts. This should not be. Their age is that at which their minds should be educated, when such principles as will reform should be instilled into them, and when contact with vice and depravity is most pernicious. If they are discharged at the end of their terms without moral training, ignorant, illiterate, disgraced outcasts, reeking with the contamination of all that is vile and depraved in human character, at a time when most susceptible to bad influences and impressions, they will have been punished, it is true, but they certainly will not have been reformed. Thus educated, if in time they do not become hardened criminals and pests of society, they will not be indebted to the fostering care of the State for a better destiny. A wise philanthropy would take hold of these youthful offenders, separate them from the older and more hardened criminals, place them under good influences, mingle moral and intellectual training with their daily labor, and turn them out of prison when their terms expire, educated for good, not for evil, and bent at least in the right direction. For this purpose I recommend the establishment of a "House of Correction," convenient and adjacent to the penitentiary grounds, on the general plan of that prescribed in our criminal code, and which, although unrepealed, as is believed, by any subsequent law, has never been carried into effect. The reason the law was never put in operation may have been that the number of juvenile convicts was so small as not to justify it. If such was the reason, it no longer exists as one for deferring the execution of that, or

the passage of a similar law. It is stated in the report of the inspector that fully one-third of the convicts in the penitentiary are under twenty-one years of age, and that thirteen of that number are less than fourteen years old. The establishment of a house of correction would necessitate some changes in our penal code, with reference to the class of offenders to be sent there. I suggest, when a new penitentiary is established, a house of correction should also be established with it. It is believed that two penitentiaries, provided for on a liberal scale, with a house of correction attached to each, will be an ample provision for the class of criminals for which they are built. Either these must be provided or there must be a county system adopted, under which each county will manage and provide for that portion of its criminals, convicted of the lesser crimes and sentenced for short terms, leaving only the greater criminals sentenced to long terms, to be sent to the penitentiary. Penitentiaries, with houses of correction attached, are believed to be preferable both for economy and efficiency.

With the view, as far as possible, of arousing the pride, and touching the finer sensibilities of the older convicts, and thereby bettering their moral condition and aiding their reformation, it would be wise and humane to provide for the penitentiary a library of such books as they may read with profit and improvement when not at labor. A small amount of money would purchase a sufficiency of such books, and it is believed that the good results which may be anticipated, will justify the expenditure. The attention of your honorable bodies is called to the law under which mileage for the transportation of convicts to the penitentiary is paid. It is believed that additional legislation on this subject is required. The law as it now stands, leaves too much to the discretion of the inspector of the penitentiary, who issues the vouchers to sheriffs for mileage, in determining the distance that has been traveled by them, and in many instances, subjects that officer to liability to imposition. An amendment which shall designate the distance in miles from the county seat in each county in the State, to Huntsville, would correct this evil and be a rule for the inspector in issuing vouchers for mileage. The present inspector recommends this change in his report, and the recommendation is believed to be a good one. This is a matter of very considerable import-

ance, since the vouchers for mileage for transportation of convicts issued to the various sheriffs, during the fiscal year ending August 31, 1874, amounted to \$44,262 90. The amount of mileage allowed by law is believed to be sufficiently remunerative, if paid on an air-line estimate of the distances, instead of by usually traveled routes, as it is now paid. The attention of your honorable bodies is respectfully called to the suggestions of Inspector Campbell, in his report.

PUBLIC CHARITIES.

It appears from the very interesting report of Dr. Wallace, the superintendent of the asylum for the insane, that on the tenth day of February last, when he took charge of the institution, there were one hundred and fifteen inmates; that fifty-four more have been admitted, thirty-five have been discharged and seven have died, leaving present in the institution, at the date of his report, one hundred and twenty-seven. The physical health of the patients is remarkably good, and the per cent. of recoveries of mental health large. The medical skill and ability of the superintendent, which is of the highest order, and his fine administrative capacity, combined with the earnest and unremitting labors of the public spirited gentlemen who compose the board of directors, have succeeded in putting this noblest of all charities, in a fine condition of efficiency for the purposes for which it was founded. The report of the superintendent, with its suggestions and recommendations, and valuable statistical information, is recommended to your earnest consideration; especially that portion of it which speaks of the crowded condition of the asylum, and the necessity for additional provision for the insane population of the State. These wards of the State, whose stricken and helpless condition appeals so powerfully to our sympathies, are increasing *pari passu* with our rapidly increasing population; and every principle of humanity and of public policy, requires that the necessary steps be taken to provide additional means for their proper custody, care and treatment. The new building, for the construction of which an appropriation was made by the Thirteenth Legislature, is now nearly completed, and will in a short time be ready for occupancy, but will fall far short of supplying the deficiency of room.

The attention of your honorable bodies, is also called to the report of the board of directors of the asylum, accompanying the report of the superintendent. The suggestions and recommendations in the report are a repetition of the same urged in their first report, which I had the honor to send in to your honorable bodies, accompanied by a special message, during your first session. As expressive of my present views on this subject, I will extract from that message: "I invite your attention also to the abuses that may arise, as suggested in this report, from the fact, that in the present law no check is placed upon the treasurer of the asylum, in the collection and disbursement of moneys, collected from counties and for private patients, and concur in the recommendation of the board in this report, that all moneys coming to the institution, should be made payable by law into the Treasury of the State, and disbursed therefrom on the orders of the board of managers." No action was taken by your honorable bodies, on this recommendation. It is now respectfully renewed. The office of treasurer of the asylum has been abolished by the present board of directors, but the officer upon whom is devolved the duties formerly discharged by the treasurer, stands in his place so far as this recommendation is concerned. I recommend that it be provided by law that the superintendent of the asylum shall be required to make quarterly reports to the Comptroller of Public Accounts, of all moneys due from counties, for patients in the asylum, and of all moneys due for private patients, and that the Comptroller be required to open and keep the accounts of all indebtedness of the counties and private patients to the asylum, and be charged with the duty of collecting all of said dues, and that the same be paid over to the superintendent of the asylum on his requisition, approved by the board of managers, in such amounts and at such times as it may be needed in administering the affairs of the institution. The importance of this suggestion will be appreciated, when it is remembered that the funds derived from these sources, if properly collected and accounted for, do not fall very far short of a sufficiency to support the institution, aggregating at least sixty thousand dollars per annum, and increasing each year. Yet, as now and heretofore collected, the accountability of the officer who

receives it, beyond his own exhibit of receipts, cannot be established without going to more than one hundred different counties and the friends of all private patients for evidence. The checks which have always been considered necessary to the security of public funds, have been omitted in this instance. No reason is perceived for being less careful of the public interests in this than in other instances. Besides for purposes of convenient reference, the financial condition of the asylum should be shown in the Comptroller's and Treasurer's offices. Being a State institution, it is proper that these offices shall keep its accounts, and collect and hold its funds. Your honorable bodies are referred to section 2, of "An act to provide for the distribution of the money in the State Treasury, which is due the several counties," approved June 15, 1870, and it is suggested that so much of said section as authorizes the Comptroller to retain out of money due to the respective counties, such amounts as may be due to the Lunatic Asylum, for the support of their indigent patients, be retained in the enactment. The financial management of this institution since the tenth day of February last, the date at which the present board of managers and superintendent took charge, has been especially satisfactory. A comparison of the disbursements made under the preceding administration, commencing on the first day of September, 1873, the beginning of the fiscal year, and ending on the tenth day of February, 1874, with the expenditure from the latter date, until October first, 1874, the date from which report is made, shows that the expense of its present administration has been a very small fraction over one-fourth what it was under the former.

From the first day of September, 1873, to February tenth, 1874, the preceding administration expended in the ordinary support and maintenance of the institution, being a period of five months and ten days, the sum of seventy-one thousand five hundred and seventy-one dollars and nine cents, or an average of thirteen thousand three hundred and eighty dollars and thirty cents per month. While from the tenth day of February, 1874, to the first day of October, 1874, a period of seven months and twenty days, the present managers expended for the same purposes, the sum of twenty-eight thousand two hundred and seventy-three dollars and seventeen cents, or an average of three

thousand six hundred and eighty-seven dollars and eighty cents per month. The money expended during both periods in the erection of the new buildings now in process of construction on the asylum grounds, is excluded from this computation, and the amounts specified are those expended in paying the usual current expenses of the institution for the periods named. Notwithstanding this great reduction of expense, the inmates of the asylum have been liberally provided with every comfort, and have been in every respect well cared for. The superintendent in his report shows an unexpended balance of the fund for support of the asylum, for the last fiscal year, on hand, of sixteen thousand four hundred and seventy-two dollars and seventy-eight cents, and only desires hereafter, an appropriation of thirty-six thousand dollars per annum, or three thousand (\$3000 00), per month.

The report of the trustees and superintendent of the Deaf and Dumb Asylum is herewith submitted. This report shows forty-two pupils in the institution. It shows an expenditure, from the first of September, 1873, to the first of January, 1874, four months, of eight thousand nine hundred and twenty dollars and forty-six cents, and from the latter date to the first of September, 1874, eight months, an expenditure of nine thousand and seventy-two dollars and eighty-five cents; both amounts expended in defraying the ordinary expenses of the institution for those periods. Under the excellent management of Superintendent VanNstrand, whose qualifications and fitness for the place are very superior, the unfortunates, who in this institution are receiving the care and aid of the State, are pleasantly situated, and present in their smiling and cheerful faces, abundant evidence of the parental kindness with which they are treated and controlled, and of their grateful appreciation of their surroundings. Their ready intelligence and the proficiency they exhibit in the various branches of study, indicates capacity and industry in their teachers, as well as a thorough knowledge of the peculiar and difficult system through which they are taught. It is suggested, for the consideration of your honorable bodies, that while as a school for the education of these afflicted children, this institution, though limited in its capacity, so far as numbers are concerned, is an admirable one, that by extending the education of the pupils to some useful mechanical or other trade, by which they would be enabled after leaving school

to earn a livelihood, the practical utility of an education there would be very much enhanced, and the benefit conferred would be more real and substantial. The pupils in this school, with the usual training, would make good mechanics or artizans, and good printers. They are quick, intelligent and apt; their physical development is generally good, and when their understanding is reached, their action is as prompt and intelligent as that of those not afflicted as they are. It is recommended that an appropriation be made for the purchase of a printing press, and so much material as may be necessary to be used in teaching the printer's art, as one of the branches of instruction in this institution. The benefits conferred will, to them, be very great, while the cost to the State will be insignificant. The appropriation for support of this institution for the fiscal year ending the thirty-first of August last, was seventeen thousand dollars, and for the present fiscal year, is twelve thousand dollars, which is believed to be ample.

The report of Dr. Rainey, of the condition and requirements of the Institute for the Blind, shows that officer to be an earnest and efficient laborer for the promotion of the welfare of the afflicted persons under his charge. The attention of your honorable bodies is respectfully directed to a consideration of his recommendations. The appropriation for the support of this institute is exactly the same as that for the support of the Deaf and Dumb Asylum, when it is believed that a larger amount is required to support the former than the latter. The blind are more helpless and require much more service and attention than the inmates of the Deaf and Dumb Asylum, the greater portion of whom not only take care of themselves, but perform valuable service in and about the institution, which otherwise would have to be paid for. The number of pupils in the two institutions is the same, with a greater probability of increase in the Institute for the Blind. It is believed that the increased allowance recommended in this report, is not unreasonable. As a measure of economy as well as humanity, it is believed that a small appropriation, say one thousand dollars per annum, for the employment of an oculist to treat curable cases in the institution, is required. An appropriation for the construction of a workshop, and for the purchase of additional musical instruments, so urgently recommended in this report, is believed to be proper and necessary. The State will have

conferred but little benefit upon these unfortunate people, if they leave the institute without being trained to some art or avocation, which will enable them to earn a livelihood. The object in asking this appropriation, is to enable the institute to supply this want, and to confer the substantial benefit upon its pupils of qualifying them to make a support by their own efforts. The charity of the State cannot be invoked on a more meritorious object, while at the same time the aid thus given is some security against its recipients becoming a public charge hereafter. The telegraphic art has been added by the present superintendent to the course of instruction, and results thus far fully justify the expectation of a success, which will be productive of great benefits, and invite efforts in other directions for the improvement of the blind.

A financial statement is not furnished in this report, but will be made by the board of directors. It will show that the affairs of the institute have been administered with rigid economy, and that a great deal has been accomplished with the means at the disposal of the superintendent and board of directors.

The three State charities, the Lunatic Asylum, the Deaf and Dumb Asylum, and the Institute for the Blind, are in their infancy; they have been founded and supported for the noble purpose of affording the best possible condition of amelioration for the misfortunes and sufferings of stricken, helpless, and afflicted members of society, to relieve when it is possible, and when it is not, to temper and soften, as far as skill and care and kindness will do it, the visitation of affliction. The labor and care bestowed upon public charities, and their efficiency for the purposes for which they are established, furnishes the best criterion by which to judge of the advancement of the State in enlightened civilization, and intelligent, well directed philanthropy. The rapidity with which the development of Texas is opening up under the immense influx of immigration and capital which she is receiving, is increasing each day the necessity for a corresponding enlargement of capacity of these benevolent institutions, for the performance of their good work, and it is a high duty of the law makers of Texas, to see to it that this capacity advances steadily with the demand upon it. We have in these institutions, as at present organized and administered, the germ from which with proper and judicious cultivation,

will grow and expand such charities, as will embrace in their benevolent fold in future, all whose infirmities and misfortunes give a just claim to the care and aid of the State, and with a view to their expansion, they should constantly receive the fostering care and consideration of the government.

GENERAL LAND OFFICE.

The report of Hon. J. J. Groos, Commissioner of General Land Office, of the operations of this department during the fiscal year ending the thirty-first day of August, 1874, shows an increased amount of business in that office, over that of the preceding year. Three thousand three hundred and thirty-nine patents, of all classes, were issued during that period, embracing in the aggregate, one million seven hundred and eighty-seven thousand three hundred and ninety-seven (1,787,397) acres of land.

During the same time, seven thousand eight hundred and ninety new files, of all kinds, covering six millions three hundred and nineteen thousand seven hundred and fifty-four (6,319,754) acres of land were made. Of these, five thousand three hundred and forty-nine, covering five millions four hundred and twenty-seven thousand six hundred and seventy-five (5,427,675) acres were made with railroad scrip. Sixteen hundred and eight, covering two hundred and forty-nine thousand nine hundred and twenty-three (249,923) acres were made under the pre-emption laws, and the remainder, with miscellaneous certificates or scrip.

Liabilities against the public domain have increased since the last report, five millions three hundred and thirty-seven thousand five hundred and seventy-four (5,337,574) acres.

The estimated number of acres of land in the State is 175,594,560.

Amount appropriated and against which liabilities exist, 96,366,766 9-10.

Area against which no claims exist, 79,227,793 1-10 acres.

Office fees, patent fees, government dues and pre-emption fees received in this office, and paid into the Treasury, during the last fiscal year, amount in the aggregate to thirty-nine thousand six hundred and ninety-four sixty-four one hundredths (\$39,694 64) dollars.

The attention of your honorable bodies is called to the

suggestions and recommendations of Commissioner Groos, with reference to the changes he deems necessary in the present working arrangement of that office, and I ask that you give them that consideration which his earnestness and the public interest invoke for them. His recommendation that a practical surveyor, who shall also be a draftsman, be attached to his office, so that he may have at all times a competent person to send to any county in the State, whose work can be relied on as correct, and by actual surveys on the ground, may trace out errors and rectify mistakes which are frequently found in county maps, and greatly embarrass the land office, occurs to me to be a good one. The small expense should not weigh against the great good that will probably be accomplished in preventing confusion of boundaries, always a prolific source of litigation, and in so defining surveys on the maps, in accordance with the lines on the ground, as to show what land and by whom, is appropriated, and what is vacant and subject to location, and in expediting the business of the office by the prompt correction of errors.

A complete abstract of titled and patented lands is greatly needed, not only in the General Land Office and Comptroller's Office, but in the assessor's office in every county in the State. Your honorable bodies are recommended to make provisions for such a work. It should be complete and thorough; it would be false economy to be parsimonious in providing for its execution; none but those of the most approved ability and competence should be employed to perform it, and they should be paid a remunerative price for their labor. It will take three persons, who are thoroughly posted in our land system, from the beginning, and in the records of the General Land Office; one of them to be a draftsman not less than twelve, and perhaps eighteen months, of constant labor, to compile an accurate, full and reliable work of this character, embracing everything to date. After this is made, annual abstracts should be compiled, commencing where the other left off, and furnished each year to the different revenue officers of the State. The loss to the revenues of the State and counties, each year in Texas, from failure to assess all the real estate is immense, and there is no other remedy for it than the preparation of an abstract of the lands subject to taxation, which shall be extended each year as

other lands are patented and become taxable. It is believed that ten per cent. of the amount by which the State revenue would be increased in any one year, will pay all the expenses attending the preparation and publication of this abstract, while its value in other respects would be obvious and great.

I suggest the propriety of an inquiry by your honorable bodies, through a committee, into the complaint of the Commissioner, of the insufficiency of the clerical force allowed the General Land Office, and such action thereon as the result of that inquiry may indicate to be proper; the interest of the public should not be allowed to suffer for want of force in that office, adequate to its demands, and if such deficiency does exist, the Commissioner will be able to satisfy your honorable bodies of the fact, and I make no question but that, by appropriate enactment, you will supply it.

It has always been my opinion that the General Land Office should, on correct principle, be self-supporting. Texas receives no money for her lands, nobody purchases, and her people should not be taxed to pay the expense of giving the lands away. The grantees ought justly to pay the expenses incident to the bounty, and all whose rights or interests require the time and attention of the public servants in that office, should be taxed with fees for its support. It is respectfully suggested to your honorable bodies, that the law regulating the fees and dues to be paid into the General Land Office, be amended by increasing them to an amount that will *certainly* produce funds sufficient to defray *all* the expenses of the office. The present rates doubled will do this. A committee from one or both of your honorable bodies, in conjunction with the Commissioner, can easily arrange and apportion these fees, equitably, so as to produce a revenue of one hundred thousand dollars per annum.

It is a fact well known to the employees of the Land Office and to others, that bad men are constantly engaged in the perpetration of frauds through this office, by the forgery of transfers to certificates, powers of attorney and other instruments of title, and by the use of forged papers; knowing them to be fraudulent. The commission of these crimes has been so frequent and bold, and has been attended with such impunity heretofore, and the injury flowing from them in beclouding the titles to the real estate

of the country is so great as to demand some effort for their suppression. It is always extremely difficult to make the proof of guilt of these offenses; the cases are so rare in which it is done, that the law has no terrors for these evil doers. I suggest that it should be the business of some person to look after these cases, get up, and ferret out the proofs, and bring the criminals to justice, and recommend an appropriation out of which detectives for this purpose may be employed. There is no telling the amount of injury being done the best interests of the country by these miscreants, and unless some means are adopted to put an end to their depredations, the evil will assume alarming proportions.

The wooden structure on the north side of the Land Office, built for photographic operations, but which has never been used for that, or any other purpose, from its combustible character, was believed dangerous to the safety of the Land Office, and being utterly worthless there, I have had it pulled down, and have delivered the material to Mr. F. Voigt, keeper of public grounds, etc., on his request, to be used by him in building a house for the preservation and propagation of plants and shrubbery, intended for the public grounds.

The importance to every land holder in the State of the preservation against any and all danger of destruction of the records of the General Land Office, makes it prudent in my judgment that a night watch be set over that building. A destruction of the records of this office would be a calamity to the people of Texas, hardly second to any other which might in the ordinary course of events befall them. For fraudulent purposes and to destroy evidences of guilt, the Adjutant General's Office, in this city, containing many valuable records affecting the titles to lands in Texas, as well as other archives of inestimable value, which have never been supplied, was once burned; we know not when it may suit the purposes of the criminals who have been, and doubtless are now committing frauds upon the records of the Land Office, to use the torch of the incendiary in furtherance of their nefarious plans. I recommend an appropriation for a watchman for this building.

I fully concur with the Commissioner, as to the necessity for repairs to the General Land Office building. It is in a very dilapidated condition.

FRONTIER DEFENSE.

In accordance with the act of April 10, 1874, a battalion of six companies of seventy-five men each, comprising the usual company officers, was, on the fourth of June last, organized, and under command of Major John B. Jones, took the field for defense of the Indian frontier. The threatening and hostile attitude of the various tribes of wild Indians, at that time, in the judgment of the Executive, justifying the fear that the entire force would be immediately needed for active defensive operations. The decisive and energetic campaign conducted by the forces of the United States, under the orders of Lieut. General Sheridan, seconded by the energy and skill of Brigadier General Augur, with that portion of the army stationed in Texas, together with the presence of this battalion on the frontier constantly scouting the whole line, from Red River to the headwaters of the Nueces, under the eye and personal supervision of Major Jones, it is believed saved the outer settlements of Texas from devastation by the Indians. Thus protected, however, the frontier has suffered very little during the past year, and the people are now more hopeful and encouraged, and the prospects for immigration and advancing the settlements are better than for many years.

Besides affording protection against Indian raids, this force being charged with the duty of executing criminal process for the arrest of fugitives from justice, who, in considerable numbers, had taken refuge in some of the frontier settlements, and were harrassing and depredating upon the good people, by a vigorous performance of this duty, has cleared the frontier of many desperate and lawless characters, and given valuable aid when greatly needed to the local authorities in maintaining the law and good order.

The report of Adjutant General Steele, herewith presented, gives in some detail the operations of the battalion. The labors of the officers and men have been severe and unremitting, and well performed, the length of the line over which they have kept guard and watch, being so great for the number of men that they have been constantly in the saddle, and while they have had but few opportunities of displaying their prowess in battle, they have shown themselves on those occasions fully equal to the task of maintaining unimpaired

the historic fame of the Texas ranger. The disposition of the companies on the frontier line by Major Jones, has been admirable, and his energy in constantly traversing the line, and giving personal attention and direction to all the movements of the troops most commendable, while his splendid qualities as a soldier and commander shone out in full lustre, when with a force of thirty-seven, officers and men, he was attacked and almost surrounded by a war party of one hundred and fifty Indians, well armed with long range guns and led by the chief, Lone Wolf, at Lost Valley, he in a fight of several hour's duration, so handled his gallant men, that the Indians were routed and forced before his impetuous charge to take shelter among the rocks and hills. The late appearance of parties of Indians, at different points on the frontier, is believed from the experience of former years, to be the last they will make until spring. The vigilance of the troops, however, will in no degree be relaxed. It has been ascertained by correspondence with General Auger, commanding in Texas, that the troops of the United States, will be in active campaign against the Indians during the winter, and that the severe chastisement already given them, is to be followed up until they are reduced to submission. In view of these circumstances and of the rapidly waning proportions of the fund appropriated for the maintenance of the battalion, I deemed it advisable to reduce the force to something less than one-half of its original number, and accordingly on the twenty-fifth of November, orders were issued cutting down companies A, B, C, D and E each, to one lieutenant, two sergeants, three corporals, and twenty-five privates, making a total to each company of thirty-one, men and officers. Company F was by the same order reduced to one captain, one lieutenant, three sergeants, three corporals and thirty-seven men, leaving a total, officers and men, of forty-five. This is the company commanded by Captain Caldwell, now patrolling the country between the Rio Grande and Nueces. The forces as reduced, can by estimates made, be maintained at an expense of one hundred and fifty thousand dollars per annum, and it is hoped, will be sufficient to give protection to the frontier, and confidence to the people, especially in view of the more stringent policy recently inaugurated by the general government, in dealing with the Indians. I recommend that the law of the last session, providing for frontier defense, be left unchanged, and that

such appropriation be made as will place it in the power of the Executive, should the emergency require it, to fill the battalion to its original proportions.

It is believed that so long as the "peace policy" heretofore adopted by the general government, in management of the Indians is pursued, that no force that the State can place on the frontier, will prevent the incursions of raiding bands of Indians, on the frontier of Texas. The line is so great in extent, and the country so well known to the Indians, and so favorable to their predatory operations, that the utmost vigilance of four times the number of men that Texas could afford to station on it, will not prevent their coming in occasionally, and harrassing the settlements. The value of the State troops consists more in the confidence given the people, which induces settlement and cultivation of the country, than in the actual protection given. Thus aided these settlements grow into numbers and strength sufficient to take care of themselves, when without such aid, they recede, leaving the interior settlements exposed. While rangers are on the frontier, the old settler and the recent immigrant alike, feel that help is near if the Indians should come, and are inspired with confidence to remain, when without that feeling, they would abandon the country to the savage. If all the wild Indians were placed under the control and management of the war department, and the officers of the army of the United States, charged with the duty and responsibility of so controlling them as to prevent depredations by them on the settlements, there can be no question but that with the aid of the frontier telegraph line, now being rapidly constructed, the security against further trouble from Indians, could be made almost perfect. Confided alone to the military, the responsibility would rest with them. They are the only power the Indian understands and respects. They alone can impress him. His intelligence can be reached and persuaded, and his will subdued only, by the superior visible physical power which resides in the army. The utter imbecility and helplessness of the policy and civil agencies of the government, in the management of the Indians, when recently General Sheridan was called on for aid, and the promptness and dispatch with which he has whipped the greater portion of them back upon the reservations, and into complete submission, suggests so that all ought to comprehend; the true solution of our Indian

troubles. The true policy in dealing with these Indians, is for the military to be made supreme over them ; allow the civilizing and moral agencies full scope, but subordinate to, and under direction of the military. This policy, in my judgment, would give lasting peace to the frontier of Texas, and save to the State and people, two millions of dollars per annum, besides human life, the value of which cannot be estimated in dollars and cents. Under the present Indian policy of the general government, the Texas frontier has suffered more than it ever did before, and the country nearest the reservations, has suffered worst. Permits are granted the Indians to leave the reservations sometimes to hunt ; sometimes on one pretext, and then on another, and they invariably come into Texas, steal horses, drive off cattle, and very frequently kill and scalp men, women and children ; and when they return, *it is a fact* which can be substantiated with abundant proof, that white men on or near the reservations, are always ready with guns, ammunition, blankets and other things desired by Indians, to trade for the stolen stock and other plunder gotten in Texas.

A Lone Wolf with his party of one hundred and fifty well armed warriors, who fought Major Jones, five hours in Lost Valley, in July last, was within one day's travel of the most flourishing settlement in Parker county, and going rapidly to it, when met by the rangers, yet he was absent on a permit from the reservations to search for the remains of his son, who had been killed on the frontier, when leading a raiding party, a short time before. A gentleman friendly to Texas, who happened to be at the reservation when this permit was granted, and knowing what it meant, notified the authorities in Texas, that this party would be down on the frontier in a short time. The reservation is a place of refuge and protection for the Indian from pursuit by those whom he has plundered, and when he reaches it, he mingles with the balance of his tribe, and of course is safe because he cannot be identified, and if he could be, the procrastination and expense of bringing him to justice, is so great, as to amount practically, to perfect immunity from punishment. The Indians that devastate the frontier of Texas, come nine times out of ten, from the reservations, on our norther border. They have been repeatedly captured by the citizens and rangers, and invariably acknowledge that they are from Fort Sill.

Blankets, guns, and wearing apparel taken from them or dropped in flight, almost invariably have the United States brand on them. This reservation, established, protected and maintained by the general government, is a Pandora's box of evils, which blight and curse the fairest portion of Texas, as heretofore managed. The policy which arms with long range guns and fixed ammunition, which feeds, clothes and blankets savages, and sends them to fight the government's own soldiers, to plunder and murder the government's own citizens, and allows them to market their plunder, and thus keep up a regular commerce in property taken and stolen from its own people, and which furnishes a place of retreat that affords perfect security against those thus outraged, is to say the least, incomprehensible. That these are the direct results of the Indian policy of the government, no man doubts who is posted on the facts. There will never be security for the Texas frontier, as long as Indians are permitted on *any pretext whatever*, to leave the reservation, nor as long as anybody is permitted to barter or trade with them, for a cow or a horse; nor as long as they are permitted to own horses. So long as they are permitted to own horses and to leave the reservations, and to trade and barter, they produce nothing, and they will come into Texas and despoil the people of their stock of all kinds, and kill men, and ravish and butcher women and children. There are to-day on the frontier of Texas, hundreds of men who have been reduced from affluence to penury by depredations of Indians, from the Fort Sill reservation. One whom I remember, had six thousand head of cattle taken from him by Indians, at one time. Horses can not be raised at all in the outer settlements, and can only be kept in close lots or stables, and are frequently stolen when tied at the very doors of the houses. Traders from New Mexico and from Kansas, and other northwestern States and Territories, all under the jurisdiction of the United States, make fortunes bartering with Indians for horses and cattle and other plunder stolen in Texas. It is believed that many contractors for supplies for the Indians on reservations, barter with Indians for large proportions of the supplies furnished by them. These traders furnish a ready market for the Indians for all of their plunder, and supply them with arms of the most approved pattern, and ammunition and other necessities; and

thus give the Indians an object and incentive to continue their murderous plundering raids. If this trade were broken up, as it could be done by the army, and the management of the Indians confined to the military, the Indian question would be substantially settled. The Indian should be conquered into submission, and held in subjection by fear, until humanizing and civilizing influences can strike in on him. The priest, with his bible, has accomplished wonderful results in the world's history, but "the world, the flesh and the devil" in a wild Comanche Indian, is an overmatch for him, until the iron hand of power has crushed some of it out, and reduced him to that condition of humility, when he may be brought under the influence of moral suasion. Morbid sentimentality, not to call it something worse, such as prompted the grant of a permit to Lone Wolf, with his warriors, to make a raid on the Texas frontier, in order to comfort his distress over the death of his robber son, should be made to give place to practical common sense and common humanity, which would consider the welfare of the whites as well as that of the Indians, in the policy of the government. The Indian should be made to feel that murder and robbery are atrocious crimes, to be expiated by condign punishment certainly and swiftly inflicted. When he rebels against this accountability, let him be scourged into submission again, as he was the past summer, and let this be repeated as often as may be necessary to break him into a knowledge and observance of the law. Lenity to their murderous and thieving propensities, is atrocious cruelty to the whites. In view of the great importance to Texas, of having a change in the Indian policy of the government, and of the great loss of life and property incurred from the depredations of Indians, and of the onerous expense devolved upon the State, for defense against Indians who are maintained, protected and fed by the United States government, and the certainty that these and still greater evils will continue under the policy heretofore pursued, I recommend that your honorable bodies adopt and forward to the Congress of the United States a memorial, setting forth the grievances of the State in this regard, and asking appropriate relief. I submit herewith the interesting report of Major John B. Jones, commander of the frontier battalion, and request for it your perusal and consideration, also a report of Adjutant General Steele, supplemental to that before referred to, the latter giving a

statement of disbursements and expenditures in military operations in Texas during the year just passed, under the present administration. This exhibit, it is believed, will show that more men have been maintained in active service than ever were before in Texas for the same length of time for the amount of money expended.

The Kiowa chief, Santanta, who was convicted in Jack county, of murder, and sentenced by the court to be hanged, and whose punishment was afterwards commuted by my predecessor in this office, to imprisonment at hard labor in the penitentiary for life, and who subsequently was turned over to the authorities of the United States, by Governor Davis, and by them released on certain conditions which he failed to observe, has recently been sent back to Texas by Lieutenant General Sheridan, subject to the orders of the Executive, and I have returned him to imprisonment in the penitentiary, under his sentence as commuted. I have no official information of the disposition of the chief Big Tree, who was convicted at the same time with Santanta, and delivered with him to the authorities of the United States, but learn from the newspapers that it has been decided that he has not been guilty of a breach of his parole, and that he is at liberty.

MEXICAN BORDER TROUBLES.

Since the last session of your honorable bodies, the depredations upon persons and property in the section of country bordering the Rio Grande river, by lawless men from the Republic of Mexico, which for ten years past have been so fruitful of disorder and insecurity in that region, have augmented to such an extent as to render it imperative upon the Executive to make some effort for their repression. The number of murders and robberies committed, and the values in stock driven off, or destroyed for their hides, by Mexican marauders from the west side of the Rio Grande, during the spring and the early summer, greatly exceeded in atrocity and magnitude transactions of that character for a number of years past. The calls of the people, by petition and through the county courts of several counties, and other local authorities, in consequence of the alarm created by the increasing boldness of the robbers, were frequent and urgent for protection and help. Having satisfied myself that the conditions existed which

devolved upon the government the duty of using extraordinary means for protection of its citizens, I ordered into the service of the State, under the law of 1874, a minute company from Nueces county, of fifty men, which, on the twenty-ninth day of June, was organized, by the election of Warren Wallace, captain, and of all other officers authorized under the law. This company patrolled the country between the lower Rio Grande and the Nueces rivers. Companies had previously been ordered into the same service, under the same law, of twenty-five men each, under a lieutenant respectively, in El Paso, and Webb counties, the former having organized on the twenty-seventh day of May, under command of Lieutenant T. Montes, and the latter on the thirteenth day of June, under command of Lieutenant Refugio Benavides. These companies scouted the country on and near the river respectively, in the vicinity of El Paso and Laredo. The orders which it was deemed necessary to issue to the commanders of these companies, have been the subject of correspondence between the Hon. George D. Williams, Attorney General of the United States, to whom they were referred by the Hon. Hamilton Fish, Secretary of State, and the Executive, which correspondence, as setting forth more fully the reasons prompting the organization of this force, and the necessity for it, is herewith furnished. (See Appendix.) No further communication has been received on this subject from the Hon. Attorney General, or from any other officer of the general government, and the orders, as originally given, remained in force until the expiration of the terms for which the companies were respectively enlisted. This force gave peace and a feeling of security to the people of this section of country, which had not been experienced there for years. The raids of bandits and outlaws from Mexico ceased, and persons and property were safe, while it was in the field. With the view of economizing the appropriation for defensive operations, and the hope that the necessity for a military force no longer existed, on the twenty-ninth day of September, being the end of the term of enlistment of Capt. Wallace's company, that company was disbanded. Since that time the section in which it operated, has been kept in a constant condition of excitement from rumors and threats of invasion by the outlaws in Mexico, who, upon the organization of this company, had to cease their operations. More recently a

number of atrocious outrages, involving murder, robbery and the driving off of large herds of stock, have been committed by these brigands in this section of country, the latest instance of which is the sacking of a store at Los Olmos, a small village in Hidalgo county, by a party numbering thirty-five of heavily armed Mexicans, supposed to be from Guerrero, Mexico, and headed by one Alberto Garza, a notorious robber and desperado from Matamoras. It manifestly was the intention of this band to have pillaged more extensively, and it is apparent that they were only prevented from it, and from murdering some of the inhabitants, by the accidental circumstance that a body of armed citizens, who were encamped a short distance from the village, went to its relief, charged the robbers and drove them off, when in the midst of their operations. The recurrence and growing boldness of these raids, and the constant exposure of the lives and property of the thinly settled communities on this portion of the border, to violence and rapine, have left no other alternative than again to send a force for their protection. Accordingly on the seventeenth day of November, Capt. Caldwell, of the frontier battalion, with his company, was ordered to Duval county, with instructions to patrol that and the neighboring counties, and give protection to the people, and is now performing that service. The terms of enlistment of the companies at El Paso and Laredo having expired, they have been disbanded, in the hope that a military force at these points may be dispensed with in future. It is believed to be necessary to the protection of the lives of the people, and their property from plunder and spoliation, that a force of about forty men, under an energetic and vigilant commander, should be kept constantly in service, in patrolling the country between the lower Rio Grande and the Nueces rivers. This country is rich in stock, besides containing other wealth, and it is there that the Mexican robbers sieze the most valuable and desirable booty. I recommend such legislation as may be necessary to enable the Executive to continue a protecting force in this section of country. The defensive system of the United States government, on the Rio Grande border, is doubtless sufficient for its protection against the incursions of large bodies of armed men, but as a protection to the persons and property of citizens, against the raids of murderers, robbers and thieves, who cross the Rio Grande, singly and in small squads, and em-

body on this side of the river, perhaps far in the interior, and strike quickly and more rapidly, it is utterly inadequate and insufficient. The condition of that country establishes the truth of the assertion. Facts transpiring there almost daily, many of them almost in sight of the garrisons stationed there, prove its truth. I am informed by intelligent gentlemen, that going westward toward the Rio Grande, the cattle, horses and other stock, diminish as the river is approached, and that in many parts of the country, no stock is to be found within sixty miles of the river, it having been taken by Mexican thieves and carried across the river, or the owners having removed it to places of greater security. I have before me the proceedings of a grand *Republican* mass meeting, held on the nineteenth of August last, at Brownsville, on the Rio Grande, which declares it the duty of the national government to protect American life and property on this border "from the inroads of armed bands of robbers, who murder our people and devastate their lands almost within the shadow of the American flag, and in sight of our fortifications." I mention this simply to show that the complaint on this subject, comes universally from the people of that section, and is so notorious as to be the subject of a resolution in a town meeting. An high obligation rests on the government of the United States to protect this border against the foreign enemies who are plundering it, and to see to it that the people whose substance has been pillaged and destroyed are indemnified for their losses. When Texas merged her separate nationality in the union of the States, she surrendered to the common government her right to raise as well as her resources necessary to maintain an army for defense, (with the single exception named in the constitution of the United States), as her contribution to the common fund of power and means to be used for the defense of all the States, in return for which she has a right to a defense of her people by that government, against foreign invasion and spoliation. At the same time, Texas surrendered to the general government, her right to treat and deal with foreign powers, that government assuming the burden of maintaining her rights and those of her people against foreign encroachments, thus creating in behalf of the citizens of Texas, who have been plundered by brigands and robbers who are Mexican citizens, a clear right to the power of the federal government to compel, if necessary,

indemnity for their losses by the Republic of Mexico. I therefore recommend that your honorable bodies memorialize Congress, and set forth the losses of life and property in the country on, and adjacent to the Mexican border, the constant terror under which the people live, of murder and robbery, by brigands and robbers from Mexico, and the consequent damage to every interest in that country therefrom, the inadequacy and inefficiency of the military establishment now there, as a protection against the evils complained of, and the unjust and onerous expense devolved in consequence thereof on Texas, for defense of her citizens and their property, and ask that the obligation of the general government to the people of Texas be redeemed, and that the money expended by the State in defense of her people against a foreign enemy be refunded.

IMMIGRATION.

In my first communication to your honorable bodies, I urged the expediency of a liberal appropriation for the promotion of immigration. I must be permitted, with great deference, to suggest that the appropriation for that object, for the present fiscal year, considering its great importance, falls very far below the requirements of a proper policy. In view of the benefits which will flow from peopling the vacant and uncultivated territory of Texas, it seems to me that an appropriation of sixteen thousand dollars, the amount devoted by the last session of your honorable bodies towards aiding in accomplishing that object, is to state it mildly, utterly inadequate and insufficient. If as a measure of State policy, it is wise to use such means as are calculated to bring into Texas, and settle in her borders immigrants who will be citizens, who by their muscle, brain, enterprise and capital, will aid in building up the wealth, power, importance and influence of the State, and if the means provided for that purpose should bear some proportion to the object to be accomplished, then it does seem that no argument is necessary with those who know Texas and her needs, to demonstrate the expediency of a greatly more liberal appropriation. The great want of Texas is population. Liberality in providing means for supplying that want is the truest economy. With population, all else that is needed to develop and build up Texas, will come as natural and necessary con-

sequences. There is no want in Texas that will not be supplied by a settlement of her territory with people, with the property and capital they will bring. The farmer will be supplied with reliable labor, so much needed, and he and the stock-raiser with a market at their door. The land-holder with purchasers for his broad acres, the merchant with customers, the mechanic with contracts, the lawyer with clients, and the doctor with patients. Increased production will cheapen transportation by furnishing freights to the extent of the capacity of railroads to carry them, and will invite the construction of competing lines, while increased values for assessment will lighten taxation. Towns and cities will spring up, furnishing home markets for products now useless, because of the cost of transportation. Labor will be cheapened, so that we may manufacture at home and compete with outside products. Production will be diversified, and the various industries called into existence will stimulate and support each other. The wealth of Texas consists mainly in her rich lands and countless herds of stock. These enhance in value steadily in proportion as the country is settled and becomes populous. Their highest value will be found in the densest settlement, and their least in the sparsest. Railroads follow immigration. Create a necessity for railroads, by raising surplus products for sale and exchange, and they will be built. And last, but not least, the State needs citizens to give her political power, importance and influence. We may theorize about the rights of the States, and demonstrate with the most convincing logic, that Texas is not receiving that to which she is entitled from the common government, but it is to no purpose, while our wealth and population is insignificant. Our representatives in Congress, to be efficient, must be backed by numbers and by resources at home. A development of our agricultural, mining, manufacturing and commercial resources, which must be the work of human brain, muscle, energy and enterprise, while creating relations and interests with other States, which will bring them to our aid, will make Texas, in virtue of her own strength, a power to be consulted in the Federal administration. All the Southern and Northwestern States are alive to the importance of encouraging immigration, and are promoting it liberally, both with public and private means. Texas occupies a vantage ground at this time, which places her

far ahead of all her competitors for settling immigrants. There is too much disposition among us, to rely solely and too confidently on our unrivaled natural advantages. The immense tide of immigration now pouring into Texas, needs but little management and assistance to be trebled in volume. It is estimated that two hundred thousand immigrants have made their homes in Texas during the past year, and that at least three hundred thousand will come during the present year. The eyes of the world are now opening to the vast capabilities of Texas, and we should not be slow in throwing light upon her hidden resources so that they may be seen and appreciated. It is admitted that in course of time, without effort on our part, Texas will be filled with population, that the natural increase of the present flow of immigration without government aid will, if unobstructed, conduce eventually to that result, but it must be remembered that Texas comprises two hundred and forty thousand square miles of territory, and estimating her population at one and a quarter millions, that she contains only five souls to the square mile, when she is capable of sustaining seventy-five. We have an immense territory to fill up. New York numbers ninety-six the square mile, Maryland seventy-two, Virginia thirty-four, and Illinois forty-six. The capacity of Texas to support population is not inferior to that of the most favored of these States. The giant strides made by the Northwestern States in the last twenty-five years in population, wealth, power and influence, had its beginning in extensive, systematic and liberal immigration schemes; their agents were to be found everywhere, and every county and township in those States were the themes of innumerable advertisements, setting forth in minutest detail all their advantages. These States are now reaping the harvest their wisdom so abundantly provided for. They are rich in the highest development, and great in all the elements that constitute States. Their voices are potent in the national councils, their credit is unchallenged in the marts of commerce, and prosperity abides with them. An enlightened and liberal immigration policy, which, while supplying all other wants, turned a generous flow of capital into those States, has been the ground work of their success. Why shall not Texas, with a richer soil, more varied productions, superior mineral resources, and her incomparable climate, with her extent of territory five

times as great as that of Illinois, seven times as great as that of Indiana, equalling that of Iowa, Wisconsin, Missouri and Ohio combined, with New Hampshire, Vermont and Massachusetts thrown in, like her Northwestern sisters, hasten by wise legislation and liberal, comprehensive policy, the day of her greatness and power. If we will not profit by the experience of other States, at least, we should give heed to the demands of our own people; we are here as their agents, and should conform to their desires. If there is one desire greater and stronger than all others in the breasts of the people of Texas, which is universal and common to all, it is for the influx of immigration. The demand for immigrants comes up from every section and county in the State. There is scarcely a county in the State, where there is not some sort of effort being made to secure immigrants. The people *feel* the necessity for putting forth our best exertions in this direction, shall we not as representatives respond to this feeling? Shall we not make an effort somewhat commensurate with its importance, to secure the object so much coveted by our constituents, and so vital to their interests? Any other than an affirmative answer it seems to me will imply a failure to grasp and appreciate the importance of the question, the opportunity of Texas, and her highest and most commanding interest. Texas, by an expenditure of money which will not be seriously felt by her people, can be made certain in ten, most probably in eight years, to equal the great States of New York and Pennsylvania in population. The former with forty thousand square miles of territory, contains four and a half millions, and the latter with forty-six thousand square miles, four millions of people. Something is due to the present generation in Texas, to those who have borne the brunt in reclaiming an empire from barbarism, and fashioning a wilderness to civilization and cultivation, who have grown old and gray in the struggle for fruition of the glorious promise, which Texas, has ever held forth for the future. It is but just to these, that the policy of the government should hasten the day that shall crown their efforts with success, and their declining years with a consummation of life-long hopes. Every consideration of duty and interest, of patriotism and State pride, demands that the government of Texas deal with this great question in a spirit of the most enlarged and judicious liberality. The plan which I would suggest as promising

the most satisfactory results, is the appointment of agents in the cities of New York, Chicago, St. Louis, Norfolk, Atlanta and New Orleans, allowing each agent, means for keeping open an office in those cities, with allowances to each for necessary traveling expenses and postage. Minute and detailed descriptions of every county in the State with maps, showing their locality, these descriptions embracing character, quality, etc., of soil, water, timber, game, fish, productions, mineral resources, rivers, lakes, etc., prices of improved and unimproved land, of cattle, hogs, and horses, and provisions, public lands open to pre-emption, homestead and exemption laws, prices of labor and wages, the churches, schools, mills, the different routes and roads by which immigrants may reach them; in short, everything that an immigrant would desire to know of a country to which he was about to move, should be published, and the office of each agent should be a depot for their distribution. The necessary information for a publication of this character, can in a short time be obtained by the Chief of the Immigration Bureau, in Texas, arrangements can be made for such publications, in a cheap form, and on large scale, and for their systematic distribution. These again may be translated into foreign languages, and arrangements made either through agents appointed for the purpose or through commercial houses in Europe, for their distribution there. The different agents would be employed distributing publications through their respective sections, and in other ways, diffusing information as to Texas. They would make arrangements with all railroad and other lines of transportation leading to Texas, for reduced fare to immigrants. Each agency would be a general intelligence office, where information of Texas could be obtained. The Chief of the Bureau of Immigration should make occasional visits to each of these offices, and see that the work is faithfully and efficiently done. The immigration secured by these means would be of the most desirable character, intelligent, reading persons, generally of the better agricultural and mechanical classes, who would bring with them resources constituting valuable additions to the wealth of the State; this would especially be the case, if the efforts of the agents are made chiefly in rural districts as they should be. In order to induce immigration, we must place before the world the advantages of Texas, as we know them to exist. As near as it can be done, we must place immigrants on

our standpoint, give them our knowledge and experience of Texas, and to make them come to Texas for homes, and prefer Texas as we do to any other country, must as far as possible put them in possession of the reasons which influence us, and this can only be done by a judicious, liberal advertisement of Texas, as she is. We have the most attractive country in the world, the poor man finds here the reward for his toil, for which he will search in vain elsewhere, the man of capital meets returns for his investments, deemed fabulous in older countries. The farmer and stock-raiser grow rich from humble beginnings, while artisans and mechanics prosper as they ever do in vigorous and growing communities. The man of commerce will find in our coast and interior cities, where millions of dollars worth of products are handled weekly, the amplest margin for employment of his capital and talents. Immense coal fields easy of access, inexhaustible supplies of iron, and copper and other ores, quarries of finest marble, besides abundant evidences of the presence of the precious metals, all are here awaiting the magic touch of labor and capital to quicken into life the wealth which slumbers in them. We in Texas know these things, the world outside of Texas knows very little of them. What I now urge is, that we impart our information so that those out of Texas, will know them as we do. The cost of doing this, in the mode I suggest on a liberal scale, I have no hesitation in saying, will bring to Texas ten fold more of benefit, than it would expended in any other way. It is believed that under the management of active, efficient agents—first class men, provided liberally with means, immigration to Texas would be so stimulated as to be doubled if not trebled the first year, and that the proportion of increase would augment each year. I invite the most earnest attention of your honorable bodies, to this subject, and ask a liberal appropriation. We can and ought to retrench in other directions much more than sufficient to cover an ample provision for this. If in addition to energetic and liberal measures pursued by the State, the people of the different counties will organize associations for the promotion of the same object, as they have already done in many of them, the movement would be greatly stimulated, and results would be correspondingly satisfactory. It is believed from the earnest already given, that the counties will not be slow to follow the lead of the State in this

enterprise. The people are universally alive to its importance, and are ready and willing to promote it. I hand you with this, the report of General J. B. Robertson, Commissioner of Immigration, and ask for it your careful perusal and attention, and for his recommendations and suggestions, your earnest consideration. General Robertson has labored faithfully and incessantly, and it is believed, considering the slender resources at his command, most efficiently for the promotion of immigration. His sub-agents were judiciously chosen, and have been active and efficient in discharge of their duties.

PUBLIC PRINTING.

On the twenty-fourth day of March, 1874, the law of the Fourteenth Legislature, requiring the public printing let on contract, being in force, Mr. John D. Elliott was employed to do the current printing of the two houses, then in session, until a contract could be made for the year. On the seventh day of May, a contract was made with Mr. A. C. Gray, of the *Houston Telegraph*, to do the printing for the ensuing year. The maximum rates allowed by the existing law are the same paid to the public printer under the law of 1873. Colonel Elliott took the printing under his contract at five per cent. less than those rates, and Mr. Gray contracted at rates running from twenty-five to thirty per cent. less. The printing has been done well and promptly, to the entire satisfaction of the Board. The little delay which occurred in delivering the laws and journals, resulted necessarily from having to make some extra preparation to do the work. I propose to make a comparison of the cost of public printing under the law of 1873, under which a public printer was elected, with that of the law of 1874, which provides for letting it by contract, and the results under each law, with the cost of public printing in some of the other States of the Union, for the purpose of aiding your honorable bodies in forming an intelligent judgment on the respective merits of the two modes of disposing of the subject represented by those laws. This comparison is made in view of the contrariety of opinion prevailing at your last session on this subject. Believing that you will concur with me in opinion that this branch of the public service should, like all others, be administered as economically as pos-

sible, I will lay before you facts and figures, which it is believed cannot fail to dispel all doubts, if any yet exists, of the economy and consequent expediency of the existing law.

From the twenty-fourth day of March, 1874,	
until the seventh day of May following,	
there was paid for the public printing for	
the two houses of the Legislature, and for	
newspapers furnished them.....	\$5,322 36
For printing between those dates, not for either	
of the houses.....	748 11
From the seventh day of May until January 1,	
1875, including publishing the House and	
Senate journals, from the twenty-fourth of	
March, all the laws and all other public	
printing of every character, the cost with	
perhaps less than, two hundred dollars not	
yet sent in, is.....	11,363 38
Total.....	\$17,433 85

This includes all the cost of public printing from the twenty-fourth day of March, when the present-law went into effect, up to January 1, a period of nine months and seven days. I now show the cost of public printing from January 1, 1873, up to March 24, 1874, the day on which the public printer was relieved from duty, and the existing law took effect. For public printing done and newspapers furnished the Legislature and departments during this period, being a little less than fifteen months, there was paid out of the Treasury the following amounts:

To John Cardwell and Cardwell & Walker, of	
the <i>Democratic Statesman</i>	\$ 72,904 00
To John D. Elliott, <i>State Gazette</i>	4,208 99
To proprietors of <i>State Journal</i>	11,650 45
To proprietors of <i>Galveston News</i>	8,782 65
To Siemering & Co., of <i>Staats Zeitung</i>	1,102 69
To general newspaper press of the State.....	7,455 87
	\$106,104 65
Add claim of proprietors of <i>Galveston News</i> ,	
not yet audited or paid, but on file.....	8,486 00
Total.....	\$114,590 65

The entire session of the Thirteenth Legislature, and two and three-fourths months of the session of the Fourteenth, is included in the period when this amount was expended. I have an exact statement of the printing expenses of these two bodies, from the Comptroller's office, as follows:

Thirteenth Legislature.....	\$29,804 79
Fourteenth, full session, \$20,128 04; but up to the twenty-fourth of March.....	14,804 68
Total.....	\$44,610 47

Deduct this amount, being the sum total of all the Legislative printing, from the total for the fifteen months, and we have a balance of \$69,980 18, expended for printing during this period, exclusive of Legislative work. Now in order to get at the cost of public printing for one year, including one session of the Legislature, deduct the printing expenses of the Fourteenth Legislature, as above given, for the full session, from the total of the expenditure for the fifteen months, then divide the balance, \$94,462 61, by fifteen, and we find it \$6,297 50 per month, and this multiplied by twelve gives \$75,570 00, as the cost of public printing for one year, under the law of 1873, *with one session of the Legislature.*

Now to find the cost of one year's printing under the law of 1874, under the administration of the Printing Board, take the amount footed up from the twenty-fourth of March to January 1, 1875, nine months and seven days, under the present law as above stated.....	\$17,433 85
Add balance printing expenses of the Fourteenth Legislature.....	14,805 68
Add \$1,200 per month for January, February and up to the twenty-fourth of March, being above the average of cost per month under present law, for printing other than Legislative work.....	\$3,360 00
Total.....	\$35,599 53

This total, \$35,599 53, is the outside figure for the cost of public printing one year under the present law, as shown

by adding all the printing expenses of the Fourteenth Legislature, to the amount expended under this law from the twenty-fourth of March to January 1, 1875, together with a monthly average for work other than Legislative work, for January, February and to the twenty-fourth of March, necessary to make out the year, exceeding by nearly two hundred dollars per month, the actual monthly average under Gray's contract. And of this cost for one year under the present law, it will be observed that \$14,805 68, being nearly half, was contracted under the law of 1873, and like the balance of the work under that law, exceeds the cost under the present law three times, but it is taken here at its present figures to make out the year with one session of the Legislature, so as to complete the comparison. If this Legislative work is, as it should be, subjected to the same deduction as has occurred in all other work since the present law went into effect, this total will be reduced considerably less than \$30,000. The printing of Supreme Court reports is not included in any of these calculations; that is additional. I go one step further and compare these figures with the cost of public printing in other States. I have official information from the States named, that the cost of public printing is as stated here:

Georgia for 1872,	paid for public printing,	\$42,452 23
“ 1873,	“ “ “	6,156 36
Virginia 1873,	“ “ “	25,449 92
“ 1874,	“ “ “	26,232 46
Missouri 1872,	“ “ “	22,456 06
“ 1873,	“ “ “	22,760 77
Indiana 1873,	“ “ “	57,320 39
“ 1874,	“ “ “	25,238 20
Alabama 1873,	“ “ “	20,321 16
“ 1874,	“ “ “	20,121 46
Tennessee 1873,	“ “ “	17,456 03
“ 1874,	“ “ “	17,456 03
Kentucky 1872,	“ “ “	22,439 62
“ 1873,	“ “ “	27,286 57

Alabama, by the census of 1870, contains nearly two hundred thousand more population than Texas did at that time. Kentucky, Georgia, Tennessee and Virginia had then more population than Texas claims now, and Indiana

and Missouri each more than double the population of Texas. The Secretary of the State of Illinois writes: "The contract for the last two years was let' at the maximum rates fixed by law, there being but one bid, and therefore the aggregate is much larger than it will amount to for the next two years, the bid being much less. The amount paid for State printing for the past two years is \$91,876 14." Illinois numbers over three times the population of Texas. These figures speak for themselves and need no comment. They verify the correctness of the estimate, which instead of \$75,564 00, for one year of public printing in Texas, fixes the cost at considerably less, when done with a view to economy and the interests of the State, than \$30,000 per annum. The value of State warrants had nothing to do with the excessive cost of this branch of the public service, under the law of 1873, providing for a public printer, because the rates were fixed by law, and whether warrants were worth fifty cents or one dollar, the price of printing was the same. With the knowledge of this subject derived from my experience as a member of the board of public printing, I can give to your honorable bodies perfect assurance, that with proper administration and paying the printer remunerative prices for his work, the public printing usually should not cost the State one dollar more than \$25,000 per annum, and that no contingency is likely to arise to make it cost exceeding \$30,000 at the highest. The way to correct and reform an abuse is to expose it, and take measures to prevent its recurrence. The existing law has guarded the public interest well in many respects, but needs some amendment. The greatest *leak* in this whole printing business is in the legislative printing, and all efforts at reducing the cost of this work within proper bounds will be futile, unless that is stopped. Bills for printing are presented to the committees of the houses without samples of the work, and if they were furnished, no one but a practical printer knows how to measure or estimate them, and these bills in the hurry of business are allowed frequently without examination, and sometimes by those who, if they examined them, could not tell whether they were in conformity with the rates prescribed by law or not, because unable to measure them, and in this way charges greatly exceeding the rates prescribed by law, are approved and paid. The printing bills of the Thirteenth Legislature amounted to \$29,804 79, that of the Fourteenth

was \$20,128 04, a difference of nearly \$10,000, when the session of the latter was only one month less than the former. Now I do not hesitate to affirm that if the printer's rule had been put to the work, that both of those bills would have been reduced between one-third and one-half; and to say further that \$12,000 ought to pay the printing expenses of any four months session of the Legislature. I recommend, for the purpose of correcting this evil, that the law be so amended as that the committees having this matter in charge, be required to certify the printing accounts to the board of public printing for examination and approval, and that samples of the work be required to accompany the accounts, so that the practical printer employed by the board for that purpose may measure or estimate them, and see that only legal rates are charged. It having been demonstrated that the public printing can be done at from twenty-five to thirty per cent. less than the maximum rates allowed by law, I recommend that those rates be reduced at least twenty per cent., except those for printing in German and Spanish, and that a provision be made for translating these laws from English into those languages, since for the want of such provision the board have been unable to have the laws printed in those languages. The board having been compelled, in the absence of the proper knowledge themselves of the printer's art, to employ a practical printer, who also acts as clerk of the board, to measure and estimate the work, it is recommended that specific authority be granted by the law for this purpose, his services to be paid for out of the printing fund. I further recommend that at the same time that reports are required from the different departments, the board of public printing be required to make a detailed and itemized report of all the public printing done for the State and the cost of the same, to whom paid, etc., etc., so that the Legislature and the country may know whether this branch of the service is being properly administered. The Governor, Secretary of State, and Attorney General, constituting the printing board, are much burdened with various duties, to which those of this board are a very onerous addition, and if it shall please your honorable bodies to relieve them, it will be personally pleasant to them; but recognizing the fact that they are performing a service necessary to be done, are willing, if in your judgment, it had as well be on them as others, to continue to discharge the duty.

The board have been left in some doubt by the law of 1874, as to whether it means that they shall contract for the current printing of the two houses when in session, and not wishing to trench on your privileges, have made a contract for that part of the public printing subject to the acceptance of your two houses. This contract is on the same basis with that of Mr. Gray, and except one almost immaterial variation, being not less than twenty-five per cent. under the maximum rates of the law. This contract is on file in the office of the Secretary of State.

(PUBLIC EDUCATION.

The organization of a system of Public Free Schools, which shall be adequate to the educational wants of Texas, and at the same time, within the ability of the people to maintain, is a work of greater and more over-shadowing importance and of greater difficulty than any other that the government is called on to perform. The partial failure of the effort now being made in this direction, is attributable to several very natural causes, not the least of which, are the shackles imposed by the constitution upon efforts at amendment of the system, and the unwillingness, if not the inability of the people, to bear the burden which a thorough system of public education necessarily imposes upon them. As a thorough system of public education is second in importance to no measure of policy affecting the public interest, it at the same time involves a larger expenditure of money than any other, in fact than all others combined, in the ordinary administration of the government. The benefits of such a system are of transcendent importance in the material growth and the political and moral health of a State, and the cost of it bears some proportion to its advantages. Many who complain of the inefficiency of our system, and the shortness of the scholastic term, are not aware of the money necessary to efficiency, and for a six or ten months term, instead of four months. The constitution fixes the scholastic ages at from six to eighteen. The population embraced within these ages in Texas, now, is three hundred and thirteen thousand and sixty-one. It is believed that the increase from immigration and other causes will run this figure up to four hundred thousand within the present year. Of those within the scholastic age, one hundred and sixty-one

thousand, six hundred and seventy have been enrolled in the public schools during the past year. The average cost per *capita* of these is one dollar and fifty-six cents per month, or six dollars and twenty-four cents per term of four months, making an aggregate of one million and eight thousand eight hundred and twenty dollars and eighty cents, which is about two hundred thousand dollars more than is needed to pay all the ordinary expenses of the State government. An eight months' term of course would cost double that amount, nearly one per cent. on the taxable values of the State. While such is the case, the entire income from the permanent school fund, the one-fourth of the *ad valorem* State tax, and the poll tax for the past fiscal year, was five hundred and forty-six thousand nine hundred and eighty-five dollars. The usual proportion of the scholastic population enrolled which attends school, is a little more than one-half in sparsely settled States, the average of attendance increasing in proportion as the country is more thickly settled. In Texas, if our public schools were well organized and operated, the proportion in attendance would therefore probably be about two hundred thousand of a scholastic population of four hundred thousand, which at six dollars and twenty-four cents per capita, would cost one million two hundred and forty-eight thousand dollars for a four months' term, an amount nearly equalling all the taxes collected by the State for all purposes at this time. The income from the permanent school fund, and other State sources for the last fiscal year, falls so far short, even with the present limited attendance on the public schools, as to leave a heavy deficiency to be raised by county taxation.

General public education costs money, and cannot be had without it, and the people must be willing to pay for it before a system can be established, which will give satisfaction and meet the requirements of the State. When the operations of the public free school system of Texas are compared with those of other States, it must be borne in mind that we are beginners, seeking that which is best, to be successful in finding it, only by trial and experience as other States have been, and it will be well also to bear in mind the cost of a good educational system in other States where such have been established. Michigan, with a school population of four hundred and twenty-one thousand three hundred and twenty-two, spends annually to

maintain public schools, three millions one hundred and forty-eight thousand eight hundred and eighty-four dollars. Maryland, with a school population of two hundred and seventy-six thousand one hundred and twenty, expends one million three hundred and fifty-four thousand and sixty-five dollars. Massachusetts, with a school population of two hundred and eighty-seven thousand, expends six millions two hundred and forty-one thousand two hundred and thirty-nine dollars. Indiana, with a school population of six hundred and thirty-one thousand five hundred and forty-nine, expends three millions five hundred and fifty-nine thousand eight hundred and ninety-seven dollars. Illinois, with a school population of nine hundred and nine thousand eight hundred and twenty-eight, expends nine millions two hundred and fifty-nine thousand four hundred and thirty-eight dollars. Colorado Territory, with a school population of fourteen thousand four hundred and seventeen, expends two hundred and fifty-two thousand two hundred and ninety-eight dollars. The cost varies very greatly in the different States and Territories, but is heavy in all. It must also be remembered that in all these States there have been expenditures for school houses, furniture, etc., and in the total of cost per annum given is included as to this item only the cost of repairs, etc. Texas owns no school houses, or comparatively none. Every disadvantage that it is possible to conceive has been labored under, and if money in abundance had been in hand to pay all expenses, the scarcity of really competent teachers, is such as would have presented a very great obstacle to success. But with all the disadvantages under which we have labored, it is gratifying to note the fact that the common free schools of Texas are being attended now by thirty-two thousand one hundred and twenty-eight more pupils than at any former period since they went into operation, and in this regard are steadily improving. The question to be solved is, can we establish in Texas a common free school system, the burdens of which the people are able to bear, that will meet the wants of the State. I answer unhesitatingly that we can lay now, broad and deep, the foundation of an educational system for Texas, which, when matured, will not be surpassed by that of the most favored State in the Union, which, with a proper appreciation of its advantages, the people will be not only able, but willing to maintain. I speak without reference to the present constitution

and laws, but in view of an early and radical change in the former, to be followed by equally thorough changes in the latter. The trouble with the Texas system is, that too much is attempted. The scholastic age fixed by the constitution, from six to eighteen, is too extensive. The range of study is too great; Texas cannot afford to have the classics or the languages taught now in her common free schools; nor can she afford to have all her children, from six to eighteen, in school at once; she cannot procure the services of a sufficient number of competent teachers for either as yet. This system, without school houses, a greatly insufficient supply of competent teachers, and with funds utterly inadequate for the purpose, seeks to occupy the entire educational field, to the great injury of individual effort and private enterprise in this line, as well as to the cause of education itself, and has expended in the effort several millions of dollars, with results far below what might have been attained if only that which could have been done well, had been attempted, laying at the same time a broad foundation for future expansion. If the scholastic age were reduced from its present figures to embrace all from eight to fifteen, and the course of study to the rudiments of a plain English education, and the term extended to six instead of four months, the number of pupils would be reduced from one-third to one-half, and the salaries of teachers could also be reduced. Under this reduction it is believed that a uniform tax of one-third of one per cent. levied and collected as the State and county taxes are now, in addition to the present general or State revenues, would maintain the system abundantly, pay the teachers, (which is almost our only expense now) regularly, and enable them to work at considerably reduced rates. This would leave, for the present, to private enterprise the higher field of educational effort. It is believed that the people are able and willing to bear the burden of the system thus modified, and that the system will grow naturally with the aids that can be brought to its assistance until it will cover the entire field of educational labor from the highest to the lowest grade. The great landed endowment of the public schools of Texas has been hoarded long enough, its treasures should be unlocked to the enjoyment of the present generation, and to their relief from taxation, and it should be made available for present needs. This, it is believed,

can be done. The alternate sections of land located by railroad companies and other corporations, which have been set apart by law, and dedicated to the common school fund, number thirty-six thousand and seventy, equal to twenty-three millions, one hundred thousand acres. Estimating that there are five hundred leagues, equal to two millions two hundred and fourteen thousand acres of the county lands, which the present constitution places under the control of the Legislature, to be used for the benefit of the general school fund, about which, it may be remarked, a question is being made in the courts by some of the counties; of these two hundred and seventy-four leagues have been patented, and fifty leagues located, surveyed, and the field notes returned to the General Land Office, but not yet patented, equal to one million four hundred and thirty-four thousand six hundred and seventy-two acres, the greater portion of it selected at an early day, and embracing some of the finest and most valuable land in the State; and to this add one-half of the public domain remaining located by virtue of "certificates heretofore issued, as well as those hereafter issued to any railroad company or other corporation of any nature whatever, for internal improvements or any other object," set apart to the school fund by act of the Legislature, of the thirteenth of March, 1873, which is estimated to be certainly not less than thirty-five million acres. These numbers of acres of land thus constituting the endowment of the common school system of Texas, when footed up, aggregate sixty millions three hundred and fourteen thousand acres. Of this, twenty-four millions five hundred and thirty-four thousand six hundred and seventy-two has been selected, surveyed and patented, except about two hundred thousand acres before referred to, the field notes of which are on file in the General Land Office.

Fifty leagues of land, equal to two hundred and twenty-one thousand acres, have been granted and set apart for a university fund. These lands were granted at an early day, selected chiefly in what is now the most prosperous and flourishing part of the State, and are very valuable. How shall this immense fund be utilized and made available for our present necessities? We need school houses in which to carry on the system of common schools suggested, plain furniture for them, and an annual fund for repairs. I suggest that we draw on the land endowment for relief

from taxation for this purpose. The alternate sections, comprising twenty-three millions one hundred thousand acres, by act of the Legislature, approved April 24, 1874, are now offered for sale at a valuation per acre, to be affixed by commissioners, not less than one dollar and fifty cents, payable one-tenth cash and the remainder in nine equal annual installments, with interest at ten per cent. The county school lands may also be placed in market, and will sell readily at good prices. One million and a half of dollars will build all the school houses necessary, and furnish them; let the State issue her bonds bearing eight per cent. interest, and payable in thirty years, in sufficient amount to raise this sum predicated on these lands, and devote the proceeds of sale of the lands to payment of interest on bonds as it accrues, and lay aside also a sufficient per cent. sinking fund to pay the bonds at maturity, the excess of proceeds of sale to be invested in good interest bearing securities, and added to the permanent school fund. The lands will constantly increase in value, and the obligations for which it is sold will increase rapidly by the accrual of interest, and as time advances the permanent fund will augment. As the school fund becomes changed by sales from non-available to available, and is magnified in value, it will become the basis for more extended operations, and the school system may be expanded to embrace wider extremes of scholastic age, longer term if necessary, and higher grades. In the mean time, by using the university fund as a basis, the land being now by act of April 8, 1874, in market and selling rapidly at good prices, money may be raised by the issuance and sale of bonds for the establishment and organization of one or more universities, which, together with the college at Bryan, now nearly ready to go into operation, and which it is hoped your honorable bodies will at this session make an appropriation to complete in all respects immediately, will under proper arrangements and administration, educate teachers to carry on the common schools. I have not the space if it were desirable in this communication, to elaborate the detail of this proposition, believing it will be found practicable and efficient, it is simply desired to call attention to it. A plan of this character will be a safe one, and will result ultimately in the establishment of a thorough system, since we will at no time be going beyond our means, and be constantly making a healthy

advance toward the desired consummation. The people will learn the value of a public educational system, without being oppressed by it, attempting only what can be well done, their confidence will be won and their judgment convinced, and they will be ready to extend its sphere of usefulness as the ability to do so is increased. We may rest assured, that if the people once understand and appreciate the benefits of public free schools, the system will take care of itself. In the Northern, Eastern and Western States, where they have long been accustomed to its burdens, as well as its benefits and blessings, there is no institution which has so entwined itself around the affections of the people as this. They will cheerfully submit to taxation to support it, which assessed for any other purpose would drive them to rebellion; and wherever they immigrate in controlling numbers, let their circumstances or condition and that of the country be what it may, they first rear their home altars and next the inevitable free school house. Educational statistics show that these people have carried this institution into every wilderness in the Northwest, and however sparsely settled and forbidding the country, have perseveringly nurtured it into success. The superiority of educated over uneducated labor, in any business or pursuit, from the highest to the lowest, to say nothing of the intelligence so necessary in those who control and direct the government, and of the moral influences equally necessary, which can only come from general public education, forbid any relaxation of our efforts in this direction. There is not a State nor Territory in the Union, that has not in operation a public free school system, and that is not putting forth its best exertions to maintain and improve it. Shall Texas, young, hopeful, prosperous, mighty and growing in resources, do less? Her dead statesmen and heroes pointing her through the constitutions of '36 and '45, and the princely domain secured by their wisdom for this object, to the path of duty, exhort her to be no laggard in this great race for material, moral and intellectual development and improvement. If she is true to herself, the teachings of her illustrious sages, and the highest demands of the hour, Texas will press forward over all difficulties with unfaltering step. Your honorable bodies are referred to the able and learned report of Hon. O. N. Hollingsworth, Superintendent of Public Instruction, herewith furnished, for such changes of the present

law as he deems necessary, until such organic changes in the system as may be found expedient, can be made. This report is commended to your careful and earnest consideration.

STATE FINANCES.

The report of the Treasurer and Comptroller of the operations of their departments, up to the the thirty-first of August, 1874, the end of the last and the beginning of the present fiscal year, together with supplemental reports from each, bringing up to the first day of January, 1875, information of the fiscal operations of the government, are herewith transmitted for your consideration.

The account of the Treasurer shows on hand, \$188,041 79, currency; \$1,55618, specie, of special funds, and a debit of State revenue to special funds of \$12,870 77.

The report of the Comptroller shows the entire public debt of Texas, up to January 1, 1875, excluding from the computation about \$800,000 due to trust funds of her own creation, the obligations for which are in the vaults of her treasury, to be as follows:

Bonds for funding State debt under act approved November 19, 1866.....	\$125,000 00
Bonds for funding State debt under act approved May 2, 1871.....	75,000 00
Frontier defense bonds, act August 5, 1870...	584,000 00
Revenue deficiency bonds, act May 19, 1871..	257,000 00
For funding State warrants under act approved May 30, 1873.....	27,300 00
For funding State warrants under act approved May 2, 1874.....	68,700 00
Revenue deficiency bonds, act of Dec. 2, 1871,	4,000 00
For payment of the floating debt, act of March 4, 1874.....	1,000,000 00
Due Williams & Guion.....	92,044 30
Outstanding approved certificates of debt fundable in 6 per cent bonds.....	46,974 84
Interest due Texas Agricultural and Mechanical College fund.....	28,420 00
Warrants on general revenue unpaid Jan. 1, 1875.....	540,330 21
Warrants on school fund unpaid, Jan. 1, 1875,	264,289 86
Pension bonds, act of April 21, 1874.....	802,389 00
Pension certificates to be bonded.....	97,000 00
Total.....	\$4,012,421 21

Of this amount the following is the unbonded or floating debt, viz :

Interest due Texas Agricultural and Mechanical College fund.....	\$28,420 00
Certificates outstanding, fundable in 6 per cent. bonds.....	46,947 84
Warrants on general revenue unpaid.....	540,330 21
Warrants on school fund unpaid.....	264,289 86
Pension certificates to be bonded.....	97,000 00
Total.....	\$976,987 91

Deducting the amount of the floating debt from the total entire debt, and the balance, \$3,035,433 30, is the amount of the State's outstanding bonded debt. The increase in the public debt since the report in January, 1874, is represented by the bonds and certificates granted to the revolutionary veterans of Texas, by act of April, 1874, amounting to \$899,389, and a few thousand dollars of miscellaneous indebtedness. The remainder was incurred before January, 1874, and is due to school teachers and others for services in 1873, and in the confusion of the records when the last report was made, was not noted, and in fact much of it was not reported until subsequent to that time. In this statement of the bonded debt, is included twelve hundred and ninety-one (1291) bonds of \$1000 each, sold by Hon. W. L. Moody, financial agent of Texas, in New York, being the total of sales reported by him up to the time the report was made. It may be added that since that time, I have advices by telegraph from Col. Moody, of sales which have enabled him to pay off the Williams & Guion debt, and as soon as a report is received from him of the sale, which is expected daily, I will in a special communication exhibit to your honorable bodies an itemized account of the sales of bonds made and reported by Col. Moody, since his appointment as financial agent. I will state further that all sales of bonds made up to the time that Williams & Guion were paid off, were made at eighty-five cents, these parties were pressing the State so that it was deemed highly important to settle with them as early as possible. As soon as they were paid off, Col. Moody was instructed to advance the price of the bonds, and has since by telegraph reported a sale at ninety (90) cents. Col. Moody had in his hands nineteen hundred (1900) State bonds of \$1000 each, which

he was authorized to sell, and the balance unsold, or not reported sold at the date of this report, was six hundred and nine (609).

The estimated deficiencies for the present fiscal year are as follows :

For justices' fees for assessing taxes for 1874,	\$125,000 00
For costs due sheriffs, clerks and attorneys in district court, for the year ending August 31, 1875, and previous years.....	60,000 00
For fees of justices of the peace, district attorneys and other peace officers, in criminal prosecutions in justices' courts.....	10,000 00
For fees of district attorneys in justices' courts, for year ending August 31, 1875.....	5,000 00
For interest on pension bonds.....	80,000 00
School department.....	52,574 00
Total.....	\$332,574 00

To this must be added the expense of the present session of the Legislature, and that of the anticipated Constitutional Convention. For the full payment of the floating debt as above given, and of these deficiencies for the present fiscal year, your honorable bodies should provide. I recommend that provision be made by law for the issuance and sale of as many bonds of the State, in addition to these now in the hands of Col. Moody, unsold, as may be necessary to raise money to pay off the entire floating debt, as well as the contemplated deficiencies mentioned above, so that the State may enter upon the fiscal year commencing September 1, 1875, unembarrassed with the debts of previous years. In this floating debt is included the claims of teachers for services rendered up to July, 1873, for which your honorable bodies made a provisional appropriation at your last session of \$400,000. These claims are meritorious, and should be paid, and the appropriation alluded to is so restricted and limited, that there is no prospect whatever of one dollar ever being paid under it. I hold it to be a correct principle in finance, that as long as the State is able to raise money there should be no floating debt. A draft on the Treasury of the State should be at par, and when presented at the Treasury should be cashed. If the State is able to raise money to pay her debts, she ought to pay them when due. Circumstances may and do occur to

prevent this sometimes, but should not when they can be anticipated. That financial management is best which provides against their occurrence. As long as warrants on our Treasury are shaved within the shadow of our capitol, we cannot expect strangers to invest in Texas bonds, except at a heavy discount. It is hoped that your honorable bodies will make ample provision to pay off every dollar of the unbonded debt in existence on the first day of September, 1875, so that there will be no more trafficking in Texas Treasury warrants, and no more loss to the creditors of the State in discounts.

The estimates for support of the State government for the fiscal year commencing September 1, 1875, are \$1,079,295, exclusive of the cost of maintaining the public schools, of frontier defense, and of a session of the Legislature in 1876. The Comptroller simply adopts the estimates sent him by the different heads of departments. A reference to the appropriations made at your last session will show that this estimate is excessive by between one hundred and one hundred and fifty thousand dollars. It includes \$330,000 for payment of interest on the public debt, in which is embraced properly, as well, the bonds unsold in Col. Moody's hands, as those which have been sold, it being probable that an early sale of the remainder will be effected. The net proceeds of the taxes for 1875, after deducting all cost of collection, the usual per cent. for delinquency, and one-fourth belonging to the school fund, are estimated at \$1,289,348, being an excess over estimated expenditures of \$210,053, and when the estimate for expenditures is properly reduced, the estimated receipts will exceed them at least \$300,000, and probably more. The estimates for cost of common schools for the same year are \$567,550, and of receipts for available school funds, are \$715,129 70, being an excess over anticipated expenditures of \$147,579 70. These estimates are based on certain and reliable data, and will unquestionably be verified. The entire value of taxable property in Texas, as actually assessed for 1872, was \$207,920,526; for 1873 was \$223,410,920, and for 1874 was \$241,841,860, and the amount for 1875 is *estimated* at \$275,000,000, and upon this estimate is based the figures given for the tax receipts of that year. If the tax law is amended in accordance with suggestions that will be made, it is believed that the next assessment will not fall short of \$300,000,000. After reaching the

maximum of the present taxable values in Texas, it is believed that the annual increase will be between ten and fifteen per cent. If your honorable bodies will provide for paying off the floating debt, and for the deficiencies anticipated for the present fiscal year, so that the revenues of the next year will not be touched, except for the expenses of that year, there is no doubt but that they will be ample to defray all the expenses of the government. After that we should live strictly within our means, as we will be abundantly able to do, measuring expenditures by receipts, so that the former shall never exceed the latter.

Your attention is called to the many defects in the tax law. Taxation should be equal and uniform, but under this law it is believed that two-thirds of the property of Texas pays all the expenses of the government, the other third contributing nothing. Those who pay the taxes are citizens whose property is in sight, who produce, who cultivate the soil, and improve real estate in the towns and cities, and create the wealth of the country. One of these rarely escapes taxation. A large proportion of the personal property, money, bonds, bills, notes, stocks and other valuables in the State, and of the assets of banks, banking concerns, trust, insurance and other companies and corporations, not visible to the assessor, is never assessed and pays nothing. A vast amount of real estate, chiefly unimproved, also escapes taxation. I am informed by the Comptroller that no tax is being paid on about 35,000,000 acres of patented land, this amount he *knows of*, how much more he cannot tell. The fundamental error in the present tax law is in the provision for assessment. There are five assessors for each county, and they are paid five per cent. for their services until their fees reach respectively \$1000, and after that they get nothing. The fees will not pay competent men to take hold of the business and make thorough assessments, and besides after each one has assessed \$20,000 worth of property, his fees amount to \$1000, and although he might assess one million dollars worth after that, he receives not one cent for it; all inducement save the satisfaction which is found in a conscientious discharge of duty, is taken away for doing additional work. He is a poor judge of human nature who has not learned that this motive will not always do to rely on in business affairs. The interest of the officer ought to run parallel with that of the State in making assessments; his fees

should be graduated so as to give him an interest in the last as well as the first dollar's worth of property he assesses, and the commissions should be liberal enough to secure competent men for the work. The constitution formerly provided that the justices of the peace should be the assessors in their respective precincts; since the last amendment providing for the election of an assessor and collector, it is believed that the Legislature have the power to make provision for an assessor and collector until the next general election, when that officer is to be elected. There should be one, and only one, officer in each county, charged with the duty of assessing and collecting the taxes; the commissions for a whole county will pay a thoroughly competent man to take hold of it and do the work well. I quote from the Comptroller's report:

"As an illustration of the difference between the assessment made by one man at a commission on the whole amount assessed, and that of our county assessors, whose commissions cannot exceed in any case one thousand dollars, I will state that the city assessment in one city in this State exceeds the State assessment for the whole county in which said city is situated, *eight millions five hundred and twenty-eight thousand four hundred and twenty-four dollars*, a clear loss to the revenue of over forty thousand dollars."

If this amount is lost in one county under this law, how much is lost in the whole State annually? I recommend that your honorable bodies amend the law, and make either the sheriff of each county, or the presiding justice, the assessor of taxes of their respective counties, until an assessor and collector is elected at the next general election, and that the commissions for assessing be graduated. Additional amendments to this law are also needed in order to subject to the special school and other county taxes, the property of railroad corporations, and the lands of non-residents. Each assessor and collector should be provided with an abstract of all the patented or titled lands, and with a map of his county showing every tract of land in it subject to taxation. It is only by this means that the lands in Texas can be properly assessed.

With one assessor and collector to the county, having the map and abstract of land titles to guide him in assessing land, paid with graduated commissions, which will make the profits of his office depend on his energy and

labor, and a law requiring all lands given in for assessment in the county where they lie, together with a summary and decisive mode for removal from office of any assessor who assesses property at less than its value, there is no question but that the taxable values of Texas will go up the first year to three hundred, and possibly to three hundred and fifty millions of dollars, and enable the State to reduce the rate of taxation from one-half, as it now is, to one-third of one per cent. There are other amendments to this law necessary, for which you are referred to the able and interesting reports of the Comptroller.

The interest on the public debt of Texas has been paid promptly to the day since the sixteenth day of January last, and will continue to be. Warrants upon the Treasurer are being paid generally when presented, and when not so paid are eagerly sought by speculators in them at ninety-eight (98) cents on the dollar.

I call to your attention the practice which prevailed extensively twelve months ago, and which I have good reason to believe, still exists to some extent, for some sheriffs to keep out of the treasury money collected from the people for support of the government, and in collusion with other parties, to use it for purposes of private speculation, to the detriment of the public interest. Public money has been used repeatedly to buy up Treasury warrants at a discount, when if that very money were in the treasury, as it ought to be, these same Treasury warrants would be cashed at the Treasury counter, instead of the holders being compelled to sell them at a discount. These officers, who thus abuse their trust, and their confederates who furnish the facilities for the operation, and share the spoils, are guilty of a fraud against the State, her revenues and her creditors. I ask that your honorable bodies put on the statute book a stringent enactment, which shall brand these transactions with the stigma which should be affixed to them, and put upon all parties concerned in them, such penalties as will protect the State and people against their depredations in future.

Vigorous measures have been instituted for the recovery of the bonds of the United States, belonging to the permanent school fund of Texas, known as "Texas Indemnity Bonds," which went wrongfully out of the possession of the State during the late war, and it is believed that in a short time these securities or their proceeds will be re-

turned to the State's possession. Among other measures adopted, a bill has been introduced in Congress by the Hon. D. C. Giddings, directing the Secretary of the Treasury to pay over to the Governor of Texas the full amount of one hundred and fifty-one of those bonds numbered from 4544 to 4694 inclusive, wrongfully possessed and detained by Droege & Co., of Manchester, England. It is deemed probable that this bill will pass, and that it will contain a provision requiring an indemnifying bond from Texas, such as is usually given when lost instruments are paid. You are recommended to authorize the execution of such bond by the Governor, if necessary.

VETERAN PENSIONS.

Under the law of the last session, granting pensions to the revolutionary veterans of Texas, bonds in the sum of \$802,389, have been issued, and the stock of bonds having been exhausted, certificates showing the holders entitled to bonds under the law, have been issued in the sum of \$97,000. An appropriation for the execution of bonds, to be issued to the holders of these certificates, is necessary. It has been nearly one year since this law went into effect. It is to be presumed that all who desired or needed its benefits have either received bonds or certificates, or have applications for them on file. The law should not be left open on the statute book. It leaves too wide an opening for the perpetration of frauds on the State. I recommend its immediate repeal with a saving in favor of those whose applications are now on file. This may possibly work a hardship in a few individual cases, but all have had an opportunity who are entitled to avail themselves of this bounty, and when they have failed to make application, can not justly complain of a measure which is absolutely necessary to protect the State against frauds.

COUNTY FINANCES.

Much complaint is heard from the people of high taxes, and the State administration is being charged with a failure to retrench expenses. Inquiry should be made into the cause of these complaints, and a remedy applied when practicable. The State levies and collects from the people for State purposes, one-half of one per cent. *ad valorem*.

This is fifty cents on the hundred dollars, five dollars on the thousand. The citizen owning ten thousand dollars worth of property pays fifty dollars into the State treasury, and no more. He who owns one thousand dollars worth, pays five dollars, and no more, into the treasury of the State. No other money collected from the people comes to Austin, or is handled or administered by State officials. Out of this one-half of one per cent. brought to Austin, one-fourth is set apart to the school fund, and is sent back to the counties whence it came, in payments to teachers of public schools, the remainder being three-eighths of one per cent., or thirty-seven and a half cents on the the hundred dollars, pays all the ordinary and extraordinary expenses of the government, defends the frontier, pays the interest on the public debt, and keeps the government moving. All the other taxes collected from the people are levied, collected and disbursed in the different counties, and by county officers, chosen by the people. None of it is seen, handled, or controlled by State officials. It is a good thing for the people to be vigilant, to hold officers to a rigid accountability for public funds entrusted to them, and for an economical administration of the government, in so far as its machinery is in their charge. So far as the State officials are concerned, they cannot be charged with the extravagant or mal-administration of funds, or the high taxes imposed, collected and disbursed in the several counties of the State. For this, wherever it exists, the people of the counties should hold their county officials responsible. The general county tax is one-fourth of one per cent. ; there is the road and bridge tax, the school tax, and, in many counties, jail and courthouse tax, and special taxes for other purposes. These special taxes are oppressing the people, and when they are larger than they should be, or not economically administered, the people should appeal to their home officers, to their county courts, who impose some of them, to their school directors and trustees, who impose the school tax, and thus restrain extravagance when it exists. When exorbitant salaries are paid to teachers, high taxes are necessary to pay them ; for this the officers of the school department are and should be held responsible. The great bulk of the machinery of our State government is in the county and other municipal governments, the State government proper having but little more through general laws for their guidance than a sort of

general superintendence over them. Matters committed by these laws to the charge and control of county authorities are beyond the reach, for the time being, of the State government, and the people, in whose midst they are, are expected to regulate them by the exaction of a proper responsibility. It is in the power of the State government, when discretion allowed to county officers under general laws is being inconsiderately or extravagantly used, to abridge and curtail that discretion, and for this purpose I recommend a careful revision of all laws under which special taxes of any character are allowed to be imposed by county authorities, and that such restrictions be placed on the exercise of such powers as will in future guard the interests of the people more effectually. I recommend particularly an amendment to the school law, which shall fix one half of one per cent. as the limit beyond which no special county or district tax shall go for support of schools. This recommendation is made because of information received that in many counties, taxes heavier than the people are able to bear, are being imposed under this law, in order to pay teachers wages higher than the service justifies, or the county can afford. This restriction will compel those empowered to contract with teachers to regulate the wages for this service conformably to the fund out of which they are to be paid. While the improved financial condition of the State is a subject of congratulation for the people, I am sorry to say that the finances of the great majority of the counties in Texas, are in a condition which demands earnest consideration, and prompt and decisive measures of relief and reform. Various causes have conspired to involve many of them deeply in debt, and many of those causes are still at work increasing these disastrous consequences.

The frequency with which courts are held multiplies enormously the expenses of the counties, for bailiffs, jury and other incidental services. What is the remedy? The courts are not held too often, as is evidenced by the fact that they scarcely ever get through the business on the dockets. If they are held less frequently, the expense of keeping prisoners will eat out the substance of the counties, besides, chances for escape of prisoners would be greatly augmented. The swiftness and certainty with which punishment should follow crime, would be obstructed, and all the evils of tardily executed laws would fall

upon the country. The principal portion of the expense devolved by the courts upon the counties, is the cost of the jury service. Is there no way to lift this burden from the counties? Cannot a system be devised which will throw the cost of jury service in civil cases upon litigants, to be taxed and collected as other costs are, and in criminal cases, upon the defendant, when convicted, giving no fees to jurors, as none are given to witnesses, except in cases of conviction?

Witnesses are every day compelled, under heavy penalties, to attend the courts, not only of their own, but of distant counties, at their own expense, and the only chance for remuneration is fees allowed in cases of conviction, to be collected from the defendant in the criminal action. It is believed that one day with another, the average number of witnesses attending the courts on these terms, is greater than that of jurors. Is the equity of the juror to compensation for attending the courts of his county, greater than that of the witness, who is compelled to attend the courts of distant counties, as well as those of his own? In every relation of life, public and private, men are required by the very organization of society and government, to perform some service for inadequate or no remuneration at all. The public service of this character, required of citizens, should be made to bear as equally as possible on all. Whenever they are equal, they are just. Under our old road law, citizens were required to work the road without reward. Lawyers are every day required to defend without fee persons charged with crime, too poor to employ and pay a lawyer. Citizens are bound to go to the aid of the sheriff when called on in the execution of legal process, without pay. It is true, that it would be much better, and more certainly equal and just, to pay every man for his service to the public, but we find that the effort to do this is involving some counties in Texas almost in bankruptcy, and eventually will entail ruinous taxation upon the people. The choice is between evils. Which is the least, to go on deeper each day in debt, with ultimate ruin, in the shape of taxation, only a question of time, or to call on the people to perform a public service in the only way it can be done without a ruinous sacrifice, to pay in service which they can do, rather than in *money* which they are not able to do? It is admitted that the suggestion of making jury fees in criminal cases depend on their collection from the

defendant when convicted, would be a poor reliance for any pay at all, but it is just what witnesses have now, and always have had to rely on. Why may not the labors of grand jurors be restricted to investigations of felony cases, and *free, unpaid* service be required to that extent of them, leaving all misdemeanors to be tried before justices of the peace, or presented by information by the district attorney? Something will have to be done for relief of counties against the rapidly accruing indebtedness, arising more than from any other cause, from expenses of the courts, and the suggestions made are thrown out to call public attention to the necessity for action in some way.

The great question in Texas, now, since State finances have been placed on a healthy basis, is how to bring the current expenses of the counties within their current revenues. When the financial system of the constituent members is diseased, the financial health of the State must, after a while, be affected. I do not recommend, and do not know that I would favor, the change suggested in the jury system, but speak of it here, with the hope that the people of Texas will give the general subject of county finance thorough consideration, to the end that some means may be fallen on of remedying the present condition of things. There are doubtless other modes of reducing county expenses, and general discussion and suggestion will, it is believed, result in arriving at the best. It is certain that county and municipal taxation is now oppressing the people, and unless some change is made, that taxation will be still greater, and the remedy must be found in a change of financial policy in those bodies. I have a long time thought, and the conviction is stronger every day, that the power to create debt and impose taxation, should only be delegated to such bodies when absolute necessity requires it, and then only with the amplest restrictions and safe guards. Universal experience shows their proneness to use all the power with which they are invested, and that extravagance is a certain result, when their discretion is not closely curbed with legal restraints. Our sister States of the North, East and Northwest are groaning under a load of taxation, nine-tenths of which has been made necessary by the action of county and other political corporations, and is actually imposed and collected by them, by the side of which the taxes in Texas are insignificant. We should profit by their experience, so that when

our country is developed as theirs is, our counties, towns and cities will not be mortgaged like theirs for one-half the value of the taxable property to bond holders. Solid, healthy, natural growth, with freedom from debt, is doubtless slower, but under it, the earnings of the people will be theirs, and will not belong and go to the money lender in the shape of taxes to pay interest on his bonds. Relieved in some way of a portion of their burdens, the expenses of the counties can be brought within their ordinary revenues, and their financial operations conducted on a cash basis.

It would be well to have a general law which would require those counties which are indebted beyond their ability to pay in any reasonable time, to fund all their outstanding scrip in bonds bearing a low rate of interest, and running a number of years before maturing. This would secure the current revenue for current expenses, except to pay interest on the bonds, and give to the counties the advantage of paying expenses in cash; otherwise their current revenues will be absorbed by their old debts as fast as received, and the fiscal operations of the counties will be carried on in depreciated scrip, thereby greatly increasing county expenses, and at the same time furnishing a subject of speculation for county officers leading inevitably to bad results. The operation of such law would be to retire all the old scrip into bonds, and raise all the new to par. County finances in Texas have never, since the abolition of the old county commissioner system, been so well managed as before, and it is hoped that the day is not distant when that system will be restored.

CLAIM OF THE INTERNATIONAL RAILROAD COMPANY.

In the very able and interesting report of the Attorney General, which has been before called to your attention, will be found a full and clear statement of the origin, progress and determination of the suit brought by the International Railroad Company against A. Bledsoe, late Comptroller of Public Accounts of Texas, to compel that officer to countersign and register certain bonds, claimed by the company from the State, in virtue of the charter of its incorporation, and the construction of a certain number of miles of road under it. For information on the subject, your honorable bodies are referred to that report.

On the twenty-ninth day of May, 1874, Hon. O. M. Roberts, Chief Justice of the Supreme Court, filed in the office of the Executive a certificate, stating that Hon. Geo. F. Moore, one of the Justices of the Supreme Court, having been of counsel for the International Railroad Company in this cause, was disqualified to sit on the trial of it, and that the court, as constituted, were equally divided on the case, and unable to decide it; whereupon, conforming to the requirement of section 11, Art. 5, of the constitution, on the state of case presented by the certificate, Hon. J. W. Ferris, of Ellis county, a gentleman of high character and distinguished ability and learning as a lawyer, was commissioned by the Executive for the trial and determination of this cause. The cause having been fully argued before the court, after a laborious investigation by the judges, was determined, and the judgement of the district court of Travis county awarding peremptory mandamus, was reversed, and the case dismissed, on the ground of a want of jurisdiction, and because the court had no power to grant the relief sought. This result, it will be perceived, proves the fruitlessness and inefficiency of the act of April 2, 1874, which was expected by some would lead to the end of this controversy.

If it shall be deemed by your honorable bodies compatible with the public interest to extend your session to such time as will probably be required to consider and reach a conclusion on this much mooted subject, it is hoped that it will not again be left in an unsettled and uncertain condition, but that such definite action will be taken as will effectually at least, eliminate the subject from future political discussion, and, as far as may be in your power, put it at rest.

Feeling a deep interest in the settlement of this question, and being impressed with the conviction that the best interests of the country require its adjustment, so far as the political authority of the government can do it, I have, with a strong desire to accomplish this result, bestowed upon the subject much anxious thought. In considering the subject with reference to action that your honorable bodies may take on it, two modes of treating it have occurred to me: one is, to refer the matter as it stands to the judiciary by the passage of a simple enactment, granting permission to the International Railroad Company to sue the State; and the other is, to settle by compromise with the company.

A third way of reaching a settlement, over which your honorable bodies have no control, is by ordinance of a constitutional convention. So far then as your honorable bodies are concerned, the choice, if action is taken at all, lies between the two methods first stated, and between these two, bearing in mind the importance of *finality*, which shall take this entire subject out of the range of political discussion, by exhausting the power of the political authority over it, and at the same time, of not transcending that authority, so as to re-open discussion over that which may be done in supposed excess of rightful power, I have no hesitation in saying that, rather than make a compromise settlement which shall increase the burden of taxation on the people, it is better that the whole matter as it stands be referred to the courts for decision of the issue between the State and the company. I can not see, in a compromise made by your honorable bodies, any settlement of the difficulty, in the event that terms could be agreed on; on the contrary, believe that the trouble would be simply shifted, and the subject more deeply involved than ever in the politics of the State, and surrounded with embarrassments, more perplexing than any which now are incident to it. Let us suppose this mode pursued, a compromise agreed on, and bonds issued in conformity with it, your action will be as liable to impeachment as the original action of the Twelfth Legislature, which has caused the trouble from which we are now trying to extricate ourselves so far as the question of power is concerned. Your powers are no greater than those of the Twelfth. If they could not grant a money subsidy, neither can you. Would this be a settlement which would give rest and quiet to this question? I fear not. Your honorable bodies can not control the action of the tax payers and the judges. When the tax to pay the eight (8) per cent. interest, and the two (2) per cent. sinking fund on the bonds is to be collected, and the people are brought face to face with the taxgatherer, I fear that this would be no exception to the rule, which is believed to have been universal, when the pocket nerve has been touched by what a considerable proportion of the people believe to be an unjust and unconstitutional burden for all to refuse payment, until the question is judicially determined. This has been particularly the case with subsidies to corporations, against which the popular instincts have invariably rebelled, when pay day has arrived. In-

numerable instances in the history of the country prove this. It is believed that no instance can be given in which a burdensome tax has been collected from an unwilling people already bearing a heavy load of taxation, when a plausible legal objection is raised against it by any considerable number, until all legal means of resistance have been exhausted. So far from being a settlement, a quietus upon this question, in my judgment; this course would aggravate every feature of the present trouble in the proportion that it would bring it nearer to the people as a tangible and practical burden. Injunctions and other legal process would be resorted to, to defeat the collection of the tax, and in the changes which may be made in the judiciary, in the anticipated constitutional convention, this question might, in the heat of popular excitement, exert an improper and unfortunate influence. There is in the minds of a large proportion of the people of Texas, a deep seated conviction that this subsidy was improperly granted by a body who exceeded their constitutional power, through the fraudulent manipulation of this company's agents, and this conviction, it is believed, will assert itself in the results I have depicted, and it is the part of statesmanship to consider them in acting on this subject. Those who hold these convictions are relied on to pay the debt you assume, and they deny your power and jurisdiction to place it on them, and will contest it. Whether rightfully or wrongfully, the fact will exist. It may be inexpedient, impolitic and unwise for the people thus to act, but the fact that they have always done so under similar circumstances heretofore, and the certainty that they will so act in this case, if the attempt to settle this matter in this way is made, cannot be excluded from the estimate in determining the course your honorable bodies should pursue. We had as well assume it at once as a fixed fact, that this tax will never be paid unless the courts decide that it must be paid, for it will come to this at last. To pursue this supposition one step further, the compromise bonds have been put in circulation, and have gone into the hands of innocent purchasers, and when the interest falls due, the tax assessed for its payment has been enjoined, and tied up in the courts, in what condition is the State placed? She can not pay when disabled from collecting the means with which to pay. The State fails to meet her bonds, not from inability, but because her people, those who constitute the

State, refuse to respond to her demand for that which is necessary to enable her to meet the obligation. What is this but repudiation? That the changes would be rung on it as such, recent experience in connection with this same subject does not permit us to doubt. The charge made against Texas, of repudiation, because she has not issued bonds under a charter, at best, of extremely doubtful constitutionality, and which by common consent and admission was carried through the Twelfth Legislature, by the most unblushing bribery, we can afford to treat with indifference, relying on the honest judgment of the world for vindication, when we throw open the courts to suit, and pledge the State to abide and perform the judgment, if against her. But when the bonds of the State, executed by her officers, and stamped with verity by her great seal, are put in circulation with her consent, to fail or refuse to meet the obligation they impose, is to tarnish the honor and stab the credit of the State. A bond of the State should never be allowed to pass out of her hands into circulation while any question affecting its validity remains unadjusted. Once issued with the stamp of her approbation, the State's obligation should be held sacred and above all question. If the courts should decide the tax to pay interest on the bonds illegal, the holders will have been irretrievably injured, and the stigma of repudiation fixed indelibly on Texas. When it is clear that this controversy would ultimately terminate in the courts, is it not better to place it in the first instance before the judicial tribunal to whose judgment and settlement all will bow with submission, rather than take the evil consequences of what must necessarily be an abortive attempt to settle it ourselves?

Is it not better, if litigation must ensue, that it should be between the State and the original corporators of this company, rather than substantially between the tax payers and the bonafide holders of the State's properly accredited obligations? And is it not vital to Texas, if the bonds are not to be paid, that they should not issue? I frankly confess that at the last session of your honorable bodies, in order to solve this trouble, and in view of a possible judgment against this State, for the whole amount of the subsidy, and of the great value of the proposed road, I would have favored a reasonable and substantial compromise, based on mutual concession on that part of the proposed line of the road between Jefferson and San

Antonio, with a land subsidy for the line west of San Antonio, and that now, if it were in the power of your honorable bodies, to settle this matter *finally* in this mode, without incurring the imminent danger of involving the State in a greater trouble than that we are seeking to escape, I would recommend an effort at such settlement; but later experience has taught me, when the credit and good name of the State can be injured, as that of Texas has been, by a charge which is utterly groundless, the wisdom of avoiding any danger from one against which, because of its truthfulness, she could not be defended. I then hoped and believed that such settlement would at least be acquiesced in, and did not then, as I do now, believe that the State would be disabled by opposition to it from performance, if she should come to terms of adjustment with the company. I feel it to be the duty of those who deal with this question, to consider the consequences of any action proposed to be taken in all its bearings, before determining a course, and while I yield to no one in an appreciation of the immense advantage to be derived to the State, from bringing the west in easy and close communication with the other sections of the State, by means of the proposed road, besides other benefits obvious and great, and believe that an enlarged and comprehensive view should be taken, to the extent of the power of your honorable bodies to act on the question, I cannot bring my mind to the conclusion that you should attempt to do that which is obviously beyond your power to control. The opposition to such a course would not down at your bidding, and I believe it unwise and inexpedient, and possibly ruinous, to attempt the perils of overriding or ignoring it. I do not believe it the part of wisdom, when the people are demanding a reduction of taxes, to respond to their demand with an increased burden, the rightfulness and legality of which a large proportion of them deny, and in the face of all history and precedent, risk the honor and good name of the State, upon their unresisting acquiescence in the action. If your honorable bodies can find a safe path out of this difficulty, one not envired with the dangers I have adverted to, I will be happy to co-operate with you in ridding the country of this troublesome question, but must say that I can see no end to it short of judicial decision. Any compromise that your honorable bodies may make, must stand on debatable ground, and

will, judging from all experience, be tested in the courts, and if it must come to this complexion at last, every consideration of State policy seems to me to point to a reference of the whole matter in the first instance to the courts, as the shortest, most direct and only safe road out of the trouble.

It is deemed proper to remark, as those not lawyers may not understand it, that the case of the International Railroad Company against A. Bledsoe, Comptroller, decided in the Supreme Court last summer, was dismissed for want of jurisdiction; the merits of the claim of the International Railroad Company were not discussed or decided. No State can be sued in her courts without her consent expressly given, and no such consent has ever been given. It is therefore necessary, before the courts can take jurisdiction, or the merits can be adjudicated, for the State to authorize the suit against herself.

The bill passed by your honorable bodies at the last session, resting the rights of the company under it upon the case then pending in the Supreme court, was presented by the representatives of the company and their friends, and pressed to final passage by their efforts. It was just what the company asked, knowing that the court might probably dismiss the case for want of jurisdiction, and was granted as asked, with but little modification. The company seemed to prefer the risk with a speedy decision of the case already in the Supreme Court, to the delay of a case to be regularly brought by consent of the State, commencing in the District Court.

For the services of Judge Ferris, as special Judge, in the trial of the mandamus case, before mentioned, extending through several weeks of arduous labor, fair and adequate compensation should be provided by appropriation.

AGRICULTURAL AND MECHANICAL COLLEGE.

In virtue of an act of Congress of the United States of 1862, and a supplemental act on the same subject of 1866, the State received from the United States as a donation for commencing the foundation of one or more colleges, where the agricultural and mechanical arts should be taught, one hundred and eighty thousand acres of land scrip. This scrip was sold in 1871, by James P. Newcomb, Secretary of State, by authority of Governor Davis, at eighty-seven cents, per acre, and the pro-

ceeds invested in the seven per cent. gold frontier defense bonds of Texas. The amount realized from the sale of the scrip was one hundred and fifty-six thousand six hundred dollars, and the bonds purchased amounted to one hundred and seventy-four thousand dollars. These bonds are now in the State Treasury, with interest coupons attached. By the terms of the donation the proceeds of sale of the scrip are to remain a perpetual fund, the interest only to be used, and if within a limited time after the receipt of the scrip, the college is not established in accordance with the conditions attached, the proceeds of sale of the scrip are to be paid back to the United States. Texas accepted the donation with the conditions, and the college building, in process of construction near Bryan, is being built in compliance therewith, for the purposes contemplated in the act of Congress. The report of the Board of Commissioners, who, under the legislation of Texas, are charged with the administration of the finances of this institution, and with the supervision and direction of the construction of the college buildings, is herewith submitted for your consideration. It appears from this report that the college edifice is rapidly approaching completion, and that in order to complete it fully, an additional appropriation of seven thousand dollars is necessary. These Commissioners ask an appropriation of twenty-five thousand dollars to erect a boarding hall, twenty-one thousand dollars to erect three professors' dwellings, and five thousand dollars to lay off and fence grounds, make walks, plant trees and erect a barn. I respectfully recommend that these appropriations be made as suggested in this report, being satisfied that they are absolutely essential, and that the appropriation heretofore made is being economically and honestly administered. The college edifice is estimated to have capacity for six hundred students, and from a personal visit to, and examination of the work, I can testify that it is exceedingly well built, of the best material, and is a solid and most imposing and handsome structure, modeled with fine taste, and with interior arrangements and divisions admirably suiting it for the purposes for which it is built. It is a four-story building, made of brick, on a foundation of hard limestone, and covered with slate, is seventy-eight feet wide, by one hundred and fifty feet long. It is beautifully located in sight of the Central Railroad, and about four miles from Bryan.

It is believed that with the appropriations asked for, by next September, at farthest, the college building, with boarding hall and professors' houses, all constructed of the most durable material, and in the best style, will be ready for service, with yards and grounds fenced and adorned, and the necessary out-buildings complete.

I hope it will please your honorable bodies to make the necessary appropriations to complete and put in condition for active operations, this, the first State institution of learning in Texas, in order that the college may be put in service certainly next fall, and be assigned and proceed to the performance of its part in the educational system of the State. The money already expended there must be supplemented with the appropriations suggested to utilize it, and I have no hesitation in saying that the entire cost of all the buildings and grounds, is a judicious and profitable expenditure, in that it furnishes the means of supplying immediately in Texas the great want of an institution of learning of the highest grade.

PUBLIC BUILDINGS AND GROUNDS.

I transmit herewith the report of Mr. F. Voigt, appointed under the act of April 29th, 1874, to take charge of the public buildings, furniture, library and grounds at the capitol, and recommend to your consideration his suggestions as to necessary improvements. He estimates that an appropriation of thirty-three thousand dollars will put all the public buildings and furniture in good condition, and improve the capitol grounds handsomely. This report is fully endorsed and approved by the Board of Public Buildings and Public Grounds. This is a subject which needs immediate attention, as all the public buildings, except, perhaps, that which is used by the supreme court, are in a very dilapidated and unsafe condition, affording very insufficient protection to the valuable public archives and records, in all of them. The buildings, if properly repaired, will be preserved, and subserve the purpose for which they were built, many years yet, but uncared for, will soon become so much injured and dilapidated as to be unworthy of the State. The capitol grounds are handsomely situated, and susceptible of a high degree of improvement. Mr. Voigt has included in the amount above stated the sum necessary for this purpose. I believe it to

be true economy to make the appropriation he asks for these public improvements, and recommend that it be done. I cannot speak too highly of the energy and efficiency of Mr. Voigt, or of his zeal and judgment in the discharge of his duties.

GEOLOGICAL SURVEY.

The work of making a geological survey of the State is making satisfactory progress. Mr. S. B. Buckley, State Geologist, with his corps, left Austin in June last, and was engaged in field operations until November, succeeding. Since his return, he has made a full report of his operations, which being in the hands of the printer, I have had no opportunity to examine, but which will be furnished to your honorable bodies. A survey of the State, and an ascertainment of its mineral resources, is a work of the first importance, and must, if thorough, require years of steady progress to complete it. I therefore recommend that an appropriation to continue the work on a scale commensurate with its importance, be made.

STATE DEPARTMENT.

The report of Hon. A. W. DeBerry, Secretary of State, showing the operations of his office during the past years, is herewith presented, and commended to the examination and consideration of your honorable bodies.

CONCLUSION.

It being the duty and privilege of the Executive, to suggest and recommend, and the right of your honorable bodies to determine, I have not felt at liberty to act upon the assumption that you would adopt any particular line of action with reference to the work of your session, and therefore have endeavored to present the views I hold on the more important questions of general State interest, but must in candor say, that while doing this, it has been, and is my hope that your honorable bodies will, as I do, deem it the interest of the State, that your labors shall be restricted to a very limited range. If a constitutional convention is called, as the people demand, and the exigencies of the State require a long session of the Legis-

lature at this time, or legislation beyond the immediate wants of the State, necessary to be supplied before a Legislature under the new constitution can probably be convened, would in my judgment, be singularly inexpedient. To say nothing of the impolicy of general legislation on the eve of a thorough change of the organic law, which may undo or supercede it, the expense of a session of the Legislature is always heavy, and except when really necessary to the public interest, should not be incurred. It will be well also to remember in this connection that Texas, for the last seven years, has been cursed with excessive legislation, her statutes are so numerous and inharmonious that the best lawyers are often at a loss to determine in the conflict what the law is. All this costs the State much money, and the people infinite expense and trouble. No doubt is felt but that your honorable bodies fully understand and appreciate these considerations, and will have them in view in deciding your line of duty.

The financial stagnation and consequent depression of the various departments of industry throughout the United States, has happily been but little felt by the people of Texas, while an abundant crop affording ample sustenance for the people, and a bountiful supply for the immense immigration pouring into the State, at the same time furnishing a sufficient money basis for the commercial and industrial operations of the ensuing year, has been among the manifold blessings which crowned the year just gone. Entering the new year hopeful and buoyant, strong in her past history, and daily increasing in greatness, her future, brilliant with promise of power and empire, her vast capacities unmeasured yet, even in the imagination of men, Texas demands for her guidance the best efforts of her public servants. Trusting that we may not fall below the requirements of the occasion, that wise counsel and prudent action may characterize our labors, and that harmony may prevail in your deliberations, I enter with you upon the labors of the session with the hope at least, that its results may meet the wants, of the State, and merit the approbation of the people.

Very respectfully,

RICHARD COKE.

APPENDIX.

DEPARTMENT OF JUSTICE,
WASHINGTON, July 23, 1874. }

Hon. Richard Coke, Governor, Austin, Texas :

SIR:—I have received from the Hon. Hamilton Fish, Secretary of State, copies of papers, the effect of which is to show that you, as Governor of Texas, have issued a military order to Captain Refugio Benavides, commanding a ranger organization, or minute company in Webb county, that he must not regard the national boundary line of the Rio Grande, but that he must cross over into Mexico and continue any pursuit of Indians or cattle thieves in which he may become engaged.

These papers are submitted by the Honorable Secretary of State, for my consideration as to how far you have made yourself liable to prosecution under the statute of the United States by virtue of the said order to a military force under your control, to invade the territory of Mexico.

I respectfully invite your attention to section sixth, of the act of April 20, 1818, 3rd Stat., p. 449, in view of which, I suppose, the said papers have been referred to me.

Any communication, should you think proper to make one to me, will be duly considered before determining what farther action, if any I shall take, in respect to this matter.

Very respectfully,
(Signed) GEORGE D. WILLIAMS,
Attorney General.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, August 6, 1874. }

*Hon. George Williams, Attorney General United States,
Washington, D. C.:*

SIR:—Your communication of July 23, reached me in due time, and its contents have been duly considered.

You call my attention to an order issued by me as Governor of Texas, to Capt. Refugio Benavides, commanding a minute company on the Rio Grande border, requiring him when in close pursuit of Indians, marauders or cattle thieves for the purpose of recovering property taken by them from citizens of Texas, if necessary, to cross the Rio Grande river, and in connection therewith, refer me to the act of Congress of April 20, 1818; prescribing penalties for breach of the neutrality laws of the United States, and desire to hear from me on the subject, saying that the matter has been referred to you by Hon. Hamilton Fish, Secretary of State. I have to say in reply, that in order to determine the propriety of the order to Capt. Benavides, it is necessary to understand the circumstances under which it was given, and the condition and necessities of the people for whose protection it was issued.

The Rio Grande river, the boundary line between the United States and the Republic of Mexico, is a narrow, shallow stream, and from Brownsville, thirty miles from its mouth, up, fordable, except for a few weeks throughout the year. The country on the Texas side of the river, is mostly covered with a dense thicket or chapparal growth. From the mouth of this river up to Fort Duncan, a distance of about four hundred miles, where the depredations hereinafter spoken of are chiefly committed, there are four stations or posts of United States troops, the four having in the aggregate eleven companies of infantry and seven of cavalry. Fort Clark with eight companies of cavalry and three of infantry, still higher up the river, covers about sixty miles of the river, besides a long line of frontier not on the river. This constitutes the defense provided by the United States government for the Rio Grande border. Of this force, only the cavalry can be used with any effect in repelling and punishing the Indians and Mexican thieves and robbers who depredate on the country; the infantry are useless for that purpose.

For twenty-five years this border has been harassed and depredated on by lawless bands from Mexico, of Indians and Mexicans. In 1857, Governor Houston had to send a military force to the Rio Grande, to repel an invasion headed by the bandit Cortina. During this time many millions of dollars' worth of property belonging to citizens of Texas has been destroyed, stolen and taken with the strong hand by these marauders. Especially

since 1865, has it been the case, that armed bodies of men from the west side of the Rio Grande, are constantly coming into Texas, overawing the people, and driving off into Mexico large herds of cattle, the property of citizens of Texas. At other times, these parties shoot down and skin large numbers of cattle, and carry off the hides, leaving the carcasses to rot on the ground. They not unfrequently in executing their plans of wholesale robbery, butcher whole families, men, women, and children, and fire their houses. Losses by the people of Texas, from this source, amount to many hundreds of thousands of dollars annually, and since 1865, to say nothing of losses previously, to many millions. Life and property between the Nueces and Rio Grande rivers, has from this cause been made so insecure, as to threaten its depopulation, and an utter destruction of its only producing interest—cattle and horses. The country is sparsely settled, and by the time a few of the citizens can get together for defense and pursuit, these robbers are at or across the Rio Grande with their booty; and having reached this place of refuge, they taunt and defy the citizens of Texas, whom they have plundered, and leisurely divide the spoils.

Within the last six months, the invasions of these bandits from Mexico, have become so bold and frequent, and their robberies and murders of citizens of Texas, so extensive and alarming, that I have been compelled to call out at a heavy expense to the State, a military force for their protection. On account of the chapparal thickets, and brushy character of the country on the Rio Grande, and the great extent of it, the small force the State is able to keep in the field, is most effective in patrolling the country immediately on the river, and watching the crossings where some delay occurs in driving over the stolen stock, and it frequently happens that the robbers are not discovered until they have partially or wholly crossed the river with their plunder. These depredations upon persons and property in Texas, by Mexicans, I state as an undeniable fact, are being committed, and for years past have been committed with the knowledge and acquiescence of the local municipal authorities on the west side of the Rio Grande, and it is believed to be susceptible of abundant proof, that in numerous instances, these local authorities have colluded with the marauders, and shared in a division of the booty. Certain it is, that in open day light, without concealment,

Mexicans in full view of the municipal officers on the west side of the river, constantly come across the river into Texas, and return publicly with large herds of cattle and other property belonging to citizens of Texas, and have for years been doing it without any effort by the authorities for its repression, when it was publicly and notoriously known that they were robbers, and had been plundering the people of Texas. It is equally certain that the central government of Mexico has been, and is now, fully informed of the depredations committed by citizens under its jurisdiction, and having homes and taking refuge from pursuit within its territory, upon the lives and property of citizens of Texas, and that that government notwithstanding the enormity of the crimes, and the constancy, persistency and publicity with which for a number of years they have been committed, has up to this time failed to take any steps to put an end to them, or to punish the criminals, or make reparation to the injured parties in Texas. The force placed by the United States government on the Rio Grande border, is shown by the present condition of that country, the frequency and impunity with which bandit raids are made upon it, to be utterly inadequate for its protection. The facts herein recited are of public and common notoriety, and have been brought to the attention of the government at Washington, time and again, by the public press, by the representatives in Congress from Texas, and by the State authorities of Texas, and can be proved to be true with any amount of testimony. Under these circumstances, and basing my action on these facts, as Governor of Texas, in obedience to an imperious necessity, brought about by no dereliction of duty on the part of Texas, or her people, to protect citizens of Texas, as far as possible from a predatory war being waged on them by foreign desperadoes and robbers, I called into the State service one hundred men, and have posted them in the country between the Rio Grande and Nueces rivers, and issued to the officers commanding the orders of which complaint is made.

The portion of the order to which objection is made, is in these words: * * * "Should the company be in close pursuit of thieves or marauders, with their plunder, it will follow as far as possible, whether on this side of the Rio Grande or the other, having a due regard for its own safety, and the prospect of recovering the stolen property."

This order contemplates no "military expedition or enterprise to be carried on" against the territory of Mexico, or the people of that country. It simply looks to the employment of the small force the State of Texas has been compelled to call out by an inexorable necessity for the protection of her otherwise defenseless people, in the only mode in which it can be used effectively. If these Mexican raids, which this force is called out to repel, were of recent date, of irregular occurrence and of such character as to elude the efforts of an ordinarily vigilant and energetic government to suppress, and such efforts were being made in good faith by the authorities of Mexico, I grant in that case, that to allow an armed force to pursue even robbers, for the purpose of recovering their booty, across the Rio Grande, would be a violation of the rights of Mexico, and of well settled principles of international law. The right of the government of Mexico to immunity for its territory from the incursions of armed forces of Texas, would then be based on a proper discharge of the duties of that government to Texas in repressing the lawlessness of its own people, and preventing and punishing their crimes attempted and committed against the people of their neighboring State. It is because each State or nation has undertaken to restrain its people from making war on the people of its neighbors, that the law of nations forbids an armed force from one, entering the territory of another. The right of immunity grows out and depends upon the performance of this duty, which each power owes to the other. No State has surrendered the right of defense of its people in its own way against aggressions from neighboring States or people, except upon the promise and performance of the great duty towards itself, which all nations owe each other, of so governing their people, as that they shall not depredate or make war upon other nations, or any of their people or territory. I apprehend that international courtesy, comity and amity, has never been required by the law of nations carried to the romantic extent of surrendering the great natural right of self defense against the constant infliction of serious, permanent and wrongful injury upon the people of one nation, by those of another although the attacks may be unauthorized by the government of the territory from which it comes.

The State government of Texas has to deal with the admitted and undeniable fact, that for a series of years a most destructive predatory war has been carried on against the people of Texas, and their property between the Nueces and Rio Grande rivers, by Indians and Mexicans residing on the west side of the Rio Grande river, and belonging to the jurisdiction of the Mexican government. The fact exists, that these people whether from want of power or of will, on the part of that government, makes no difference as to results, and as to our rights, are not ordered and regulated by the Mexican government, and restrained to a proper line of conduct towards the people of Texas; and that it has become an imperative necessity on Texas, in consequence of this failure of duty on the part of the Mexican government, and the inadequacy of the force posted on the Rio Grande by the United States, to provide for the defense of her citizens, and being thus driven to exercise her inherent right of self defense, it is insisted, if necessary, that she has a clear legal right to send her troops on Mexican soil for the purpose. Only friendly powers have the right to claim exemption of their territory from armed intrusion; and it is insisted that as to Texas, Mexico is not a friendly power; because Mexican citizens with the knowledge of the authorities of their government, and unrestrained by them, are making war on the people of Texas and their property, rendering it necessary for their proper defense that Texas troops should pursue the free booters on Mexican soil. This necessity, if report which has gone the rounds of the newspaper press of the United States, uncontradicted, and which is universally believed, be true, has been twice in the last twelve months recognized and acted on by a gallant and able officer of the United States army. I allude to General McKenzie, who, with the troops of his command, pursued bands of marauders from Texas across the national boundary, and on one of these occasions is believed to have inflicted on them merited chastisement on Mexican soil. No word of disapproval has ever been heard here from the government at Washington, of the conduct of this distinguished officer, while the press and people of the whole country have loudly applauded it. Texas, when forced to assume the unjust burden of defending herself against foreign aggression, and of repelling invasion of her territory, as she is now attempting to

do, is fully authorized under Article 2, Section 10 constitution United States, to use the war powers which ordinarily reside in the United States government, and the constitutional obligation resting on the United States, to defend the people of Texas against hostile invasion, not having been discharged, would independent of that provision of the constitution, have vested in Texas, the right to resort to any means for her own defense, which might properly have been resorted to by the United States. If the forces of the United States have a right to cross the national boundary, and continue pursuit of marauders on Mexican soil, of which there can be no doubt, Texas forces who are doing the duty which ought to be performed by the United States troops, and are doing it, because United States troops are not there to do it, and it must be done, have the same right. It will be observed that the order to Captain Benavides, authorizes him to cross the Rio Grande only when in *close pursuit*, and for one specific purpose, and that is, to recapture property stolen or wrested by force from citizens of Texas. He is not authorized to cross the river for purposes of retaliation, nor to make war on the territory, or any of the people of Mexico, but only to pursue marauders going *out* of Texas, and take from them and bring back property found in their possession belonging in Texas.

A knowledge by these freebooters that they will be pursued, and that the west bank of the Rio Grande shall no longer be a sanctuary and place of refuge to them, from which they can sally at pleasure, and murder and plunder the people of Texas, will do more to put an end to their operations, and give peace and security to the people of that frontier, than quadruple the present force without authority to cross the Rio Grande. The claims of citizens of Texas for indemnity for property of which they have been plundered by Mexican citizens, already amounting to many millions of dollars, has for some years past been receiving the attention of the Congress of the United States; but no steps have been taken to remove the cause of accrual of these claims, and to-day, the State government of Texas is incurring an onerous and most oppressive and unjust expense, which she cannot avoid because necessary for the defense of her people from murder and rapine, which should fall of right upon the government of the United States. It is to be hoped that the necessities of the

On motion of Senator Ledbetter, the rules were suspended, and Senate bill No. 451, "An act to incorporate the Houston, East and West Texas Railway Company, and to promote the construction of its railway," was taken up, pending the amendments offered by the committee reporting on said bill.

Pending the reading of said bill, on motion of Senator Joseph, the Senate adjourned until 11 o'clock A. M. to-morrow.

EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, January 20, 1875. }

Senate met pursuant to adjournment; roll called; quorum present. Prayer by the chaplain. Journal of yesterday read and adopted.

Message received from the Governor.

On motion of Senator Erath, the rules were suspended and the message of the Governor read.

It was as follows :

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, January 20, 1875. }

To the Honorable Senate of the State of Texas :

GENTLEMEN :—I transmit herewith resolutions of the House of Representatives of the Commonwealth of Pennsylvania, certified by the Speaker to the Executive office of Texas, expressive of the sense of that body of the recent alarming and unprecedented encroachment by the President of the United States, crowning a series of gross usurpations upon the rights and prerogatives of our sister State of Louisiana. The use of the military power of the general government for the destruction of the clear constitutional right of the people of Louisiana to an organization of the Legislature, in accordance with their own constitution and laws, has arrested the attention and excited the deepest concern of the people throughout the length and breadth of the Union. Constitutional liberty and the principles of representative government have been stricken down in Louisiana by military power, under the orders of

the President. The appalling fate of Louisiana, to-day, may be that of Texas, of Pennsylvania, of Virginia, or of New York, to-morrow. Under the constitution of the United States, Louisiana is the peer, the equal of any other State, with rights as amply guarded and as abundantly protected. The blow which strikes down her liberties and crushes the hopes, and curses the lives of her brave and devoted people, if levelled against any other State, would have been no more subversion of civil liberty.

Every State in the American Union is in peril, if the army of the United States can be used as it has been in Louisiana, to enforce the views of the President against the declared will of the people. Bayonets, under the order of the President, rather than the ballots of the people, are the ruling power of the Union, which may assert itself in any or all of the States, if this high-handed usurpation is established without protest as a precedent. The cause of Louisiana and her people is that of all the States and their people. I ask that Texas strike hands with the commonwealth of Pennsylvania, over a solemn, earnest and deep-toned protest against the destruction of civil liberty and representative government in Louisiana, and against the supremacy which the President has given the military over the civil authority in that unfortunate State; and that Texas, as Pennsylvania has done, send to her suffering sister words of sympathy, which may cheer her in the great struggle for constitutional liberty she is now making, a struggle in which her people are exhibiting a grandeur and nobility of character, a moral heroism, and a devotion to the freedom which is their birthright, never before surpassed in the world's history.

I ask that Texas join her sister States who have spoken, in a calm, dispassionate and fervent appeal to the American people, to come to the rescue of Louisiana, and lift from her neck the iron heel of the despotic power and restore to her the blessings of free constitutional government.

Very respectfully, RICHARD COKE.

COMMONWEALTH OF PENNSYLVANIA, }
HOUSE OF REPRESENTATIVES, }
Harrisburg, Jan. 11, 1875. }

WHEREAS, Under the constitution of the United States, the use of the Federal Army in the suppression of domestic violence can be invoked "only on application of the Leg-

THE STATE OF TEXAS,
DEPARTMENT OF STATE,

I, A. W. DeBerry, Secretary of State for the State of Texas, do hereby certify that the foregoing is a true copy of the original contract made by the Board of Public Printing for the State of Texas, with Jno. D. Elliott, on the 26th day of December, 1874, which said original contract is now on file in this department.

In testimony whereof, I hereto sign my name and affix the seal of said department at the city of Austin, this 13th day of January A. D. 1875. A. W. DEBERRY,
Secretary of State.

On motion of Mr. DeMorse, the message and accompanying papers were referred to the Committee on Printing and Contingent Expenses.

On motion of Mr. Smith of Grimes, the following communication from His Excellency, the Governor, was taken up:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, January 26th, 1875.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

SIR—I return herewith House bill No. 546, without my approval, and respectfully ask its reconsideration.

This bill authorizes the county court of Karnes county to issue the bonds of the county in the sum of twenty-five thousand dollars, and by their sale raise means to build bridges over the San Antonio and Cibolo rivers. The practice of delegating authority to municipal corporations to create debt and impose taxation, is believed, except in few extreme cases, to be wrong in principle, and to lead ultimately to extravagance, pecuniary embarrassment, and oppressive taxation. The entire taxable wealth of Karnes county, is stated in the Comptroller's Report, to be \$508,734. The \$25,000 of bonds authorized to be issued by this bill, come within \$436, of being *five per cent.* of this entire amount. I do not believe it expedient to authorize the creation of a debt so large in proportion to the resources of the county.

The people of many of our sister States are groaning under an almost intolerable burden of taxation, to pay for

interest on debts created by towns, cities and counties. It is hoped that Texas will learn wisdom from their experience.

Very respectfully,

RICH'D COKE.

On motion of Mr. Lawhon, the message and bill were referred to the Committee on Roads, Bridges and Ferries.

Mr. Douglass presented a petition from members of the medical examining board of Parker county, asking that certain amendments be made to the law regulating the practice of medicine. Referred to the Committee on State Affairs.

Mr. Meissner introduced a bill providing for and regulating copies of records required to be made by county courts of counties formed out of other counties, and copies of records to replace records that have been destroyed or lost, or defaced by fire or other cause, or that have become indistinct by reason of age or faded ink, or which are otherwise imperfect. Read by caption and referred to the Committee on State Affairs.

Mr. Linn introduced a bill "To amend the second section of 'an act to give State aid in the removal of rafts and other obstructions from the Guadalupe and San Antonio rivers,' " passed May 1st, 1874. Read by caption and referred to the Committee on State Affairs.

Mr. Rogers introduced a joint resolution, instructing and requesting our Congressional delegation to urge upon Congress the early and favorable consideration of the claims upon the people's gratitude of those who rendered service in the army and navy of the United State in the late war with Mexico. Read first time and referred to the Committee on State Affairs.

A message from the Senate announced the passage by that body of the following bills: Senate bill No. 451, "To incorporate the Houston, East and West Texas Railway Company, and to promote the construction of the railway."

Senate bill No. 524, To amend section eight of "An act entitled 'an act to incorporate the Gulf, Colorado and Santa Fe Railway Company, and to grant land in aid of the construction of the same,'" passed May 28th, 1873.

Senate bill No. 495, "To authorize the county court of Galveston county to use certain special funds in the payment of her bonded debt."

Senate bill No. 547, "To validate the acts of J. B. B. Supple, Notary Public of Bell county."

Senate bill No. 480, To amend "An act to incorporate

to amend an act entitled 'an act to adopt and establish Penal Code for the State of Texas,' approved August 28th, 1856; bill No. 610, "An act to detach certain territory therein named from the county of Guadalupe, and to attach the same to the county of Hays;" bill No. 611. "An act to repeal an act entitled 'an act to incorporate the city of Sulphur Springs, in Hopkins county,'" approved March 4th, 1873; and also, bill No. 615, "An act to incorporate the Henderson and Center Railway Company," and find each correctly engrossed.

STOREY, Chairman:

Mr. Munson moved to take up the communication received from his Excellency, the Governor, which carried.

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, February 2d, 1875.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

SIR—I send herewith, in reply to a resolution of the House over which you preside, a report dated January 21st, 1875, of Hon. W. L. Moody, Financial Agent of Texas, in the city of New York, of the sales of State bonds made by him, the amounts realized, the number of bonds on hand unsold, etc.

This report reached me by mail two days ago. It shows sale of one thousand four hundred and seventy-three (1473) bonds, of the State of Texas, of \$1000 00 each, and that the net proceeds of sales amount to \$1,226,177 51. It shows in the hands of the Financial Agent, authorized to be sold, four hundred and twenty-seven bonds.

It shows further, one hundred and twenty-one bonds in his hands, formerly held by Williams & Guion, as collateral, all bearing ten per cent. interest, which, under my instructions, are not offered for sale. Forty-one of these bonds are those known as "caveated bonds," and authorized under existing law to be sold, but believing that no more bonds bearing ten (10) per cent. interest should be sold by the State, I have not placed them on the market.

I will state for information of your honorable body, that upon a settlement attempted with Messrs. Williams and Guion, by the Financial Agent, a difference of opinion arose

between them as to the justice of about \$10,000 claimed from the State by the former, which difference, it was proposed by the claimants, should be referred for settlement to arbitrators, they proposing to deliver up all the State securities held in their possession as collateral, and that the State Agent should deposit \$15,000 00 in New York, to meet the award of the arbitrators, and that the State should settle the balance or undisputed part of their debt. In view of the fact, that the State was paying twelve (12) per cent. interest on the large amount of money due Williams & Guion, and that delay in making settlement involved a daily accumulation of the debt, Col. Moody was instructed by me to accept the terms proposed and settle in accordance with them, which has been done. The arbitration is now pending, and I ask, as some doubt may possibly exist under the statute, of the power of the Executive to dispose in this way of the controversy, (although I believe the power has been properly exercised) that by appropriate enactments such doubt be removed.

In connection with this same subject, I have to inform you, that a claim for about \$7000 00 was presented against the State by Mr. Edmund Coffin, for services alleged to have been performed as Financial Agent of Texas, in endeavoring to sell the State bonds, under appointment of my predecessor, Governor Davis, and that believing upon investigation, it was utterly devoid of merit or equity, I refused to allow or settle it. Since that time, suit has been instituted by Mr. Coffin, in the city of New York, against the Governor of Texas, and the heads of the Executive Department, and the Financial Agent of the State, upon this demand, and it was necessary to employ counsel to defend it. I ask an appropriation of one thousand dollars or so much thereof, as may be necessary to pay for the proper defense of this suit.

Very respectfully,

RICHARD COKE.

Mr. Goodwin offered the following amendment: Section 6, line 2, strike out "one of their number," and insert lieu thereof, "a." The amendment was adopted and the bill ordered engrossed.

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

On motion of Mr. Foote, the following veto message from His Excellency, the Governor, was taken up:

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, February 25, 1875. {

Hon. Guy M. Bryan, Speaker of the House of Representatives:

SIR—I return herewith House bill No. 675, without my approval, and respectfully ask its reconsideration. This bill authorizes the issue by Collin county of bonds to the amount of \$60,000 00, for the purpose of raising funds to complete a courthouse now in process of construction in that county; these bonds to bear ten per cent. per annum interest, and to fall due twenty years after date.

It further provides that the bonds shall not be sold for less than eighty-five cents on the dollar. On the 6th day of April, 1874, an act was approved which authorized the county courts to levy and collect a special tax, to exceed in no one year one-third ($\frac{1}{3}$) of one per cent. on each hundred dollars worth of taxable property for the purpose of erecting, repairing, etc., courthouses and jails.

This act was passed in obedience to a necessity supposed to exist in view of the amendment to the constitution forbidding special legislation in cases that could be reached by general law. I believed the act expedient, and am satisfied that it fully meets the necessities of Collin county in the matter of building her courthouse, since the amount of money proposed to be raised by the sale of bonds, can be produced by taxation in less than three, perhaps two years, without exceeding the limit of the assessment fixed by the law.

Besides, the \$60,000 00 worth of bonds provided for by this bill, sold at eighty-five cents, would, if no expense were incurred in making the sale, net \$51,000 00. The interest on the bonds for the twenty years they run, will amount to \$120,000 00; add to this the principal, \$60,000 00, and the whole to be paid by the people of Collin county, if these bonds issue, will be \$180,000 00, for which they

realize \$51,000 00. In other words, Collin county would pay \$129,000 00 for the privilege of raising \$51,000 00 in this particular way.

The taxable wealth of Collin county, as assessed for 1873, was \$4,317,756. One and one-fourth per cent. tax on this amount will produce as much money as these bonds would sell for. The tax could, under the act of April 6, be spread over two, or, if necessary, three years, so that it would not be oppressive.

Is it not better, if this money must be raised, to call on the people to pay it in say two or three years than to pay \$129,000 for the privilege of borrowing it? In my judgment it would be better to tax the people and pay it at once than to defer the day of payment on any such terms.

Municipal debt is the overshadowing evil, in comparison with which all others are dwarfed to insignificance in the States of the Union, and the people stagger under the burden of taxation necessary to pay the interest. Shall we in Texas profit by the experience of our neighbors, or shall we go blindly into the vortex in which they have been engulfed? If we are wise, would have light taxes, would secure to the people the avails of their labor instead of sending the tax-gatherer to demand their earnings, we will issue no bonds, except in cases of extremest necessity.

Respectfully, RICHARD COKE, Governor.

Mr. Foote moved to reconsider the vote passing the bill. Carried.

The bill then passed, notwithstanding the objections of the Governor, by the following vote:

YEAS—Messrs. Abnar, Anderson, Bean, Beck, Brown, San Saba, Brown of Harrison, Cardis, Chambliss, Cochran, Davis, Delany, Donald, Easley, Epperson, Foote, Galvin, Hayes, Henderson of Smith, Henderson of Kendall, Jackson, Jenkins, Lindsey, Linn, Manning, Massey, McCall, McLeary, Miller, Nicholson, O'Neal, Oxsheer, Pickens, Price, Reeves, Roberts, Sayers, Schmidt, Scott, Simpson, Smith of Travis, Smith of Grimes, Storey, Stewart, Montgomery, Swain, Triplett, Walker, Watts and Wortham—48.

NAYS—Messrs. Bruce, Denman, DeMorse, Eastland, Gellatly, Goodwin, Harrison, Hart, Helton, Johnson, Keble, Matthews, McCuiston, Middleton, Munson, Patterson, Rogers, Sadler, Stephens, Stuart of Houston, Von Biberstein, Watson and Wood—24.

ize the county of Grayson to issue bonds, was taken up, pending the following veto message by the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, March 11th, 1875.

Hon. Guy M. Bryan, Speaker of the House of Representatives:

I return herewith, without my approval, House bill No. 748, and respectfully ask its reconsideration.

This bill authorizes the issuance and sale by the county court of Grayson county, of bonds in the sum of forty thousand dollars, payable in twenty years, and bearing ten per cent interest, the bonds to be applied to the construction of a courthouse.

I decline to approve this bill for the same reason that I returned House bill No. 673, providing for the sale of bonds by the county court of Collin county, and Senate bill No. 638, providing for the sale of bonds by the county court of Travis county, during this session, without my approval. The reasons given for refusing to approve those bills apply with equal force to this, and are respectfully referred to.

Very respectfully,

RICHARD COKE.

The vote passing the bill was re-considered. The bill then passed notwithstanding the objections of His Excellency, the Governor, by the following vote:

YEAS—Messrs. Abnar, Anderson, Bean, Beck, Brown, of San Saba, Brown of Harrison, Chambliss, Cochran, Davis, Delany, Denman, Donald, Easley, Epperson, Galvan, German, Goodwin, Hart, Hayes, Henderson of Smith, Johnson, Kessler, Lindsey, Linn, Manning, Massey, McCuiston, Mitchell, Miller, Nicholson, O'Neal, Price, Reeves, Rogers, Roberts, Smith of Travis, Smith of Grimes, Storey, Stewart of Montgomery, Stuart of Falls, Stuart of Houston, Swain, Triplett, Von Biberstein, Walker, Watts and Wortham—47.

NAYS—Messrs. Bruce, Douglass, Eastland, Freeman, Gellatly, Harris, Harrison, Helton, Middleton, Munson, Oxsheer, Patrick, Patterson, Rosborough, Stephens, and Watson—16.

On motion of Mr. Delany, Senate bill No. 755, to ascertain the deficiencies of the several departments of the State for the fiscal year ending the 31st day of August, A. D.

1875, and amounts due individuals, and to appropriate money to pay the same, was taken up, pending the refusal of the Senate to concur in the House amendments thereto.

The House refused to recede from its amendments, and asked a committee of conference on the part of the Senate on the disagreement between the two Houses.

The Speaker appointed the following committee on the part of the House.

Messrs. Delany, Epperson, DeMorse, Munson, Lindsey, Farrar and Watts.

On motion of Mr. Brown of San Saba, Mr. Smith of Grimes was added to the committee.

On motion of Mr. Smith of Grimes, Senate joint resolution No. 819, to define the mode of submitting amendments to the constitution to the vote of the people, was taken up and read first time.

On motion of Mr. Smith of Grimes, the rules were suspended, the bill was read second time and passed to third reading.

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

On motion of Mr. Brown of San Saba, Senate bill No. 638, to be entitled "An act to authorize the county court of Travis county to issue and dispose of the bonds of said county for the purpose of erecting a courthouse and jail in accordance with the provisions of 'an act to lease to the use of Travis county certain land in the city of Austin, on which to erect a courthouse and jail, and to enable said county to build the same,'" approved May 4th, 1874, and to provide for the redemption of the said bonds, was taken up pending the following veto message from His Excellency, the Governor.

The message was as follows :

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, March 1, 1875.)

Hon. R. B. Hubbard, President of the Senate :

I return herewith without my approval Senate bill No. 638, and respectfully ask its reconsideration. This bill provides for the issuance by the county court of Travis county of bonds in the sum of one hundred and fifty thousand dollars, to bear ten per cent. per annum interest

and run twenty years, the proceeds of their sale to be devoted to the construction of a courthouse and jail.

I object to this bill for the following reasons:

First.—It was the conviction of the Fourteenth Legislature, in which I concurred, that it was expedient to pass a general law authorizing county courts to tax the people for the purpose of raising money to erect and repair courthouses and jails, in view of the late constitutional amendment forbidding special legislation on subjects which may be provided for by general law, and accordingly on the 6th day of April, 1874, a law was passed authorizing a tax not to exceed one-third of one per cent. in any one year for this general purpose, which law is now in force, and is believed to be adequate to the wants of Travis county in this regard.

Second.—I see no reason for excepting Travis county from the operation of this general law, which would not equally apply to any other county in the State, and I believe it unwise and inexpedient to authorize bond issues throughout the State for this purpose, and the special legislation that would be required, it is thought would be of extremely doubtful constitutionality.

Third.—The one hundred and fifty thousand dollars of bonds provided for by the bill if sold at eighty-five cents net on the dollar, which is at least as high as it is believed they will sell, will produce one hundred and twenty-seven thousand five hundred dollars. In twenty years the interest to be paid on these bonds will amount to three hundred thousand dollars. Add to this the principal one hundred and fifty thousand dollars, also to be paid, and the total four hundred and fifty thousand dollars, is the amount the tax payers of Travis county must pay while realizing only one hundred and twenty-seven thousand five hundred dollars. The sinking fund and interest to be paid annually by Travis county, for twenty years, if these bonds are issued, will amount to eighteen thousand dollars, leaving at the end of that time a considerable amount of the principal unpaid. As a financial transaction, I believe this would be unwise and improvident.

Fourth.—I believe the amount provided by this bill for building a courthouse and jail extravagant, and that the rate of interest prescribed for the bonds is excessive.

Fifth.—On general principles of public policy, the practice of issuing bonds and creating debt by the counties, is

believed to be inexpedient as leading to extravagance, often to speculation, and always to onerous taxation greatly disproportionate to the benefits received.

Very respectfully,

RICHARD COKE.

The vote passing the bill was reconsidered. The bill then passed by the following vote, notwithstanding the objections of His Excellency, the Governor:

YEAS—Mr. Speaker, Abnar, Anderson, Bean, Beck, Brown of San Saba, Cardis, Chambliss, Cochran, Davis, Delany, Denman, Donald, Easley, Epperson, Farrar, Freeman, Galvan, Hayes, Helton, Henderson of Smith, Jenkins, Johnson, Kessler, Lindsey, Linn, Manning, Massey, McCuiston, Mitchell, Middleton, Miller, Munson, Nicholson, O'Neal, Oxsheer, Price, Reeves, Rogers, Rosborough, Roberts, Smith of Travis, Smith of Grimes, Storey, Stewart of Montgomery, Stuart of Falls, Stuart of Houston, Swain, Triplett, Von Biberstein, Walker and Watts—52.

NAYS—Messrs. DeMorse, Eastland, Gellatly, Harris, Harrison, Patrick, Patterson, Stephens, Watson and Wortham—10.

Leave being granted, on motion of Mr. Storey, the following report was submitted:

Hon. Guy M. Bryan, Speaker of the House of Representatives:

Your select committee of "ten," appointed to consider and report upon the memorial of the citizens of Montgomery county, residing west of the San Jacinto river, praying for a division of the county; and also, the petition of the citizens of said county, residing east of said river, have given mature consideration to the respective petitions.

It appears that the county contains about 1,750 voters; that of these, 597 petition for division, and against division 573; not petitioning either way, 580.

These statistics show that the very essential element of unanimity or consent to division, does not exist in said county; the numbers opposing division being very nearly equal to those in favor of it. With these facts before them, the committee deem it their duty to report against granting the petition for the division of said county.

W. M. LINDSEY,

B. W. BROWN,

L. M. ROGERS,

J. M. HARRISON,

W. W. PATRICK,

L. J. STOREY, Chairman.

E. C. STUART,

W. G. MILLER,

G. I. GOODWIN,

M. H. MCGUISTON.

In accordance with a resolution previously adopted, the Speaker declared the House of Representatives of the Fourteenth Legislature adjourned, *sine die*.

The journal of the night session of Saturday, March 13th, and the journal of Monday, March 15th, were not read and adopted by the House. I believe them correctly reported.

Approved :

GUY M. BRYAN,

Speaker of the House of Representatives.

Correct :

W. C. WALSH,

Chief Clerk House of Representatives.

The following messages from His Excellency, were received on the morning of adjournment, but were not acted on by the House :

EXECUTIVE OFFICE, STATE OF TEXAS,)
AUSTIN, March 15th 1875. }

Hon. Guy M. Bryan, Speaker of the House of Representatives :

SIR :—I return herewith, without my approval, House bill No. 788, being "An act to incorporate the Brazos, Santiago and Rio Grande Canal Company," and respectfully ask its reconsideration.

This bill proposes to authorize the company it charters, to construct a canal from the bay or harbor of Brazos Santiago, to some point on the Rio Grande between Clarksville and Brownsville, and to grant the usual land subsidy.

Articles 5 and 7 of the treaty between the United States and the Republic of Mexico, ratified at Guadalupe Hidalgo, February 2nd, 1848, are very explicit and full in providing that neither of the high contracting parties, without the consent of the other, shall exercise any right over the navigation of the Rio Grande river, which "may impede it in whole or in part, not even for the purpose of favoring new methods of navigation." The canal proposed to be made, it is believed may very probably inter-

fere with the navigation of the river contrary to this treaty stipulation. I respectfully ask a reconsideration of this bill.

Very respectfully,

RICHARD COKE.

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, March 15th, 1875. }

Hon. Guy M. Bryan, Speaker of the House of Representatives :

SIR:—I return herewith, without my approval, House bill No. 746, being, "An act to authorize the county court of Milam county to issue bonds."

This bill provides for the issuance of bonds to the amount of thirty thousand dollars, for their sale, and an application of the proceeds to the construction of a courthouse for Milam county. My objections to bond issues for the purpose designed to be effected by this bill, have been made fully to the two Houses of the Legislature, in messages returning similar bills without my approval at this session, which for want of time are not repeated here, and to which you are respectfully referred.

Very respectfully,

RICHARD COKE.