Austin 0/4/0 Judge Jourge or sin Plane gue in you date in The Wastly South Oten a dessertation on the roband lies in bor Hogge menge Ais water befor Election was equal right to all and freque freeder to from the latte gan him his Big mayorty of 1182.000 Then elected for sunt official out and to orther prefun printing to the that thore everything in the forme Ostrucize from That Sacreful Some wike the infinite not clace Then one The bound mother the bolive Place from solvy The Bovember sino of ormising as great as the of the States com Running Boll will Just police and getter the to much render with leaves ar leen volentury otherme humph Angelow cours of but while will bed ten timo and some som them 186146x. ec

Hun melnde tropen not a dessertation on the Color of Man is then such a ofmy as a little Place in the fore the store Does not mantling ausen all Though and bolows except whit and brun are no all Hantenne Vangatur and from Adam ch That The Sayas Gentlem has The Colina men to that Supering Jon Complete The Theering that arm time of the of you were churchen the Orling Straten of manten the Southern Honor och Mon hul

GOVERNOR JAMES S. HOGG.

(APPENDIX TO JOURNAL) Executive Office, Austin, Texas, January 21, 1891. Gentlemen of the Senate and House of

Representatives: To omnipotent Gol we owe all. the blessings of liberty and the heritage of civil rights we are indebted to the valor, patriotism, and wisdom of our fathers. In the jealous perpetuity of these we must rely on ourselves and pos-The self-evident and consecrated truths that all men are created equal; that they are andowed by their Creator with the inalicable right to life, liberty, and the pursuit of happiness, can not be too often nor understood too well by the agencies through which they many tracts and dealings in general with perbe maintained. This government the sons and corporations, according to the instituted to secure these sacred privately and its just powers are derived fairs by inspections of the corporate books. from the consent of the governed-the people, whose safety and happiness are its highest end and aim. By their wish and, it is hoped, for their benefit, the present Legislature and Executive are here at the capitol to render delicate and responsible services. With what degree of perfection and satisfaction this volum tary task will be performed depends untel aron the harmon" among the public servants in their work and the zeal and alac rity with which they yield obedience to the sovereign will. At the threshold the question arises, what do the people want? This can be determined, first, by their express demands made in the Constitution

express demands made in the Constitution or through the platform of the dominant political party now in course of and responsible for the state's affairs; and second, from a general knowledge of what is most needed for the country's good.

Whatever the constitution requires is made the highest obligation upon the law maker, for that is the papples command. Obedievec to it is pledged by the oath he takes. Next to this are the pledges doubted by the ascendant political party. takes. Next to this are the pledges adopted by the ascendant political party in its platform—one of the most solemn means used by a majority of the people in uniting to declare their will to the law making powers. If such demands and pledges are consistent with the constitu then it comports with duty and proy for all those who have been elected on that platform to heed and redeem then In all particulars the constitution should be structly advered to and obeyed. In n and an articular the constitution should be surely adhered to and obeyed. In need to should party pledges be slighted by its numbers when no fundamental may be violated by giving them

the obligated most of the member of the present legislature and the executive are committed to the enactment of laws in the order named as follows:

1. Creating and providing for the successful operation of a railway commission. 2. Probibiting corporate monopolicand perpetuities as to land and titles thereto.

8. To provide for the support and maintenance of public free schools for six months of each road.

months of each year.

4. For the proper endowment and maintenance of the university and its branches and other educational institutions. Establishin: and supporting a home

5. Establishin: and supporting a nome for the dis-bl-d Confedera e soldiers.
6. Requiring railways in the State to provide separate coaches for their white and black passengers.

A consideration of each of these subjects, therefore, must be deemed pertinent to and within the lordiffmane scope of this to and within the legitimace scope of this message. Neither of them is repugnant to the fundamental law but they are all within legislative powers that can be safely exercised under the limitations of wisdom and caution. Consecutively they should be taken into account, and given that careful thought and faithful accotion due to the source from which they spring, and the important relations they tear to public interests.

RAILWAY COMMISSION.

For fourteen years the State constitu-tion has provided that "the Legislatuer shall pass laws to correct abuses and to prevent unjust discrimination and extortion in the rates of freight and passenger fares on the different railroads in this State, and shall from time to time pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on said railroads, and enforce all such laws by adequate cenalities." Article 10, section 2. Article 10, section 2.

At no time has this mindate been obeyed, though at each recurring session of the Legislature since its promolection tile efforts have been made to di so, Nothing contributed to tout faiture a much as the impracticability of the Legis haure, as a body, performing such as r vices. Establishment by it of "reasonable maximum rates of charges" for traffic out ried over the railroads in Texas could not have been done unless the Legislature had remained in almost perpetual session, which the Constitution, by another section, probbited "Maximum" rates could nove been adopted, it is true, but "researchild" one could not. The varied conditions of the them considered in country traversed by fact that the legislature is composed of thirty one senators and one hundr d and six representatives, only permitted to meet and regular session for a short period every two years, surgests with meeting certainty that a legislative schedule of rates adopted under such encumstances could not be "reasonable," but the reverse-irrational, inconvenien and productive, in many instances, of great damage and injustice to the rail roads, and opprasive in others to the peo-ple. Confronted by such difficulties, the the. Confronted by such difficulties, the legislature wisely submitted, and the people with decided compless have adopted, an amendment to tout section of the constitution, completely removing all test and magin my impediments to the true exercise of their to g known wishes in the action in view, such a measure would exercise of their to g known wishes in the action in view, such a measure would such action. By that amendment the legislation and reflect in the constitutional, effectual, and you great median reflect. subject. By that amendment the legistrature is expressly required to "pass have regulating random or (30) and passenger turiffs, but it is also given the right, in

this amendment was tantamount to a sovereign command that a railway contrai-sion shall be created. It is hardly rea somable to suppose in this respect the peo-ple will be disappointed. If the executive an aid your honorable hodies in the im portant work he will cheerfully do so. Germain to the subject he therefore, with great respect, begg to su, gest that the commission to be created should be composed of three members, to be appointed by the Governor, with the advice and consent of the Senate and be clothed with all the power necessary to make, establish and maintain, for gov-ernment of railway companies, rea-

soundles rates of charges and rules for the handling and transportation of pascu-gers and treight by them having origin and destination within this State. The act should fully provide for the commission's snound tuny provide for the commissions organization and support, prescribe its powers and duties in making and publishing necessary rules and regulations to govern transportation; define the kind of common carrier to be regulated. which should by all means include ex press ompanies; require detailed report from railway companies of their property habilities and business, and of their coand on the testimony of witnesses have them turnish duplicate freight re-ceipts to shippers when demanded; pro-hibit and punish rebates, extortion andiscrimination by them; make certain the amount of damage to become due to and subject to recovery in a court by any person whose freight the company shall refuse or neglect to carry at the rate so cs dished; prescribe a penalty to be recovered in court by the State for the violation or disobedience by them of any rate or rule adopted by the commission; and in all respects vest it with power to suity accomplish its landable purpose—to give freedom to commerce, security to the ratifoods and protection to the public.

Within the space which propriety demands this message must be contaed it will be impracticable to discuss the derefuse or neglect to carry at the rate so

will be impracticable to discuss the details or to do more than suggest the general features and outlines of the law under consideration. In the general arrangement and construction of the act judicious are should be exercised. Doubtless it would be wise to so frame it that each particular branch or topic treated will be confued to an independent section. Exceptions, provisos and qualifying clausers and section any section should be avoided. If either of the like is proposed and possesses merit, let it suand alone. By this method any provision or the act that may be held invalid can be removed and yet leave the main object and effect of the law unimpaired. Thus cautiously guarded, the act as a whole will escape that fate will be impracticable to discuss the dethe act as a whole will escape that fut which worthy measures often receive it the courts for containing some obnoxious feature designedly placed there at the in stance of its enemies. Possessed of un the law must place reasonable restraints are smply able and may attempt to impede its efficacy by perverse litigation. I great care is not taken in its drafting and encetment, they may not only challenge in the Seate and Federal courts the au-thority of the commission to perform the duties in obedience to the act, but the may resort to perplexing contests with every citizen who seeks protection under the rules and regulations prescribed by it. No rights or remedies consistent with propriety or fair dealing ought to be denied the common carriers. On the other hand, a multiplicity of actions and expensive litigation should be shipper's rights. To compass this it is well to provide that within a named period after the adoption of any rule or rate by after the adoption of any rule or rate by the commission the company to be affected by or that objects to it shall file a protest with the commission, or proceed to enjoin its enforcement in a court of competent jurisdiction, or all privilege to de so-lsewhere will be thereby waived; and further, that no defense impeaching the lurther, that no defense impeaching the validity of a regulation or the reasonableness of or authority for a rate should be permitted to an action brought by a citizen to recover the damages prescribed by law for a failure of the company to respect his rights arising under it. In other words, the law can and ought to be so framed as to relieve the citizen from any contest with the common carriers involving the validity of any rate or rule prescribed by the commissioners, but all such scribed by the commissioners, but all sucl questions should, if at all, be brought to an issue between the commission on the one side and the railway company on the other. Let it be made possible for every shipper to have a classification of the freights and aschedule of rates by ne can be guided as to his rights in deal ag with them. He should know that

premises, and that on the company's fail are or refusal to perform its duties in carrying the freight, he can go into the courts of his county and, on proof of these facts recover the penalty preseried by the liw. At once will be perceived the potency of such safeguards. cy of such safeguards.

Rates fixed by the commission in most instances with he general. The question as to whether they are fair and reasonable con best be settled by the commission or between the railways and the commussion in the courts of the country. Having the means and power necessary to procure full information on the subject, an intelligent commission, summorted by the stare ligent commission, supported by the stare government, could with more equality and assurance cope with the combined resist-ance of the railway companies in the ad-justment of all important issues resulting from the enactment of this law than any

then he tenders his commo lities to the

agent of the carrier for shioment, to gethe

with the money due therefor according to the rate prescribed in the schedule, he has discharged all his obtigations in the

premises, and that on the company's fad

In the prolonged contest that may follow, all known technicalities, and delay naturally would be resorted to by the in crested companies to avect the wholesom effect of the commission's work. To avoid the injury that may be caused the public by such a course on the part of the companies. It is respectfully suggested that your honorable bolies pass arotable laws in addition to the one under discussion, to continue in force until all largation imposching to cauthority of the consistent shall large coaget. Property

general re ief.

Before dismissing this important subjectift is perhaps well to draw your attention to a few other important features voltical to the law establish thriffs, but it is also given the right, in the performance of the only, to provide and establish all requisite means and agencies with such powers as may be deemed adequate and advisable."

From the well so own commission, which are: That all tenhal to own commissions to engage in tustiness or no closed and in use by their tenants and tenhing its sul mission by the legislature.

The first is perfupped well to draw your attent to the law state, and or because thought on a carminal or because thought of the analysis of the day of them have large bodies of tand amounting to millions of acrossen in the distribution of the commission of them are operating in declarations to engage the containing to millions of acrossen and the sum of the commission of them are operating in the commission of the containing to millions of acrossen and the distribution of the commission of the many of them are operating in the distribution of the containing to millions of acrossen the distribution of the containing to millions of acrossen the distribution of the containing to millions of acrossen the distribution of the containing to millions of acrossen the distribution of the containing to millions of acrossen and the distribution of the containing to millions of acrossen the distribution of the containing to millions of acrossen the distribution of the containing to millions of acrossen the distribution of the containing the containing the distribution of the containing the distribution of the containing the containing the containing the distribution of the containing th From the well shown cocumstances are tending its sat mission by the legislature, added, to the computed express not the that no member of the commussion, couldnum express provision that they platform on the subject, the adoption of curing his term of office, shall engage in shall not have the right to own land with the computer of the community of the community

n or be employed by any railread company or off eccommon carrier, during his nerm of office, or be eligible to any other public position of emolument or trust for the period of two years after the expiration of his term as commissioner. The wholesome purpose of these two suggestions is manifest. The salary ought to be sufficient to command the best falent and to relieve the commissioners of any recognitive industries in the community of the commissioners. necessity or inducement to engage in an other passuit for the support of then selves and families during their public service. They should be paid well, and in return be expected to devote their entire time and talents to the grave and re-sponsible duties demanded of them by the public. The positions will be very hou orable ones, in which important duties can be performed to the highest degree of satisfaction to any man who respects or

satisfaction to any loves his country.

There are perhaps no places of honor or trust within the State that could be more partiotic gentlemen. If, desirable to patriotic gentlemen. It, therefore, the salaries be commensurate with the services demanded and the responsibilities imposed the clause making spinatottices turbesed, the citates turbing each commissioner ineligible to any other office for a period of two years after the expiration of his term would doubt ess be regarded with much favor by them all.
One of the great achievement by the

commission desirable by all classes, should be the removal of the railway from pol-ities. With the feature of disqualification as suggested it is not impossible for this result to be fully attained. In many other respects a plain, circumspect inw, admin-istered by honorable, paiustaking commissioners, will conduce much to the peacand prosperity of the railways and the public. The constant friction resulting in so many antagonisms between the cit-zens and the carriers will be abated. The biconial political agitations and corrupting influence of corporate power corrupting indence of corporate power in the elections, always productive of discontent, jealousy and unhappiness among the just people, will be at an earl; local commerce will become unfertexed and free, and the whol some intheence and stimulus of reasonable, business like rates that the commission will doubtless prescribe cannot fall of general good. Instead of foreign truthe managers countries of total rate that our local commerce can positify bear—not for comporate purposes, but to support speculative schemes, unjust and hurtful alike of the railways and the people—we will have commissioners who will fix fair rates have commissioners who will ax fair rates with the view of stimulating productions swelling the volume of trade and developing the interests of both the public and the railways. As it is now, a large proportion of the products of the different sections of this state have denied transportation is available one for the other, by reason of the arbitrary and high rates the down the country and high rates the down managers wholly unnequanted nxed by managers whostly unacquainted with, not to say in ifferent to, our resources, necessities and rights. A capable commission will not do violence to the interests of the common carriers or to their creditors; neither will it permit them to oppress commerce by high and unreasonable tolls. Under its wise man gement the railways may certainly expect the people to be more congenial and friendly with them.

Lieudly with them.
Influenced by equitable rates, it is confidently hoped and believed that the varied products of the State will be one common articles of exchange; that factories and mills will spring up in every section to consume the raw material at hand and supply local demands for their finished goods; that the volume or business upon and net carnings of the railways will be greatly increased; that our common co will seek its natural and cheanest me ce will seek its natural and cheanes the ce will seek its matural and eneapest route over the Gulf way to the markets of the world; that our domestic railways will be relieved from oppressing a people who have ever freely welcomed, paid and lostered them; that their build is and honest bondholders will be protected from the rapacity of speculators and stock from the rapacity of speculators and stock jobbers; that short roads will become pientiful and profitable under local ownership control and manage neat, agreeders to and having outlets over the trunk lines and waterways; and that general confi dence in the ability of the government-to judiciously control its corporate creatures will be restored to the sovereign people, whose will is the incorruptible foundain from whome flows freely the purest es-

sence of justice.

LAND CORPORATIONS. The demand for "the enactment of " law, that will prohibit the further op ation of land orporations, and requiring those now holding the possession or title of lands to dispose of the same within such a rearonable time as will not i upair vested rights," is both wise and rea-on-able. Necessity for such a law was sug-gested by conditions in this state with which most casual observers are familiar. and its authority may be trac-d to a sovereign right and to the declaration in the Constitution that "perpetuities are contray to the genius of a free government." and shall never be allowed. it may appear, perpetuities have never been defined, nor have land corporations been prohibited by the laws of Texas. An important public meaning Singular as been defined, nor have land corporations been prohibited by the laws of Texas. An important public service can be yet performed by doing so. In reference to estates, if the said 'perpetuities' forbid dea by the Constitution should be construed to mean "the title to or use of real property by corporations welloud consent of the State," there would perhaps be no imperative necessity for legible tive a tion on the subject, for that amount has not here eigen forman, if any, consent has not been given to many; than a land corporations in Texes. By the adoption of the revised statutes they were ad-p'ion of the revised statutes they were authorized to charter for "the purchase focation and subdivision of land, and the sale and concevance of the same in lots and subdivisions, for otherwise." As au-thority of this kind must be strictly construct, the right by a corporation under such graffit to hold land in fee simple ought to be successfully controverted, es cially when public policy is considered Cortunately, however, that law, before much attantage was taken of it, was so modeled by other acts that it cannot be the cause of much trouble. The mischief omes from another source—foreign land ornerations admitted in Texas under "permits" by the general mass of 181. In view of the policy of the state, which can be best undersood from the general course of legislation on the subject, that class of corporations under strict cou-struction of this law may be denied and mission here. Nevertheless, they are, by "license" or under the law of "comity." or because they are not expressly probit

any commercial, agricultural, mining or in the dominion of Great Britain, butthut of the fees of all officers due for services other avocation, or be hobber or owner of they may go to Texas for that purpose condered in commercial with the selion any stock or bonds, or have an interest in view of the peculiar, unsettled could fund instead of permitting them to be de in view of the pecuniar, unserting contributed on the subject, considered in the light of decisions holding that corporations can buy and self-real estate at pleasure, except when they are expressly restricted by their cuarters or by statute. we have no special reason for congratu-haton over the situation. Without the crown's consent tee cannot purchase, lease or sell real estate in Eugland, and as lease or sell real estate in Eugland, and as a consequence that country is but little afflicted with grievances of that class. Charters are procured there, as before stated, with the power attempted to be conferred by that kingdom to operate in lands here. So, by English contrivunce and American indifference, the former retains the system of primogeniture, and the latter is permitting its counterpartestate in perpetuity. The evil effects of this mistake can be felt but little in Texas during these times of cheap lands and a sparse population. Our posterity in their chimor for homes are the ones upon whom the incubus will be placed, unless wis dom leads to better laws. As they are neither expressly prohibited nor so altain that those corporations holding lands here do so in fee simple for the purpose of alienation, but have only a determinaof alienation, but have only a determina

of stenation, but have only a determina-ble fee for the purpose of enjoyment, on the will of the government. It would be best to establish that rule by law so as to place it beyond cavil. Ad-ditional to this it would not be units to

ditional to this it would not be units to declare by the law wint are and have ever been esuates in perpetuity with relation to corporations, and deny that they were ever intended to be permitted in Texus. Further acquisition of title or interest in land by them should be prohibited, and those now having possession of, title to or interest in real estate should be given reasonable and ample time within which to allemate it. to mutural persons and to to alienate it to natural persons and to leave the State, on prescribed penaltics

PUBLIC SCHOOLS.

One of the causes which moved the ney actured at to be an axiom in point reduced by the constitution to be applied at educated and enlightened, it is life to export the continuance of civil liberty or the continuance of civil liberty or the continuance of civil liberty or the capacity for self-government."

By the first constitution the people that they could appropriately be charged to and paid by the counties the capacity for self-government."

The constitution to be applied to the support of the public scao-is, it does seem that they could appropriately be charged to and paid by the counties the capacity for self-government."

The constitution to be applied to the support of the public scao-is, it does seem that they could appropriately be charged to and paid by the counties the capacity for self-government.

the capacity for self government."

By the first constitution the people made it the duty of the Congress of the Republic of Texas to provide by law a general system of education. The con-stitutions of the State of 1845 of 1861 stitutions of the State of 1845, of 1861 and of 1860 each techard a general diffusion of knowledge to be essential to the preservation of the rights and liber ties of the people; and the present one concurring therein, provides that "It shall be the duty of the Legislaure of the State to establish and make suitable provision for the support and maintenance of the conclusion state to each of the conclusion." an efficient system of public schools. also, after defining what should constitute the permanent and available funds there-for, expressly declares that 'in addition thereto, there shall be levied and collected an annual ad valorem State Tax of such an amount, not to exceed 20 cents on the \$10.) valuation, as with the available school fundarising from all other sources will be sufficient to maintain and support the free schools of the State for a period of not less than six months in each year."

In the platform adopted by them in po-litical convention assembled last August the people demanded that these provi-cos of the con-litution be fully oboyed The question therefore presents itself, ifflow shall this be done? This is a serious problem confronting your honorable bodies which, under the circumstances, can not escape faithful and mature considerathe end if possible that it be

The school term for a number of genrs past, outside of the cities and towns, has not greatly exceeded four and a half months of each year, presumably for lick for funds with which to defray the expenses of their maintenance. No doubt and the resources at hand been ample the constitutional requirement that they should be efficiently maintained for a term of not less than ax a onths in each year would have been fulfilled. The revenues have never been sufficient, and as a couse quence: the term has been shorter than required by the constitution. Curtail ment of expenses or cap usion of resources, or both, must now be resorted to in the discharge of the obligations imposed upon

us. The scholastic population for the year ending August 31, 1890, aggregates 565 672. On this basis the State Board of Education made the last apportionment mater that it costs the state-for each child who really attends school for that short period about \$0.33. If they were all in school it would take an appropriation of about \$1,582,589,33 to madmain the schools for four unit a half months, or about \$1,781,191 for the term of six months as required by the constitution.

From some reason but little more thin two thirds of the scholastic population

raise the mocessary amount the ordinary revenues will not be sufficient.

They consist of one-fourth of the State occupation taxes, \$200,000; a tax of 12.1.2 occupation taxes, \$500,000; a decent of 13:12 cours on the \$00 valuation of properly and a \$1 poll tax. \$1,025,000; interest on county bonds. \$155,000; interest on State bonds. \$130,000; interest on land sales, \$500,000; interest on railroad bonds, \$80, 000; receipts from hand leases, \$265,000or a total of \$2.875.000.3

or a total of \$1.313,000.
It will be observed, therefore, that the apportunition of exceeds the revenue from all sources \$170,324. It is hoped this amount

ducted therefrom; by rusing the school next from the present rate of 124 cents in the constitutional limit of 20 cents on the 5000 vacuation for of property; by directing that the board of calmention shall distribute the State schol tunds to the reversal countles on the busis of the actual attend-auce of the children on the public free schools: by adopting the district water

from all other source. Will be sufficient to maintain and support the public schools for a period of not less than six months in

without other and, do so.

The payment of official fees out of the fund created for the support of the schools is very questionable both in law and propriety. The constitution express. schools is very questionable from an action of the constitution expression by prohibits the use of any part of the fund for any other purpose whatever that the support of the public free schools

which is generally understood to mea-the payment of the trachers. The annual appropriation is very much diminished. And to that extent the school One of the causes which moved the patriot fathers to the separation from Mexico, as stated in the Declaration of Independence, was that said government had laited to esnablish any public system of education; and by that instrumen they declared it to be an uxiom in political science that "quiles the people are educated and enlightened, it is alled to examine the continuance of civil liberty or be charged to and paid by the countries.

school fund in trust for a specific pur pose. From its reception at the treasure its disturrement among the teachers ought to carry no burdens not be apported or divorted in the slightest of From its reception at the treasur gree. Out of respect to the strict lan gunge of the constitution in considera guage of the constitution, in consid-tions of public policy, and to supply demand produced by the deficiency in revenue to this account, the course ! suggested with reference to this fund should address itself to the most serious consideration of the Legislature upon whom is imposed the duty of providing for the heavy expenses out of inadequate in A misleading opinion that "the State
will educate the children at its own expense" to some extent seems to prevail

This may sound well and appear as

This may sound well and appear as plausible, yet the question is pertinent, flow will the State get the money with which to do this? The people compose the State. It exists by their consent, for their convenience, and to promote their tappiness. Without money it cannot subsist, and that must be raised by some method of texation. A partial, qualified exception to this rule applies to the public schools. For their support the popole lte schools. For their support the people—the State—once owned a vast domaid. At first it seemed to be the general expectation that all the expenses of the schools could be defrayed out of it with out resort to taxation. No longer does such opinion prevail among those who are informed on the subject, and there into hope of such a mistage ever again being in the least excusable. The proposition, harr-weel down to the line of caudor, is, that if the people ever expect to have an efficient system of public free schools they must prepare to pay for them. Relic schools. For their support the people they must prepare to pay for them Re-sort to sophistries and subterfuges may disguise the truth, but its essence and effect will nevertheless remain. Unionsk the facts, deal candidly. let the truth he known, and if the people revolt at the sit untion, they alone have the power to uation, they alone have the power to chinge it. No greater principle was ever uttered than when our fathers said that "unless the people are educated and entity the continuation of civil liberty or the capacity for self-government." Herein lies the best reason for informing the months lie walts. of \$4.50 per capita, amounting to \$2,645, to be raised by the state for public free school expenses. This gaise methods tharatter all they pay the public free school expenses. This was an increase of fifty cents per capita over last vear. Only 402,000 of the 555,679 children reported to be within the age attended the schools of the past year, and the amount apportioned will only defray their expenses for a four and a last months term. So it may be estimated that it costs the state for each child who really attends school for that short the schools, land sides, and rattroad who really attends school for that short. county bond, bud leases, and failtroad bonds, the annual receipts for the availa-ble school tund aggrégate \$1,150,050, or not had enough to support the schools for the present short term. The remainder (\$1,395,524) apportioned to support them for this year must be raise 1 by taxation. It is true that the aid valorem school tax of 12 1.2 cents on the \$100 worth of property is very low. Under the law a manuas \$150 worth of dimestic necessities exempt. From taxation. If, therefore, his two thirds of the schools is population have attended the public schools in this state. If they were fall to attend the profit of the schools in this state. If they were fall to attend the profit of the schools in this state. If they were fall to attend the form of the schools in the state board of clusation will be but fittle that the last amount set apart by the state board of clusation will be but fittle more than half enough to support as the school of the schools avail them called the schools avail the school of the opportunity to do so. To raise the processory amount the ordinary comments will not be sufficient.

could not be justifiable. No new State has better prospects of first-class schools, supported by such low taxes, than Texas. While in this State no more than 20 cents on the \$100 valuation of property can be levied by the State for the support of sources \$170,524. It is appear unsumorant may not be imposed upon the Sta cas a do fictency during the present itself year. To avoid it and to swell, the receipts to a public free schools, the average tax levied point that will most the constitutional demands for sk monthlis schools becomes a responsible and deficite duty. If possible, it ought to be performed.

This can be done, possibly, by having property values raised to the standard required by law; by corretve measures in the enforcement of the prompt collection of the interest due annually on land sales; by imposing on the counties the payment.

ire proud of their homes, hope for their rie proud of their homes, hone for their children, and rely moist on their capacity for self government school houses are to be seen filled by tright, happy little ones, If they are but log cetting, the people's reide centers in them, for their tembers, cares and despest affections are their. Thus one without in resumet in all fust prince center of the control of the schools thinght in them. One, it halle is, many of them are defined and feet that he state's revenues from sources other than taxation are sufficient for all school than taxation are sufficient for all school purposes. For this teason only they object, if at all, to any kind of taxation to support them. Every reasonable effort should be made to direct their attention to and collect their bersonal interest in and control over their local schools. It is necessary that they should have this and become educated in the work, for in it lies their future welfare.

UNIVERSITY

The university is within, a part of, and with pride. The constitution requires the Legislature to provide for the main ionance, support and direction of this institution so that it shall be first class for the promotion of literature, the arts, from all other source. Will be sufficient to maintain and support the public schools for a period of not less than six months in each year," it leaves no do bt on the subject. The 12½ cents now levied, aided to the fund arising from all other sources, their will that it and its branches and all the fund arising from all other sources, their will that it and its branches and all four and a half months; neither would an four and a half months; neither would an individual sources, the state shall be properly end west and suitained. As a Dranch of the unitabilities of the state shall be properly end west and suitained. As a Dranch of the unitabilities of the state shall be properly end west and suitained. As a Dranch of the unitabilities of the state shall be properly end west and suitained. As a Branch of the unitabilities of the state shall be constitutions of the state shall be properly end west and suitained. As a Branch of the unitabilities of the state shall be constitution. Was instituted for instruction in agriculture, the mechanical aris and the sciences con-nected therewith Both of these institu-tions are now important charges upon the public for proper care and support. The common tree schools are intended

The common free schools are memore for the education of the musses in the English fauguage, so that they may be ca-pable of self-government, and the preser-vation of their rights and liberties. To the unbitious of both series who aspire and with to become educated in general and with to become educated in general literature and the arts and sciences con-acceted with the professional as well as agricultural and mechanical pursuits, the University and its branches to glit to af ford, in a great state like this all oppor tunities and healities they may desire Trey are but the creatures of the pride of

a great and generous people and deserve to be maintained to the full standard dixed by the Constitution. The endowments of neither are sufficient to do this, but the people demand that it shall be done. In the wisdom of the Legislature the way is possible, and it is hoped your honorable bodies will be equal to the emergency and fully discharge the obligations so imposed.

CONFEDERATE HOME.

Not from sentiment, but on principle, ind to discharge a duty in obe tience to the expressed will of a just and generous constituency, the legislature is called on to make "suitable provision for a home for the disabled confederate soldiers, where their reasonable wants nay be supplied and their miseries alleviated, without humiliation to them as objects of char-

This is a noble task, that can not be This is a noble task, that can not be performed except under the purest impulses of elevated manhood. Deep in the hearts of Texhans lie smouldering sympathies, mingled with tender feelings of dove for those men. When their State commanded they obeyed. To them no higher law was known. Patriots once separated now clasp hands over the past, this outs not their differences then so rife which much forth in peace to discharge all obligations the war entailed on them. For

and march forth in peace to discharge all obligations the war catalled on them. For happiness they look to the future, but never draw on faded memories whose only light gleams forth from the embers of matice and hale.

The innocent suffer greatest from the ravages of war. Off-springs of peace have most of the debts to pay. Mained soldiers least complain, practice in aguanimity and bury the past drast. The agitator-for spoils keeps all wounds open by his tongue's foul venom. It is the mission of a brave man to perform his duty. To do that he must think and look ahead. Thought, investigation unfolds to view our true condition. In many respects it thought, investigation unfolds to view our true condition. In minny respects it is bad. Around us are maimed, toucring, helpless men pitiable to behold, yet too proud to accept p ty. Their condition is not their seeking, but truly the result of willor displayed in response to the state's wish or demand. Every demand carries with it an obligation. When a government demands or accepts, service, of her with it an obligation. When a ment demands or accepts service men in war she assumes the obligation to men in war-sie assumes the congation to care for the milined or helpless ones of them in times of peace. Toxes called on her soddiers to fight. They did so. In-stend of protecting those who became im-potent from that service it is regretted to O say, but the truth is, she has for twen to say, but the truth is, she has for twenty five years, with but a slight exception, stood mute witness to their iniseries and destitution. No longer can she do so without a burden of shame too great for her prile to bear. In the abundance of her resources she now proposes to pay a debt of honer never to be barred by any rule of limitation. She will erret and maintain a limitation. She will erect and maintain a

é mtederate home.
Philanthropy has already propared the foundation for it. The "John B. Hood Camp," an association of men-formed of material more strongly ludicated by its name than peneda describe, has for many yeas, berokally stringled to hide the wounds and wants of Confederates from wands and wants of Confederates from public gaze by the shelter of a Home. In keeping with the chivalry and being of the confederate of its members, the association flow tenders the state its property held in trust for that purpose, consisting of the acres of land lying in the western por, in

of Austin, fenced and understely if proved. The houses on it are comfortable, but are too limited in reom to supply present demands. Additional to this they also offer other property, money and securities, amounting in value to about \$20,000. Within that Home now are titly seven invalues whose presence. to the good of his country in the maintenance of civil liberty. Should the school tax be raised 7 13 cents on the \$100, so as to touch the constitutional limit only 75 cents on the \$100 worth of property would be added, making \$2 on every \$1000 valuation for educational purposes that the people would have to pay as taxes. Complaint of heavy manton in this direction could not be instable. No new State of the reconstruction of property would have to pay as taxes. Complaint of heavy manton in this direction could not be instable. No new State of the reconstruction of property would have to pay as taxes. honor of their state.

With this beginning it is hoped the home may yet become the printe of all Texas. It can be that hed and supported without much draft upon the general revenue. The State owns many pieces of allowing many pieces of allowing many and around Austra and escalater, not now for demand for public ase, that can be made to hield by lease or gale's mething perhaps enough for the purpo o. Money arising from the sales of escheated hinds, of lands purch sed by the state under execution, of "scrap" lands, personal property to longer medded by other public manuations, and of lands. wother public institutions, and of Infids dinging to no other land, the patents of

[CONTINUED ON NINTH PAGE]

CONTINUED FROM TWELFTH PAGE which have been or may be canceled, can ome an interest in such property a strong where will be created to make it fruitful of the best possible results. Also, under or the nest possone results. Also, under a judicious arrangement, much of the necessary food and clothing for the inmates can and ought to be supplied from the penitentiary, the reformatory and other State institutions.

These suggestions are, of course, made to draw your minds to the possibilities in view and near at hand. They can be much improved on by your greater wis-dom and deeper thought, a combination of which freely given to this important object must produce results satisfactory to yourselves as nativity and statesmen who exalt justice and have the honor of a proud State to save.

SEPARATE COACUES.

Exigencies have arisen and produced a demand by the people that the railway companies of this State be required to provide separate coaches for their white and black passengers. It is regretful that such a measure has ever become necessary uch a measure his ever become necessary in Texas. Insidence on the one side and intolgrance on the other unnecessarily ex-hibited by the disturbing elements of both races, Tave borne this fruit. Nothing less than whee legislation can now correct the Avoiding all unjust discrimination aw should be so framed as to be sufficiently flexible to relieve the companies of unreasonable burdens resulting from its application and enforcement.

The passenger business of some roads will not justify the outlay and expense of some roads providing separate conches for the two races. Others are differently situated and races. Others are differently situated and can do so between points in populous sections on thair lines without much inconvenience or unnecessary expense. An arbitrary law without qualifications to vary with the conditions of the raitways and the travel overflown is not demanded not could it be expected by a just people. Therefore it would be well to pass one requiring the companies, under penaltics to be enforced at the instance of the State, to provide separate conches as destate. State, to provide separate coaches as de-manded; or in cases where business would not otherwise justify them, to sectionize cars so as to separate their white their cars so as to separate their white and black passengers. It is doubtles-best to place the regulation, adjustment and control of this matter under the law with the railway commission.

CONVICT LABOR.

The attention of your honorable bodies is respectfully invited to the custom of working the state convicts outside of the penitentiary upon the railroads and private farms. Without entering into a dis cussion of the conditions that may have justified or produced the necessity for this system, it is well now to make a change in obedience to what seems to be both the spirit and letter of the law inflicting pun

ishment for crime.
Our Penal Code maintains that the ob ject of punishment is to suppress crime and reform the offender, and expressly affirms that whenever the penalty pre-scribed for an offense is imprisonment for a term of years in the penitentiary "im-prisonment to hard labor is intended." In our State, except in accordance. death penalty is imposed, the punishment in falony convictions intended hydraw, as assessed by the jury, decreed in judgment, and pronounced by sentence of the court is "confinement in the penitentiary." That institution needs no definition here In the face of the laws as they now exist the present executive can never feel jus-tified in adhering to the practice of hiring out convicts or of permitting them to work for corporations and private todividuals in any form whatever. Therefore, coeffding in your superior wisdom in dealing with this serious que-tion, he begs to express the hope that his way in the future, in respect to the management of that institution, will be marked by plain law. If the policy of working the convicts elsewhere than in the penitentisry is to be adopted or continued for the future, it is well to let the objects of pun-tshment as laid down in the code and the I unguage used in the judgments and sen-tences of the courts be changed, i At best it is difficult to reform any human being by puni-hment though it may be ever so just. Certainly the difficulty deeply min-gled with human nature must be increased when it is known that the puni-hment inflicted for the ostensible purpose of reform

In addition to the respect that should always be shown by a government of him for her statues and courts decrees, humanity would suggest that the unfortunite cenvicts have an opportunity to reform. Such is impossible when they have to serve a period of years upon the public highways, exposed to the gaze of free humanity, while in chains in stripes, tree bumanity, while in chains in stripes, with armed guards around them, fully conscious that their serviers are being performed in violation of the order of the court by which they were tried. In free America the citizen's most jealous privilege is his liberty. When he surrenders it in atonement for crime he becomes a worse criminal when he knows it is done in Obediesce to arbitrary power exercited.

methods. This perhaps can be done by the establishment of machinery within the walls of the penitent-ary so as to supply all the state assitutions with farming implements, furniture, wearing apparel, and other articles of domestic usa, and also for the manufacture of such articles demanded by the general public as are now mode by "trusts" and "combines" and being sold in violation of our laws. Under the penal haws of this state every with constitutional defeated, which is that

tutions could be snoolied with all they e insume. This would save an annual out-tay of much money and tend to utilize all the utilized in that way. Auxiliary to these may be added the surplus teccipts in fees from the various departments, and such other money not specially appropriated otherwise as may reach the State tracury. By giving the reach the State tracury. By giving the control of the state tracury as training the control of the state tracury. By giving the control of the state tracury as training of the conveit labor within the meaning of our laws at the least possible expense to the conveit labor within the meaning of our laws at the least possible expense to the conveit labor within the meaning of our laws at the least possible expense to the conveit labor within the meaning of our laws at the least possible expense. the convict labor within the meaning of institutions to take the penitentiary pro-ducts at the market price and give it proper credits therefor.

With implicit confidence in the superior

wisdom of your honorable bodies, these suggestions are made with the hope that in the exercise of your better judgment a correct solution of this perplexing que tion may be had without violence to the feelings of humanity or detriment to public interests.

PRIVATE CORPORATIONS.

Most of the corporations doing business in this state are operating under charters procured from other states or from foreign countries. Many of the cirizens of Tex-as send abroad and procure charters for the purpose of engaging in corporate en-terprises at home. The cause of this may be accribed to the peculiar condition of Texas laws on the subject. They prohib it most of the corporations from procur-ing charters here, but permit, with but two exceptions, all classes of them from every quarter of civilization to come in here and operate at will for the period of ten years from the date of the items procured from the secretary of state. If there are any good reasons for this, the conditions of our country have not dis-

closed them.

The State has the power to prevent any kind of business being carried on in it. by cornerations of any character, and it can corporations of any character, and it can at pleasure altogether exclude foreign corporations from operating within therefore, it seems that public policy has accordenated either course. To deny our own citizens the consent of the State to incorporate at home, while admitting them here to operate as they please under charters procured from toreign States, pre-ents an anomaly without color of justice of reason to support it.

tice of reason to support it.

If corporations are to exist or dobusiness in this State at all, it would be use policy to have certain classes or all of them procure charters from the State government, with such conditions and restrictions imposed on them as will pro-tect the public from their abuse and mis-use. For each charter the State could use. For each charter to control to require less, graduated in proportion to the capital stock of value of the franchistock of value of the payment chise granted, and require the phymient of an angual tax for its use during the term of its existence. By this course the revenue from such sources would be vastly increased, the domiciles of the corporations would be within the State, the porations would be within the State, the salaries p id the officers would be to our citizens, and all litigation with them by the people would be in Texas courts. Guarding well the interests of the public by placing all needful safeguards within the law with reference to the corpora-tions, much improvement on our present laws on the subject is possible with your honorable bodies.

PUBLIC SECURITIES.

The State is responsible for the creation of every county, city and other corporation within her limits. In the issuance of every kind of municipal and milway security in Texas her honor is more or less involved. It is her duty to protect as fur as possible her own people and those of other States and countries against fraud from such sources. Every such bond is a public debt, more or less involving the integrity of the State. No question ever arises as to her own bonds; for, if she were to laste antitions of dollars of them. today in obedience to law, with an annua interest of 4 per cent, they could be placed on the market at par without question. Why? Because the money lenders would be satisfied with that small rate of interest on an investment absolutely secure Then, if her own credit is so good, there is certainly no reason why with rigid laws all other securities of a public nature can not be raised to a high standard. With possibilities so great, possessing the power within her own grasp, it would seem to comport with the general interest of the public that the State, by law, require protection of every class of public obligations, so that any person could invest in them wi hout being swindled under any

ircumstances.

The wild and reckless spirit now per vading the country bent on loading the ng, and in time, unless checked, will lead the state's name to dishonor. Every in-vestor who buys a public bond must feel outraged when his threatment falls. It outinged when his investment fails outinged when his investment fails. It feels an interest in the Federal union as levery citizen. Such, however, is not the would comport with propriety and fair dealing to pass laws limition the amount of bonds that may be issued by counties; cities, towns, and railways. No county or municipal bond can now be issued within its legitimate sphere. In the action, the control within a several particular judisdiction. Instances have occurred recently in several places within this state where bonds were place in a publication in cases of law. They have been that recognition and respected of the property within the particular judisdiction. Instances have occurred recently in several places within this state where bonds were place in a publication of law. They have been the recognition and respected of the property of the property within the particular judisdiction. Instances have occurred recently in several place in a publication of law. They have been the recognition and respected of the property of the property of all. No offense can be more easily joins, to the end that the general government government and any other crimes in proportion to the number of the property of the dearest right conditions at the information as the life dearest right condition as to his life—the dearest right condition as to his life—the dearest right condition as to his life—the dearest right of all. No offense can be more easily joins, to the end that the general government g issued in excess of law. They have been thoused, gone into the hands of nonrest then the desired purchasers, yet, as they exist in violation of express haw the courts are bound to hold them void. Thus be creditor loses a part if not all of his

This wrong should not be permitted to continue. As a remedy, it is respectfully suggested that no such bond shall be nein obediesce to arbitrary power exercised for violation of a law of his country. The State cannot, should not expect to make a profit out of convict labor. To reform the offender by humane, legal punishment, was issued. This done the interest can was sent of the benefit of which it was issued. go lated until it has been folly tested un the territory for the benefit of which it was issued. This done, the interest can

administered under rules of law without hope of pecuniary gam, so that he may be returned to civilization and liberty a heter man comports more with her sovereign digotry and subtane sense of justice.

Economy and due regard for the tax avers would indicate the property of anking the convicts self-sustaining, if that he possible, by consistent, reasonable methods. This perhaps can be done by the establishment of machinery within the walls of the penitent-ary so as to supand other articles of domestic use, and other articles of the manufacture of such articles demanded by the general public as are constanted by the constitution of our laws. Under the penal laws of this state every menter of a trust is made a criminal. It would therefore be consistent and alto be issued except in strict conformity member of a trust is made a criminal. It would therefore be consistent and alto be issued except in strict conformity member of a trust is made a criminal. It with constitutional denial, which is that the original public as are constanted by the constitution and the constit Under the penal hows of this state every member of a trust is made a criminal. It would, therefore be consistent and altogether unobjectionable to place the articles manufactured by convicts on the market in competition with their goods.

Connected with the penitentary as adjuncts or parts thereof are some farms belonging to the state that have been fruitful of good results. They could be enlarged and improved so that all the surger, molass s, core, cotton, fruit and vegetables demanded by the convicts and by every other number and occupant of the various parts and occupant of the various parts and the local conditions and the posterior and the local conditions and the secure and the local conditions and the public securities as fould have the stange of honesty placed on the proved so that all the surger, molass s, core, cotton, fruit and vegetables demanded by the convicts and by every other number and occupant of the various parts.

The constitution requires that the penituation of the perituation of the perituation of the penituation of the

best to prescribe other classes of bonds also that may be purchased with it.

Doubtless it would be wise policy, in various ways beneficial to the public, to authorize the investment of this trust fund limit the amount of the investment to no exceeting one-third or one-half of its value. Such a law was enacted many years ago and the school faul under it was inve-ted in such securities. They have proven to be of the very best class, now yielding in available income to the school fund to the amount of \$50,000 per year. Not with standing some of the roads seems, to have been shown by some of on which that haw fixed a lien in behalf of seem to the State and her courts and of the investment have been sold and chim i ed hands, yet the security in behalf of the sme for this fund remains intact and un-shaken.

By drafting a strong law, guarded

By drafting well against tingencies, a of the juve By drafting a strong law, guarded well against all dangerous contingencies, and limiting the amount of the linestment of the fund in railway securities, there can be no possible hazard. Many benefits will arise from such a law; it will stimulate the construction of rollways in the sections needing them, thus increasing taxable values, and it will afford a remunerative investment for an otherwise title fundinvestment for an otherwise lide fund, thereby returning it to circulation among the people, where it properly belongs

SUFFRAGE.

Liberty rests in the stainless ballot of the fragma. Communate the source and all rights flowing from it become mingled with this. The people of no government can be more sensitive over the decive franchise than Trypins. That they will fully protect it needs no better guarantee. Than the example of their which they are always proud to In the earlier days of this State, when

the bone of men needed not the stimuly of hw the ballot had no suspicion of fraud around it. Of late years the indux of population from other sections may have brought among us some who do not appreciate the untransmeted, free exercise of the sacred franchise or the hallowed precincts of the totage place. But few complaints, rar and isolated, have ever been founded in justice and truth of the system or methods of elections in this State. Warned, by the few that have been made it is well to guard the hallot by stronger laws for future use. The power lies with it is well to guard the ballot by stronger laws for future use. The power lies with your honorable bodies to make all correc tions needful for the preservation of the liberties and rights of the people in this libatics and rights of the puople in this respect, and the executive begs to express his confidence in your wisdom and particular in do so. riotism to do so.

FEDERAL OFFICERS. In her independent autonomy Texes should be sovereign and free in the man agement of her own domestic affairs. Cordially and with pilde the claims and feels an interest in the Federal union a one of its important members. In all the powers delegated to it she cheerfully thus the other property.

spe t.

For many years past the people have been terrorized by the juricular arm of that government, not for offenses they have committed, but because they dread

cral public and suggests the necessity of its being returned in a profitable way to the channels of trade.

The scarcity of and high premium required to procure Usited States or State bonds, make such securities quite unattainable. Under such conditions and the law as now framed the fund can be placed only in county bonds, the Legislar ture having never prescribed any other securities in which it may be invested. The inducement, therefore, to purchase them beyond public necessities. From all indications there seems to be a spirit of extravagabee in the execution of county bonds any way, and it needs no encouragement. It is well enough for the school fund to be invested in such securities bearing the impress of economy, but when it is considered that they are chains non property yet anacquired, that must be paid by the fruits of the coming ages as well as by the carnings of the school willing and tronds would be invested in such securities bearing the impress of economy, but when it is considered that they are chains upon the pockets of those yet unit of the property in the school fund to be invested in such securities bearing the impress of economy, but when it is considered that they are chains upon the pockets of those yet unit of the property of the companies and pay their that must be paid by the fruits of the coming ages as well as by the carnings of the same proporty of the school fund to the traits of the companies and pay their that must be paid by the fruits of the coming ages as well as by the carnings of the same proporty out of the property out of the bands of its owner, operates the road in branch of its owner, operates the road in the law that may be purchased with it. efully takes the property out of the bands of its owner, operates the road in his own way, with an occasional sugges-tion from the court, which he recognizes authorize the investment of this trust fund as a sort of partier in the business; some in hones to be secured by first moring ges times, though very rarely, pays some on rathways hereafter to be constructed in money on the debts of the corporation; this state. In doing this it would be well but quite as often adds to them, and into prescribe a statutory lien giving the jures prior creditors by creating a new and fund so thrested precedence over all other superior lien on the property included to be followed by the fallroad and to be superior lien on the property included to

them. Hourable executions out such misrodulet among Ederal officers exist in this State. They are well known and tally appreciated by the public.

In view, however, of this severe criticism from the highest court of the countries. try and of the peculiar conditions sur-rounding the rullway management of the State, and of the unter judifference that seems to the Suite and her courts and of-ficers in the administration of public af-fairs, the time doubtless has come when-duty would impel action on the part of the State, at her own expense, to have all such matters investigated to the end that the guilty may be exposed and puni-hed, and all stains created by such su pictous removed from the innocent. The citizen would be helpless in a contest with such removed from the innocent. The citizen facts developed in the trial.

would be helpless in a contest with such
cfficers, but the State is amply able to enthat when a person takes the life of anter into it and stand the cost. If wrongs have been done by any Federal officer to the dignity of our State, there are tribu-

nals before which he can be carried and justice suitably administered to him. In view of the premises, your honorable bodies are respectfully requested to place a suitable appropriation at the command of the Executive for use in defraying the expenses of all necessary prosecutions in the protection of her rights in all respects

ns a sovereign state.
CHIMES AND REMEDIES. In most respects the Penal Code and Code of Criminal Procedure of Texas can-

In most respects the Fenal Code and Code of Criminal Procedure of Texas can not be excelled in accomplishing the objects for which they exist; but in some unaterial particulars the test of experience has developed faults in them very detributed to public interests.

The design of chacting the former was to define in plain language every offense against the laws of this state, and to affix to each offense the proper punishment."

The purpose of the latter was "to adopt measures for preventing the commission of crane; to exclude the offender from all hope of escape; to insure a trial with the least delay consistent with the ends of justice; to bring to the investigation of each offense, in the trial, all the evidence tending to produce conviction or nequital; to insure a fair and impartial trial, and to make certain the execution of the and to make certain the execution of the sentence of the law when declared." The chief aim of the two is to promote good order among law-abiding citizens and to afford them protection from the lawless in the enjoyment of life, liberty and prop-

In the definition and punishment of offca es arsinst property our laws are models. They are clear simple, and easy of enforcement. Ample safeguards are also thrown around the liberty of every citizen. Such, however, is not the condition as to his life—the dearest right of all. No offense can be more easily proved than that of unlawful homicide, yet there are less convictions for it than any other erime, in proportion to the number committed in this State. Illustrations to support this painful admission caused find an appropriate place in a public document. To state the truth of the case carries with it deep humiliation. Causes for this state of affairs are truccable to the laws, and not to dereliction in office, not to the support to the sentiment of the neighborhood of the neighbor that government, not for officeses they Causes for this state of all airs are frace-have compilited, but begains they draw and not to dereliction gestions already made herein, and of important questions that mist appear from officent threatens their liberries. Removed so far from the seat of government, it is is inflicult for the highest officers and cours to fally understant the frament, out to ages inflined upon the innecent heighed of the subordinate by infectior officers and the subordinate Federal Judiciary. Deputy man all easy to comprehend, but those defining the first plain and easy to comprehend, but those definition of a consideration of the subordinate for the highest officers and course to be punished. So, when a human life is now in your hands, many grave responsibilities are imposed on your honorable to conceditions. Proof in either case is simulatively in the subordinate for the people. difficult for the highest officers and con is to fully understant the fermion out to fully understant the fermion out to fully understant the fermion out tages inflated upon the tonecord people of the safe by inferior officers and other officers in diase. Proof in either case is simple, the safe by inferior officers and other officers in sails, special letectives, and other officers in serling authority have for many veirs infested the populous as well as the removered letectives, and other officers in fested the populous as well as the removered disturbed the tranquility of the people, and fly their misconduct and association with spies, informers, and association of oppression instead of one for the portfornance of its functions under the constitution.

Instances familiar to many of you can be recalled where numbers of chizers the constitution of only in the state courts, if they were difference of the point of t

manent (cash) school fund shall be in vested "in bonds of the United States, the state of Texas, or commitse in said state, or in such other securities and under such restrictions as many be prescribed by his "Proceeding, he descends into fairing in the state treasury without sund ble opportunity of investment. At the present time it amounts to about \$\$100, in the habt of receivers long beyond the present time it amounts to about \$\$100, in the habt of receivers long beyond the united and surgests the necessity of its being returned in a profitable way to the channels of trade.

The secrety of and high premium required to proceeding make such securities quite unattainable. Under such conditions and recedings, have been permitted to intergible of self-defense that the danger" of serious body in the injury of the edit of the secretial to indicate the injury of the decreased that the property that the defendant had the state's highest courts are held for analysis recedings have been permitted to interget to such property the decrease and optoisms of the state when the secretial courts are held for analysis required to procure United States of the secretial to inchannels of trade.

The secretity of and high premium required to procure United States of the secretial to the classification of the secretial to the classification of the secretial to the classification of the secretial to the class that the danger of secretic forms and thumiliation of these populations of the right to take the life of the decreased the secretial to the classification of the secretial to the right to take the life of the decreased the secretial to the right to take the life of the decreased the secretial to the right of self-defense that the danger of secretial to the right of self-defense that the danger of the right

the right of self-defense that the danger should in fact exist; that it may be apparent and not real; that in determining whether there was reason to believe tha

danger did exist, the appearances must be viewed from the standpoint of the defen-dant, and from no other standpoint." By the time a judge gets through with a long contested murder trial, in which he has been compelled to pass on questions of evidence and otherwise guard the pro-ceedings to prevent to justice, he has but little tune to prepare a perfect charge on so many complicated questions of law. The statute expressly requires him in the charge to "distinctly set forth the law applicable to the case." If he commits error in doing so, it makes no difference how immaterial it may be, if it is except. ed to and presented by bill of exceptions on appeal the case must be reversed by the Court of Appeals. The taw is manda-lory that in such case the conviction must be set uside without in quiry as to the effect of such error upon the jury. To say that it is shameful to duly as to the enector sade error upon the jury. To say that it is shameful to permit such laws to exist in a civilized government is no argument, nor can buse of the courts change them. It is compliment to the honesty and mirity the judges to have abuse heaped on their for declaring the law as it is. Obedience t the law by them under all circumstance guirantees sciently to the people. Let the laws be changed in obedience to pub-lic demands, or, to conform to principle and justice, rather than to remain the creatures of a mandlin sentiment so repulsive to civilization, and complaints in he future that murderers are less punished in Texas than thieves will be no longer heard. To accomplish this the executive respectfully begs to suggest: 1. That the law of murder be changed

so that when a person of sound mind and discretion unlawfully and with malice aforethought tills a human being in this State, he shall be guilty of, and on con-viction punished for, the first or second degree of that offense, according to the

other and relies on the "appearance of danger" for protection, the appearance of danger" for protection, the jury not the defendant, must determine from all the evidence whether the "appearances" were sufficient to justify a prudent man in be-lieving the "danger" in fact existed at the

sumerent to justify a prudent man in believing the "danger" in fact existed at the
time the killing occurred.

3. Make every slayer who provokes
the attack which results in the homicide,
or who voluntarily engages in the combatknowing that it would or might result in
death or serious bodily injury to his adversary or himself guilty of murder in
the first or second degree, according to
the facts of the case.

4. Repeal the chapter of the Penal
Code relating to "manslaughter," and
remove that word from every other section of the statute that contains it.
By repealing this law no substantial
right of the citizen need be absorded. If
he is guilty of that offense his prescribed
punishment is confinement in the peniteniary, anyway. While it is not so
termed in the code, "manslaughter" is
neither more nor less than a degree of
to nurder, but such affords a loophole for
criminals in evading punishment. It is a criminals in evading punishment. It is a mesh work of technicalities and compli-cated impediments in the pathway of justice, wherein murderers tread with shame ess indifference over the lifeless forms o hair innocent victime

All needful rules and safeguards for the and just right of self-defense should be etained to protect the upright citizen yet this law and all other obstructions to the sound administration of the judicial system in the full protection of human life from the reckless hand of the murderer can and of right should be foreve

At the beginning of this session his excellency the outgoing Governor ably pre-sented to your honorable bodies by message a review and summary of the condi-tion of the State, embracing, through department reports, estimates of the amount of money required to be raised by taxation for all governmental purposes. Great ben-efit must be derived from a perusal of that most excellent document and of the valu-

able reports accompanying it.

Additional to a consideration of the suz segment law, of regulating the legal, and conventional rate (f interest and prolii it-ing usury, of revising the laws on taxation and revenue so as to equalize the burdens of government, of making appropriations to pay off the public debt soon to become due and to defray the state's expenses los the next two years, if performed, must be done with in so short a period as to add much embaras-ment to the acknowledg-ed importance of your deliberations. Having implicit confidence in the un-

schish patriotism and mature wisdom of to express the hope that the ardious, task you have assumed will be performed in harmony for the good of Texas, and that on returning home you may each be en-titled to and receive the plaudits of the people, whose hearts ever pulsate with deep affection for their faithful servants. J. S. Hoce,

Governor. I Must Have the Room.

I have one of the largest and best issorted stocks of boots and shoes in the city. Do you need anything? If so you will save big money by giving me a call, for I am closing out at absolute cost. I have a large stock on the road and must make room. Have you seen our \$3 gents' shoe, and those elegant hidies' shoes for \$2? They cannot be equaled for durability.

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order it for you. Send 2c stamp for copy of "THE HORSE TRAINER," published by us. PRICKLY ASH BITTERS CO., Sole Proprietors. ST. LOUIS. MO.

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STATESMAN PUBLISHING COMPANY

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AUSTIN, TEXAS, JAN. 22, 1891

THE GOVERNOR'S MESSAGE.

GOVERNOR HOGG'S message, published elsewhere in full, is an exhaustive and able state paper. While dwelling on the absolute importance of keeping to the letter of the constitution, it also demands that party pledges that be kept while not in con. fliet with fundamental law. To this end he takes as his text the pledge the Democratic party, in convention assembled, have lately made, to this

- 1. Creating and providing for the successful operation of a railway com-
- 2. Prohibiting corporate monopclies and perpetuities as to land and
- titles thereto.
 3. To provide for the support and maintenance of public free schools for six months of each year.
- For the proper endowment and maintenance of the university and its branches and the other educational institutions.
- 5. Establishing and supporting a home for disabled Confederate sol-
- 6. Requiring railways in the state to provide separate coaches for their white and black passengers.

These ideas he expands at length and then branches off with an elaborate discussion of convict labor, private corporations, public securities, permament echool fund investment, suffrage, federal officers, and crimes and remedies. On all these subjects he makes points that must attract the serious attention of the legislature. Of each of them THE STATESMAN will have something to say later, but special attention is now desired to be called to a subject about which Austin has been so much concerned, and which the whole state should have on its conecience, namely, the care of the Confederate veterans who may be the subjects of charity. Of a Confederate Home the governor begins speaking as follows:

"Not from sentiment, but on principle, and to discharge a duty in dience to the expressed will of a just and generous constituency, the legislature is called on to make "suitable provision for a home for the disabled Confederate soldiers, where their resonable wants may be supplied and their miseries allevisted, without humilistion to them as objects of charity,

This is a noble task, that cannot be performed except under the purest impulses of elevated manhood. Deep in the hearts of Texans lie smouldering sympathies, mingled with tender feeling of love for those hen. When their state commanded it hey obeyed. To them no higher law was known. Patriots once eparated now clasp hands over the parties, and march forthist page to discuss not their differences then so the lock for the march forthist page to discuss them. For happiness they look to the future, but never draw on faced memo is whose only light gleans forth from the embers of malice and hate.

Then after giving the history of in the hearts of Texans lie smoulder

Atter give the history of what has been done oward establish-ing a Confederate home he thus points but how the state can keep Then that home:

With this beginning it is hoped the Home may yet become the pride of all Texas. It can be finished and supported without much draft upon the general revenue. The state owns many pieces of idle property in and around Austin and sleewhere, not now in demand for publicuse, that can be made to view by least or sale some made to yield by least or sale, some-thing, perhaps though for the purpose. Money arising from the sales of escheated lands, of lands purchased by the state under execution, of "scrap" lands, passonal property no longer needed by other public institutions, and of lands belonging to no other fund the patints of which have been or may be canceled, can be utilized in that way. Auxiliary to these may be added the surplus re-ceipts in fees from the various de-partments, and such other money not specially appropriated otherwise as may reach the state treasury. By giving the home an interest in such property a strong incentive that does not now exist anywhere will be created to make it fruitful of the best nossible results. Also, under a judicious arrangement, much of the necessary food and clothing for the inmates can and ought to be supplied from the penitentiary, the reformatory, and other state justitutions."

These suggestions are now at the very beginning of the session urged upon the attention of of the legislators and they are petitioned to act promptly for the relief of the distressed Confederate heroes.

Salge's Rostaurant. Prairie chicker, Tell and Mallard ducks, quail, fish and oysters on the half shell.

UNIVERSITY ENDOWMENT.

The State University might be better off than it is had it not up to within a few years past been unfairly treated by the state. During the period of 1861-5 its fund was taken for war purposes, and they have never been completely replaced, and what has been done was with a grudging hand.

But the tide has turned. The people of Texas have determined to build up their university into a great central seat of learning. They have said so through the Democratic platform last year. Their intentions are unmistakable, and future legislation on the university, to be in consanance with the people, will no doubt be directed towards its advancement.

It stands in need of the aid which the people have determined to bestow upon it.

According to the report of the regents just printed, the permanent endowment of the university includes bonds, and notes, lands and fees.

On Nov. 28, last, the total amount of bonds held by the permanent university fund was \$569,340, yielding an annual income of \$34,268.60; on the same date the total unpaid principal of land notes was \$64,606, with an annual interest of \$4100.

From its lands the university derives annually \$10,240, and from fees \$3,830, making the total income \$52,-765, including \$3830 from fees and \$48,935 from endowment. Who will say this is a sufficient fund for a state university? Think of it, a university with such a princely land endowment as the University of Texas, with a paltry half hundred thousand income. Every Texan should feel it his duty to see that this income is more than doubled.

Col. Mills deserves the thanks of every Texan, as well as everybody else in the United States with any sense of justice or manhood, for "cyrsing out" Boss Reed in the speakers chair the other day. Mills language may have been a little rough, out the Maine must deserved it every but the Maine man deserved it every bit heed, and everybody else, will have more respect for Mills than if he had sat down and accepted all the fraud and chicknery that Reed could head on the hous?

LEGISLATIVE NOTES.

Many of the members who are not accustomed to keeping late hours, showed the effects of the inaugural ball during the session yesterday.

Lieutenant Governor Pendleton makes a good presiding officer.

The Hon. Miles - Miles Crowley, appeared at the inaugural ball decked in his claw hammer. He makes a striking appearance and seems as much at ease doing the gallant as when in the legislative halls, pleading that the working man should now have that long talked of chance.

The committe on printing are de-liberating a good deal before reporting back to the house. At a meeting yesterday morning the matter of printing pamphlets and having papers furnished was thoroughly discussed, after which a resolution was offered that in addition to the pamphlet each member be allowed thirty papers conainin s full report of the proceedings of any daily in the state, with the privilege of making their own the privilege of making their own choice of dailies. The resolution was lost and a motion to adjourn until 9 o'clock this morning was carried.

The reading of Governor Hogg's message took up most of the forenoon yesterday in both houses. While it was quite lengthy, it was well drawn up and full of wisdom and good judg-

Walter Gresham, member of the house, was at his post of duty yester day morning, after a tussle with the

There will be 5000 copies of Gov. Hogg's message printed.

The members of the house made a kick for two more committee clerks, giving as a reason the number of committees now at work and the impossi bility of the present force of clerks ability to serve all. They got the

The house adjourned at 1 o'clock esterday until this morning at 10 o'clock, in order to give the committees time to work.

State Treasurer Wortham says he is kept busy paying legislators their mileage. Chief Clerk Bandolph Laureuce takes hold like an old stager. He will be popular.

Mr. Moore of the treasury depart ment is quite sick with pneumonia. **

Over \$50 000 was received at the state treasurer's office yesterday forenoon.

The senate confirmed the appoint

The punsters of the legislature are beginning to cut up their antics. Here is a resolution proposed by a jolly jester of the house yesterday, which, however, he concluded not to intro-

Be it resolved, that a committee of three be appointed by the speaker of this house to see if the public moneys

of the state are safe! Section 2. That the close proximity of the Mexican border and the extreme length of the legs of the state treasurer and his chief clerk create an emergency and imperative public necessity for the immediate appointment of this committee

CRAWFORD'S BILL.

Senate judiciary committee No. 1 met last evening at 7 o'clock and decided to report favorably on Senator Crawford's fill providing for the revision and publishing of the civil and criminal laws.

A.PROTES, An Ex-Federal Soldier Makes Complaint of His Treatment by the Legislature.

Austia, Tex., Jan. 16, 1891. To Their Excellencies L. S. Ross, Governor of Texas, and J. S. Hogg, Governor

of Texas, and Elect. Gentlemen—Believing it possible, on ac count of the reticence of the daily papers upon the subject, that the following facts may not have come to your notice, I respectfully call your aftention to the following remarks made by Hon. A. J. Baker, member of the house of representatives from Tom Green county, in open session of the Texas legislature last Wednesday morn-ing, in response to a speech made in nomi-nating a candidate for an other in that body in which it was alleged that his candidate was not an Ex Federal soldior, and was not drawing a pension, etc., aft of which was uncalled for, as the candidate was not 21 years of age. Mr. Baker's speech was as follows:

"Mr. Speaker and Gentlemen of the House Referring to the remarks of the gentleman on my right. It wish to know if there is such a man in nomination. there is a man who is a member of the Grand Army of the Republic, and in the receipt of a pension from the United States. government. I wish to know, for I don't want to vote for that kind of a man, and don't think any one else on this floor does."

This speech was pronounced applaused only one applauded organization of the control of the contr This speech greeted and the during organization of the house up to this time, except those in behalf of candidates for speaker. Notwithstanding this ex-soldier. Was a Democrat, fwith a residence of twenty five years in Texas, with a record of four years and tensmonths of continuous service prior to the age of twenty-one, married to the daughter of a soldier and officer of the Mexican war, also of the Confederate army—all this coupled with the fact that this ex-soldier was injured in actual service to the extent of inapacitating him for nearly every vocation in life, and utterly destroying any possibility of social enjoyment outside of his own home—this was not enough to keen him from being deemed unworthy of the vote of any member on that floor. He earned his commission on the field of battle, but not with that kind of bravery that has ever permitted him to cast a slur upon an hjured Confederate soldier. The man who had the courage to put an ex-Federal sodder in nomination simply on the evidence of ability to perform the duties of the office, which evidence was before him and every member of the house, affords a marked contrast to the member who oromised to second his nomination except those in behalf of candidates for affords a marked contrast to the member

before him and every member of the house, affords a marked contrast to the member who primised to second his nomination and was too much of a coward to open his mouth after the speech of Mr. Baker. The name of one will be honored in the home of very union soldier and that of many confederates. Though his kindness to the soldier may have sounded the death knell to his political life in Texas, while that of the other will be protten after receiving the tribute of contempt, it deserves.

If the sentiments expressed by Mr. Baker and applauded by the house are those of the people of Pexas it is only just that it should be known. If it is the ambition of Mr. Bakert pose as a hater of the federal soldier his object is attained. But in the name of a million soldiers who served under the flag that floats from the dome of our capital as well as thousands of brave confederates I denounce an exhibition of such sentiments in the official proceedings in our legislative halls as base and unjust, and a disgrace to the xas, and for the gratification of Mr. Baker and those in sympathy with him I will assure them that a fair and unexagrerated copy of the republic, and from every commandery of the millitary order, loyal Legion of the United States, both of which I have the honor to be a member.

onnet states, both of which I have the honor to be a member.

If Texas has no rebuke for the insult to so large a number, of her citizens, issuing from her legislatiye halls, the country at large will find one.

I am gentlemen, very respectfully, your obedient servant,

W. C. Mossert

Late First Lieut. 37th Ills. Vet. Vol.

AUSTIN, Tex., Jan. 21, 1891. Editor Austin Daily Statesman:

The enclosed letter explains itself, and in behalf of every man who was enrolled under the stars and stripes, I ask its publication. No question of personal nature was raised. My ability as a clerk and penman is well known, and no extenuating circumstances sufround the exhibition of sentiments so manifestly unjust and applauded in the legislative halls of the grandess tate of the Union. I witnessed on the 20th inst., the inanguration of our governor-elect in the halls of the grandess that the halls of the grandess in the delense of which has refidered a man unit to occupy a subordinate position in a body of men The enclosed letter explains itself, and in with has rendered is man unit to occupy a subordinate position in a body of men representing the boasted (180,000) one hundred and eighty thousand Democratic majority of Texas. Let men who are unfortunate enought to welcome the pittance allowed them by the government beware of the tender consideration of this majority. Of old Confederate soldiers I can have nothing but esteem and respect, and can vouch for their denunciation of the sentiments embodied in the speech of Mr. Baker. But unfortunately for the state of Texas and the rederal soldier within her borders, they be long to the rapidly diminishing minority. Let all soldiers impress indelliby upon the tablets of their smenory and that of their children the mann of Wm. F. Freeman, the native bora Texas and member of the house of representatives. Twenty-second Texas legislature from Henderson county, who had the manhoud and courage

second rexus registrers from Henderson county, who had she manhood and courage to give his open support to an ex-Federal soldler, and in the face of circumstances that appalled the velocal statesman. If could see no disgrace or anything to con

ment of George W. Smith as secretary flict with the Democratic principles, both inherited and inculcated from his infancy in his action. One of the first, and I believe the very first act of President Cleve. in in action.

If the action of the series of the series in the series of a department the gallant soldier, eminent statesman and soldier friend, the colone of my old regiment, the man who then was and now is in receipt of the highest pension paid to any living ex-soldier, and from whom I ame the proud possessor of letters signed "your friend, John C. Black."

The contrast between the Democracy of Grover Cleveland six yeage age and of that applauded in the bouse of representatives of Texas today is both striking, and suggestive. Respectfully, W. C. MORRILL.

THE HIGH COURTS.