TEXAS TOWN TOPICS.

NEWS NOTES GATHERED BY POST REPORTERS.

A Number of Holiday Season Entertainments—Important Case in the LaGrange Courts—Quarantine Regulations at Velasco.

HUNTSVILLE, December 22.—Home talent held the boards at the opera house tonight, presenting "Border Land." The cast of characters was as follows:

Jack Ratston.....Allan T. Smither
Joe Dempsey, alias Baron Hereford, alias Ole Ben.....R. F. Smither
Hon. Patrick McFaddle, a New York politician.....Frank Lee
Mr. Lester, a banker.....J. P. Murray
Cyrus, his servant.....Leon Parish
Kidder, Dempsey's pal.....T. J. Minter
Charley, a young terror.....Wardlaw Norsworthy
Mary Lester, a New York belle.....Miss Nellie Jones
Polly, a flip miss and Mary's sister.....Miss Mamie Wiley
Miss Spriggins, old but giddy.....Mrs. Ella Sherrill
Winona, an Indian girl.....Miss Robbie Bush

There was a good attendance and the play was well put on. The proceeds went to the Tom Hamilton Guards, our local military organization.

The Foster and Henry stores got up an illumination scheme for last night, the roofs of both stores being made to represent a fire scene. It was made more real by streams of water from the fire plugs being turned on. There were probably 1200 people who witnessed the festivities.

Notwithstanding the efforts of the city authorities to keep down fireworks festivities during the holidays, hitching and swing posts will discharge the missiles.

LaGrange.

LaGRANGE, December 21.—In the district court this morning the case of the LaGrange Compress company vs. the First National Bank of LaGrange and its board of directors was disposed of on a demurrer. The plaintiff duly excepted to the ruling of the court and will prosecute an appeal. This is a case where it is alleged that the bank subscribed for $200 worth of the compress company's stock with the advice and consent of its board of directors. The bank paid one assessment and refused to pay any more. The bank pleaded that the contract was ultra vires. The compress company sued the bank and its board of directors in order that if the subscription was illegal the bank was not liable then but under the National banking act, then the directors would be.

The court is now engaged in trying the case of White vs. Little. A judgment will not be reached before tomorrow.

Last night the musical entertainment given by Mrs. Waltersdorf and Miss Maggie Boyd came off. The attendance was large and the audience highly entertained. The entertainment was a rare treat and was something unique.

Everybody seems to be looking forward to the joys of the Christmas holidays.

The school children are preparing surprises for their teachers in the shape of nice and useful presents.

Halletsville.

HALLETSVILLE, December 22.—The town has every day this week been crowded with people who are laying in Christmas supplies. Many of them bring in produce and barter this for what they want. Eggs and butter are almost a drug on the market.

Notwithstanding the cry of hard times several of the leading merchants claim to have done a better business than ever before.

Tax Collector Culpepper has issued nearly as many receipts as ever before at this time and expects to have very few delinquents.

Cattle on range are in better condition than in summer; grass is perfectly green and growing all the time.

Pork can be had in any quantity at 5 to 6 cents.

It has not yet been cold enough for general hog killing.

There is not a vacant business house or dwelling in Halletsville.

The public schools will close today till January 1, and several of the teachers will go to their homes till then.

Bartlett.

BARTLETT, December 21.—Business is brisk. Santa Claus is coming. The children are happy. There will be a Christmas tree at the Methodist Episcopal church Saturday night. On Monday night there will be a tree at the Baptist church and at the German Methodist church.

R. B. Jones of this community was returning from Louisiana last week and stopped at Dallas a few hours. While walking around about the freight depot two men with green masks quietly asked him "Hands up and shell out and keep quiet" or they would have him arrested. Mr. Jones being a law abiding citizen, complied with their request and very willingly gave up his money for safe keeping with the robbers. This was in broad daylight, being about 1 o'clock in the afternoon.

Dr. H. R. Walkup lost his barn, buggy shed and his corn, oats and cotton seed by fire last night. No accounting for the fire.

Mr. A. P. Clark of this city was taken violently ill this morning just after breakfast. Medical aid and assistance were given at once. At this writing he is resting quietly. The symptoms are of strychnia poisoning.

Velasco.

VELASCO, December 22.—Dr. R. M. Swearingen, State health officer, has notified Dr. E. S. Weisiger of Quintana of the latter's assignment to duty as quarantine inspector at the mouth of the Brazos and orders him to thoroughly inspect all trans-Atlantic steamers and sailing vessels coming to Velasco, if any be found requiring disinfection they must be ordered to proceed at once to the Galveston quarantine station for fumigation.

So far this winter thirteen British steamships of large size have loaded at Velasco for European ports with cotton, cotton seed products and walnut and cedar logs.

The cargo of coal brought from Pensacola by the Ada Bailey is being shipped by rail to Cunningham's Fort Bend sugar refinery.

The only marine arrival this morning was the sloop Columbus from Galveston.

Heavy trains came in last night and today over the Velasco Terminal from Houston with cotton and oil cake for steamships Branfoot, Troato and Iona, all of which will complete cargo and sail for Germany and Holland next week.

Tides and river both low. Weather warm and clear.

Beeville.

BEEVILLE, December 22.—The "Fall of the Alamo" was played last night to a crowded house by a local amateur troupe for the benefit of the Knights of Pythias lodge. Holland, who is a critic, was heard to remark that if the troupe did not labor under the disadvantage of appearing before an audience of home people they would all be put down as "stars."

Quite an army of architects were on hand all day yesterday figuring on and submitting plans for the new school building.

Brenham.

BRENHAM, December 22.—Constable Boyd yesterday evening arrested John Young, wanted in Waller county on a capias profine.

A tramp last evening stole S. J. Jenkins' overcoat from the sheriff's office and sold it for $1.

Judge B. Bryan returned last night from Kansas City.

Gonzales.

GONZALES, December 22.—The holiday festivities were begun last night by the young man giving a pleasant hop at Kleth's hall. A concert will be given tonight by Miss Habermacher and several ladies of Gonzales.

Weather clear and pleasant.

Lockhart.

LOCKHART, December 22.—The Houston Post of the 20th, which should have arrived here on the evening of publication, was received on the morning of the 21st, by way of Austin, and many were impatient at the delay.

Miss Roberts gave a concert at the opera house last evening for the benefit of the city schools. The attendance was large and remunerative.

Yesterday and the day before we had considerable rain, and the roads are again muddy and rough.

HYMENEAL.

Moore—Hamby.

Beeville, Texas, December 22.—James Moore and Miss Maud Hamby, a runaway couple from Goliad county, were married here Wednesday night by Rev. J. C. Russell.

Davis—Joyce.

Gonzales, Texas, December 22.—J. R. Davis, one of the substantial citizens of Waelder, was married on Wednesday last to Miss J. oJyce. They drove up in a buggy to Rev. New Harris' gate and sitting in the buggy they were made man and wife.

Bryan—Gould.

Beaumont, Texas, December 22.—At the Baptist church Thursday evening Miss Jeffie Gould, sister-in-law of Rev. G. B. Rogers, was united in marriage to Mr. T. D. Bryan of Meridian, Miss. The ceremony, which was performed by Mr. Rogers, was witnessed by a large number of the friends of the bride, who has resided in this city for several years and who enjoys the esteem of a host of friends. The bridal couple left this morning for their future home in Mississippi.

Williams—Knox.

Giddings, Texas, December 22.—Mr. W. E. Williams and Miss Alice Knox were married at the Presbyterian church last night at 8 o'clock, Revd. J. G. Tanner of Navasota officiating. The attendants were J. F. Nichols and Miss Zima Robins, L. S. Williams and Miss Jennie Williams, Jos. M. Williams and Miss Emma Foster, Clinton Williams and Miss Pearl Caldwell, William Miller and Miss Lillie Green (left), Dr. J. M. Johnson and Miss Carrie Knox, O. M. Caldwell and Morris Burns ushers.

After the ceremony the bridal party and a host of friends repaired to the residence of the bride's mother, where a sumptuous repast awaited them.

The groom is a young man of sterling worth and a member of a prosperous mercantile firm. The bride is one of the fairest and most accomplished daughters of Giddings. They were the recipients of many elegant and valuable presents.

Odell—Murchison.

Crockett, Texas, December 22.—Weldon Odell of Cleburne and Miss Birdie Murchison of this city were married last night at the Baptist church, Rev. W. M. Gaddy officiating. The ceremony was beautiful and impressive. The minister stood at the altar beneath an evergreen arch tastily arranged and flanked by two floral gate. The church was decorated with holly, cedar and ivy, the bright red berries of the holly forming a beautiful contrast with the other decorations. Miss Minnie Hunter played the wedding march and Miss Hattie Fielder sang a beautiful solo. The ushers were Messrs. Tom Craddock and Archer Murchison. An elegant reception was tendered the couple by Mr. and Mrs. J. L. Lipscomb at their residence immediately after the ceremony. The presents were many and costly. The groom is a promising young lawyer of Cleburne and the bride a talented young lady of a sweet and amiable disposition loved by all. The happy couple with a small bridal party left on the 12:15 train this morning for Cleburne, their future home.

Castleton—Clemons.

Sealy, Texas, December 21.—The Methodist church at Sealy was appropriately decorated last night and was filled by an expectant and anxious audience, the occasion being the marriage of Thos. H. Castleton to Miss Isa Clemons. Miss Lucy Haynes presided at the organ. Promptly at 8 o'clock the bridal party marched into the church in the following order: H. G. Castleton and Miss Roberta Cliett, M. F. Howard and Miss Lucy Stoll, T. H. Castleton, the groom, upon whose arm leaned the lovely bride. The couple stood under a large evergreen arch, from which were suspended the letters "C. C." in an impressive manner. Rev. A. S. Blackwood repeated the ceremony that made them one. After the ceremony a number of relatives and friends repaired to the home of W. L. Hill, brother-in-law of the groom, where a reception was given. Mr. Castleton is a leading druggist of Sealy and numbers his friends by the score. The bride is a young lady of many lovely traits of character, and is beloved by all who know her. Their many friends wish them a happy and prosperous journey through life.

Phillips—Yett.

Marble Falls, Texas, December 21.—On yesterday evening at 6:30 Dr. J. R. Yett, a prominent physician of this place, was united in the holy bonds of matrimony with one of our most deserving young ladies, Miss Ollie Phillips, at the residence of the bride's mother.

The house was crowded at an early hour and at the appointed time the bridal pair with their attendants marched into the beautifully decorated parlor, where they were pronounced man and wife by Rev. Daniels of the Methodist Episcopal church here. They then led the way to the dining room, where an elegant and well prepared supper was spread for the guests after which they received the congratulations of their many friends.

The presents were numerous and elegant. The young couple will take possession of their new home today to tread life's pathway together, which we wish for to be both bright and prosperous.

The bride was dressed in a beautiful steel gray silk, trimmed in jewel passementerie, wearing orange blossoms in her hair.

The groom was attired in the conventional black Prince Albert suit. The attendants, Misses Hollford and Finney, were clad in pink and blue nunsveiling made in an attractive style and becoming the young ladies; and the gentlemen Messrs. Francis and Stuart, were attired similar to the groom.

Last of Garza's Band.

Rio Grande City, Texas, December 22.—Sheriff Shely has just returned from the back country and brings in with him Yanez Ruiz and Jesus Guerra, both of whom figured prominently in the Garza raids. They are desperate looking men and the fact that they have held out so long shows that their looks do not belie their characters. The arrest of Ruiz and Guerra winds up the revolution as far as this country is concerned. Too much praise can not be given to our sheriff, Wash Shely, for the bravery and consummate generalship displayed by him in his efforts to quiet the disturbances.

Waller County Populists.

Hempstead, Texas, December 22.—Stump Ashby, the great third party orator, spoke to an immense audience here at 1 p. m. The democrats got their usual roasting and incidentally the republicans were treated likewise. As usual, the third party people praise the speaker's effort, while those politically opposed to him shrug their shoulders in contempt of third party fallacies.

The meeting today, however, illustrates that the third party people are wide-awake. The boys from the "forks of the creek" were here in astonishable numbers and if they show up on election days in equal numbers the democrats may not have to bother much about the gubernatorial succession.

Tugboat Crew Rescued.

Brownsville, Texas, December 22.—The forty-eight-ton tugboat Frank G. Fowler of New Orleans, bound from Tampico, Mexico to Corpus Christi, Texas, went ashore on the Mexican coast about nine miles from the mouth of the Rio Grande. The crew of nine men were rescued by Mexican custom guards. They had been without food for three days.

First comes discomfort, then pain, then disease. "Kicaisead's King of all Pain" cures such ailments as Diarrhoea, Dysentery, Cholera, Cholera Morbus, Cramps, etc. 25c and 1; always cures.

THE HIGHER COURTS

THE SYNOPSES OF DECISIONS AS HANDED DOWN.

Renderings of the State Courts of Last Resort in Causes Taken Up on Appeal From the Lower Judicial Tribunals.

(Supreme Court—John W. Stayton, chief justice; R. R. Gaines and T. J. Brown, associates; C. S. Morse, clerk. Court located at Austin.)

Austin, Texas, December 22.—The supreme court handed down the following opinions yesterday:

The National Bank of El Paso vs. E. M. Fink, from the Fourth district. The question certified is "Is it contrary to public policy in this State for a public officer to give a lien upon his unearned official compensation?" We answer that it is contrary to the public policy of this State for a public officer to assign or give a lien upon his unearned compensation which is given by law, whether such compensation be salary or fees, and that any such assignment or lien is void.

In England the authorities seem to be unanimous in holding such assignment void (3 T. R., 621; 2 Bos. & P., 353, 8 Ch. & Fin., 267.) The American text writers and courts nearly all follow the rule laid down in the English cases (Story's Eq. Jur. sec. 1040; Mechem on Pub. Officers, sec. 874.) Some of the cases have held that the assignment of unearned fees does not fall within the rule sustained by the courts as to salaries (People vs. Dayton, 50 Howard, Pr. R., 444.) The weight of authority seems to be against this contention, however, (1 Gray, Mass., 189; 31 Ala., 279.)

If such assignment is permitted the family of such officer might be deprived of support from the State, thus forcing the officer to look to some other source, thereby depriving the State of the careful and thoughtful attention that the public interest demands. This would be a strong inducement to resort to methods which, if not dishonest, would at least be inconsistent with the public good. There are other considerations which join in showing the rule well founded which it is not necessary to speak of here. Opinion by Brown, A. J.

The Cary Lumber company vs. First National bank of Ballinger, from the Third district. The question certified is: "In order to fix the liability of an indorser of negotiable paper, that carries with it days of grace, must it be protested for payment on the third day of grace or the day immediately following the third day? If the latter be the rule, Was the protest on the third day of grace, as had in this case, premature?"

We are of opinion that in order to fix by protest the liability of an indorser upon a promissory note, the protest should be made on the day of the last day of grace. Article 273 of the revised statutes provides in substance that the holder of any bill of exchange or promissory note may secure and fix the liability of the drawer or indorser upon such instrument "by procuring such bill or note to be regularly protested by a notary public for non-acceptance or non-payment, and giving notice of such protest to such drawer or indorser, according to the usage and custom of merchants."

Article 276 simply declares that "three days of grace shall be allowed on all bills of exchange and promissory notes assignable or negotiable by law." The evident purpose of the last mentioned article is to provide for the fixing of the liability of drawers and indorsers of negotiable bills and notes by protest and to apply the rules of the law merchant as to the time and place of such protest. Upon the proposition that by the law merchant the bill or note must be presented for payment on the last day of grace, and that the protest should then be noted, the authorities seem to us to be in entire accord. (Bank vs. Tiffany, 3 Gray, 62; 4 Wend., 170; 14 Wis. 380; 20 Mo., 563.)

Article 276 merely makes the rule of the common law as to days of grace applicable to all bills and notes "assignable or negotiable by law." There is no intention to change the law merchant.

Counsel for appellant contend that such protest is premature, and cite 25 Texas Sup., 22; 58 Texas, 523; 74 Texas, 51, and 16 S. W. Rep., 490. The question was not raised in any of these cases except the last, and in that it was held that the note was entitled to days of grace, and because it was protested on the day it would have matured, had no days of grace been allowed, the protest was untimely and of no effect. Opinion by Gaines, A. J.

S. C. Rosley vs. L. C. Pease, from Travis. There is no doubt as to the identity of the persons and there is no reason to believe that plaintiff in error was misled by the averment that the instrument was executed by persons whose names were "Aukerman," even if the real name was "Ankenman."

The instrument sued on was a note for money to pay for work and material furnished to improve the homestead of the Ankenmans. An express lien was given in this note to secure it, which instrument was acknowledged as required to fix a lien on a homestead. This instrument was filed for record and recorded in a book in which ordinary deeds as well as instruments filed to secure mechanics' liens were recorded and not in a book kept solely for that purpose. It is insisted that this instrument should not have been received in evidence, because not filed in a book kept solely for that purpose. The district court held that the instrument was acknowledged in the manner required of conveyance of a homestead. This ruling is not shown to be incorrect. As decided in Lipinski vs. Crocker, recently this is confirmed made in the manner and time prescribed by law gives express lien on property, in fact, homestead, to secure the value of labor or material expended in improving it, then, as between the parties, the lien exists without record of the contract, and its filing in the proper office for record operates as notice to all subsequent purchasers, although the instrument may have been recorded in a book other than the one in which it should have been recorded. There are no facts pleaded or proven protecting plaintiffs in error as innocent purchasers. The judgment is affirmed. Opinion by Stayton, C. J.

G. Seibert vs. R. B. Richardson, from Second district. The questions certified are: "1. Where a valid land certificate was located in the year 1869 and the survey forfeited for the non-return of the certificate to the land office, was the certificate itself thereby invalidated; or could it be used to appropriate other land in lieu thereof? 2. If this question should be answered in favor of the validity of the certificate, then, in case a duplicate thereof was issued in 1873 by the commissioner of the land office upon proof of the loss of the original, and located in 1874, could a subsequent locator defeat a recovery by virtue of such survey made in 1874 under duplicate certificate, by showing that the duplicate was issued at the instance of a stranger to the title upon his false and fraudulent representations of ownership, followed by location without the knowledge of the true owner, who upon its coming to his knowledge rallied such issuance and location of the duplicate certificate?"

No patent has been issued and the State is not a party.

The act of August 30, 1854, 4th tit. 1, provides "it shall not be lawful," etc. (P. D., 4574, and 4575.) The purpose of this article was to prevent persons from holding at the same time by virtue of the same certificate two tracts of land with apparent right to each when but one could ultimately be held. But that statute was not intended to deprive the owner of a certificate of right through it to acquire other lands if the location became inoperative by failure to comply with the requirements of the act of February 10, 1852. (P. D., 4562-4568.) Article 4579 provided for forfeiture under certain conditions, but it manifested no intention to deprive a land certificate when once located on vacant land of the officer of possessing before location, except in the instance noted. By the act of February 10, 1852, the efficacy of the certificate was not affected. The article of November 29, 1871 (P. D., 7699), covers the period mentioned in the first question certified, but the forfeiture declared by the statute for the failure to perform the acts specified is that of the location and not of the certificate. There is no intimation of intent to affect the efficacy of the certificate. Where there are several rights that might be affected by failure to do some particular act or acts the declaration that such failure shall operate a forfeiture of one or more of these rights shows intent that no other right but that named shall be thus lost or forfeited.

The constitution of 1869 practically construes and applies the acts of February 10, 1852, and of October 30, 1854 (Const. 1869, article 10, sections 2 and 3).

The intention is also manifested by the section which declares that "all unsatisfied genuine land certificates now in existence shall be surveyed and returned to the general land office by the 1st day of January, 1876, or be forever barred."

A genuine land certificate is not satisfied until the obligation imposed by it is discharged. If location and survey by virtue of a given certificate be made on sufficient land thus subject to appropriation and the survey with the certificate be returned to the general land office as the statute requires, then the certificate is satisfied. The owner of the certificate can not abandon the right thus acquired and take other land by virtue of it. (Adams vs. Ry. Co., 70 Tex., 277.) Under the facts stated the certificate could lawfully be used in 1874 to appropriate land other than that located and surveyed by virtue of it in 1869.

The second question certified is not based on facts which would in any respect prevent the application of the rule announced in Beatty vs. Masterson, 77 Tex., 111, which is now approved and referred to as the answer to that question. Opinion by Stayton, C. J.

B. F. Duren vs. Houston and Texas Central Railway company, from Second district; certified questions. We answer first that the court should take judicial knowledge of the fact that in 1854 all the unappropriated public domain in Van Zandt county was reserved from location by virtue of the act of December 21, 1853. (Spc. Laws 53-4, p. 7; Woods vs. Durrett, 18 Tex., 235.) Location upon such land would not affect the validity of the certificate. Section 3 of the act of August 30, 1854, is not applicable to the location in question, which was made in 1854. The purpose of this act was to prevent the taking of certificates under claims that it was the opinion of the legislature that such lifting of withdrawal of a certificate was lawful at the time. We are of opinion that the Smith certificate should prevail. The location under which appellees claim was made by a surveyor who had no power. The survey and field notes of the land located by virtue of the Smith certificate were made by an agent of the locators and adopted by the lawful surveyor. However much we might deprecate this practice it is settled law that it can be done. (Howard vs. Perry, 7 Tex., 259.) The plea of State demand can not avail in this case. The rights given one claiming under a valid certificate location and survey is such a legal right as can not be defeated by the plea of State demand. Where a party appeals the other may file cross assignments of error and procure a reversal of the judgment in his favor, provided he shows error to his controversy. (8 Tex., 135; 20 Tex., 731; 75 Tex., 53.) Opinion by Gaines, A. J.

The St. Louis, Arkansas and Texas Railway company vs. W. C. Henderson, from Second district. Appellee sued the railroad company to recover damages caused by the taking of his land and for damages occasioned by the manner of its construction. There was an agreement to purchase made and arbitrators fixed the value of the land at $250. The money was paid but before the deed was delivered the route of the road was changed. This appellee thought to his detriment and he brought suit for the full amount of damages resulting from the building allowing a credit of $250.

The jury were instructed to find for plaintiff the value of the land taken and the damage to the residue, if they found that the deed did not operate to divest title out of plaintiff and vest it in the railway company. They were also instructed that if they found that the title was vested out of Henderson and vested in the company they should find for the plaintiff the amount of damages caused to his land by the negligent construction of crossings and sluices by the company. By these instructions more than a single issue is presented to jury. When issues are presented involving several different claims upon which recovery is sought and upon one or more no lien would attach by law and none exists by undisputed contract, if the jury return a general verdict the court can not declare a lien upon such verdict for it is not certain that the amount found to be due is upon a claim entitled by law to a lien. The constitution and laws of this State give no lien for damages arising from negligence or unskillfulness in construction of the road. The verdict of the jury in this case may include damages for which no lien is given by law and if it was error for the district court to foreclose a lien upon the general verdict of the jury. For this error the judgments of the court of civil appeals and the district court are reversed and the cause remanded. Opinion by Brown, A. J.

Annie P. Harris vs. H. Shafer, from Third district. This is a motion for rehearing, based on the contention that the alleged insufficiency of description was not properly raised.

Counsel for plaintiff in error understood that the fourth assignment presented the insufficiency of the description and discussed the point in his argument, which argument was replied to by counsel for defendant in error. It is not necessary for us to determine whether or not the defect in description might have been added by extraneous evidence. It is sufficient to say that no such evidence was offered in the district court and the affidavits filed in this court can not be considered by this court. It is unnecessary to discuss the meaning of the term "upper half" as used. The land in controversy in Seidner vs. Grumbles, 18 Tex., 184, was situated on a river and the words "upper" and "lower" are used with reference to the flow of the river. We are not called upon to reverse this case so give an opportunity for the introduction of additional evidence. The motion for rehearing is overruled. Opinion by Brown, A. J.

Criminal Appeals.

(Court of Criminal Appeals—J. W. Hurt, W. L. Davidson and E. J. Simkins, judges; R. L. Henry, assistant attorney general; E. P. Smith, clerk. Sitting at Tyler.

Tyler, Texas, December 22.—Following are synopses of latest decisions by the court of criminal appeals:

K. J. Cash vs. the State, from Brazoria county; relator being committed upon a charge of murder to await the action of the grand jury of Brazoria county, applied for and obtained a writ of habeas corpus. The cause was tried before the Hon. T. S. Reese, judge, bail refused and relator remanded to jail. We have carefully investigated the facts of the case, and without offering any discussion of the evidence, (which would not be proper) we believe this to have been a wanton killing. Upon a trial, however, the jury will pass upon the facts and may reach a different conclusion, and it is suggested that the court submit such issue and the theory presented by the evidence. The action of the lower court is sustained and the judgment affirmed. Opinion by Hurt, P. J.

Rob High vs. the State, from Houston county. The sufficiency of the evidence to support the verdict is the only question presented for our consideration. The issues were properly presented to the jury, and while conflicting, the jury have passed upon the facts. The judgment is affirmed. Opinion by Davidson, J.

Alice Hall vs. the State, from Lamar county; appellant was convicted under article 341, Penal Code, as amended by the act of 1887, for keeping a disorderly house. The evidence shows beyond question that appellant was owner of the premises. The charge of the court under the form of indictment was correct, and objections are not well taken. We find no error and the judgment is affirmed. Opinion by Davidson, J.

James Goodson vs. the State, from Leon county; conviction for assault with intent to kill and murder J. P. Woods, constable. We find but one issue to be considered. That appellant and Woods was not denied. The facts and circumstances surrounding the shooting were fairly submitted by proper instructions to the jury, and their verdict must settle the issue of intent. Judgment affirmed. Opinion by Hurt, P. J.

Davis Johnson vs. the State, from Hardin county; this is a conviction for cattle theft. The principal question in this case is, did the owner give his consent to the taking of the animal charged to have been stolen. Appellant contends that he did. The issue was fairly submitted to the jury and they found adversely to appellant. We find no error and the judgment is affirmed. Opinion by Davidson, J.

John Mitchell, alias Jack Smith, vs. the State from Falls county; appellant was convicted of burglary with intent to commit rape upon one Matilda Newman, and his punishment assessed at ten years confinement in the penitentiary. What did appellant do while in the house? He touched Miss Newman's foot. She screamed and when he discovered Miss Bogus was present he left. Do these facts prove beyond a reasonable doubt that appellant entered the house with the specific intent to have carnal knowledge of Miss Newman without her consent, etc.? They evidently do not. The evidence fails to support the verdict. The judgment is reversed and the cause remanded. Opinion by Hurt, P. J.

H. Bluman vs. the State, from Lee county; this case is transferred to Dallas for the purpose of considering motion for rehearing filed upon part of the State.

Dick Sowell vs. the State, from Bastrop county; appellant was charged with and convicted of assault with intent to murder W. N. Irwin on August 30, 1892. The law of aggravated assault and battery was in issue in the case and should have been submitted to the jury. The court, while differing in certain conclusions reached in this case, agree upon the general result, and the cause is reversed and remanded. Opinion by Simkins, J.

C. W. Field vs. the State, from Shelby county; assault with intent to murder. There was no proof of venue in this case, neither State nor county is proven. It has been held by this court that judicial knowledge of the location of towns is limited to such places as are recognized by general statutes. In this case we find no general statute by which the court can take judicial knowledge that the town of Center is in Shelby county. Opinion by Simkins, J.

John Wood vs. the State, from Henderson county; slander. The appellant offered to prove want of chastity upon the part of prosecutrix. He had the right to prove it. The court refused to admit the testimony offered. Appellant excepted. The judgment is reversed and the cause remanded. Opinion by Hurt, P. J.

BRAZORIA COUNTY.

Old Land Reclaimed and New Land Being Cultivated.

Columbia, Texas, December 22.—The evidences of prosperity in this portion of Brazoria county are daily increasing. One of the Velasco lumber firms has a branch office here and a barge running continually between here and Velasco is at present insufficient to supply the demand for lumber.

Immigrants are arriving every few days, sixty-five in families, and "the Texas correspondent has seen immigrant trains which must have depopulated entire communities. In nearly every instance these parties bring with them wagons, teams and farming implements.

Mr. Charles Wheeler of Houston, the civil engineer employed by the bridge committee, has just finished a survey of the river a mile above and below the town and is at present taking soundings in various places. A citizens meeting is to be held shortly to discuss the location of the site of the bridge.

A great deal of new land is being enclosed and cleared, and several old farms in the neighborhood not worked since the war, are being reclaimed and dedicated to corn and cotton.

John E. Caldwell, authority on South Texas sugar lands, has just been through this section talking central factory, and many cotton farmers have been favorably impressed with his argument for cane. The result of this will be seen in the near future.

Christmas will be greeted with the usual hilarity and cheer, and the Columbia young people are to have a hop on the night of the 26th.

PALESTINE POINTERS.

Complimentary Hop—Entertainment Postponed—Personal.

Palestine, Texas, December 22.—A hop was given by the young ladies of Palestine at the Dilley Rifle armory last night complimentary to their gentlemen friends. The affair was quite an elegant one and highly enjoyed by those participating.

Owing to the unavoidable absence of members, the Palestine Amateur Dramatic club has postponed the production of their new play "Rio Grande" until after the holidays.

Mr. Pauline Reiss, route agent of the Pacific express company, has returned from Austin, where he has been in attendance upon the trial of the Duval train robbers.

Misses Pauline Lilly and Annie Hunter and Miss Belle Washington of San Antonio are visiting friends and relatives in this city and remain through the holidays.

Assistant General Passenger Agent D. J. Price of the International and Great Northern is in Galveston on business.

Mrs. B. M. Burke is visiting relatives in Houston during the holidays.

Mr. A. G. Heinsohn is visiting his old home in Louisville, Ky.

Miss Minnie Buchanan of Austin is visiting her sister, Mrs. J. H. Grant in this city.

Colonel T. B. Greenwood has returned from a trip to Dallas and Corsicana on legal business.

Mr. J. A. Paden of Longview, an old newspaper man, is in the city and thinking of locating here.

Encounter With Taurus.

Burton, Texas, December 22.—Two gents from Philadelphia, fitted out with all the necessary hunting outfit, arrived in the city a few days since. Our friend Quinters Watson at once made arrangements to give them an introduction to our country and allowing to try their mettle on Texas quail. During the day's hunt quite an amusing thing happened to one of the Philadelphians. In walking through some very high weeds he came suddenly upon an old bull who was taking his noonday nap. Upon being aroused he looked up with the expectation of seeing a native Texan. He was immediately surprised to see something entirely different. With a snort he raised to his feet and furiously charged our city friend, who not having time to run, made a most gallant demeanor by clearing one and one-eighth ounces of No. 8 shot full in his face. He fired not a bit too soon, as the muzzle of the gun was right against the bull's head. Upon receiving the load, down he went, fall on top of our friend, only being stunned and not hurting the man. Both arose to their feet at the same time and ran in opposite direction. Both were satisfied with the encounter. The question is now which of the two was frightened the most? At any rate, it will give the Philadelphian something to write home about his escape from a furious Texas bull.

Sheriffs' Department.

Strayed or stolen from Beaumont on the 16th instant, two bay mare mules, 5 years old, branded with a bar on right hip, thus: — They are gentle to ride and work. Have collar marks and are robbed on hips and flights from harness. They were jailed in Collin county, Texas. I will pay $5 for the mules or information that will recover them.

Thomas H. Langham,
Sheriff Jefferson County.
Beaumont, December 21, 1893.

Two Brothers Convicted.

Paris, Texas, December 22.—In the Federal court today William and John Hodges were convicted of manslaughter. On November 18, 1892, they became involved in a difficulty over some horses. In which one was shot dead. The Hodges went to the horse house and endeavored to take the bags by force.

TOO TRUE.

Some heads are scarred with nerve fag, And some are tired from last night's jag; The thing for both these heads is taid, Is that sure cure—Pearson's Red-Aids. Cures headache in fifteen minutes or no pay.

AT THE STATE CAPITAL

LA GRIPPE AT LAST DESERTS THE CITY.

To Build a Road From San Antonio to Velasco With Texas Capital. The Departments Assume a Holiday Appearance—Personal.

Houston Post Bureau, Driskill Hotel, Austin, Texas, December 22.—At last the grip has determined to slacken its hold upon Austin people. It has had some victims who lost their lives because of disobedience to its rigid exactions.

It was but a few weeks ago that every alternate man or woman one met either had or had had or intended to have it. The streets were full of drooping figures, who were wrapped up to their ears. But the epidemic is passing away and will soon be gone.

TAKING A HOLIDAY.

The departments are not only beginning, but have already taken on a holiday look and often, in a large number of clerks, you can only see but a small contingent at work. The men of families are down town making selections of toys for the children. The boys without families are hunting presents for their girls and thus the ranks of State employes in the capitol are decimated.

Quite a number of the State's servants have gone away to spend Christmas; some to other counties in the State and some out of the State.

Indeed, there will be little business transacted for the next ten days.

TO COUNTY SUPERINTENDENTS.

The State superintendent has sent out the following notice:

To County Superintendents:

Department of Education, Austin, Texas, December 23, 1893.—In compliance with numerous requests, I submit for your consideration the following suggestive programme for one county institute for two days:

SECOND GRADE SECTION.

Friday—1. Subject for first hour: Methods in geography; local geography, primary geographical concepts; the earth as a whole; form, size, motions, etc. 2. Subject for second hour: A study in psychology; perceptive faculties and perception. 3. Subject for third hour: Methods in arithmetic; fundamental operations to pupils with first text book in their hands. 4. Subject for fourth hour: School management; the teachers' authority; the authority of trustees; organization of the school. 5. Subject for night meeting, for both sections, the public invited: Public schools and popular suffrage, powers and duties of trustees; local school taxes; parental co-operation.

Saturday—1. Subject for first hour: Methods in geography; North America in general; the United States in general; the Southern States; Texas in detail. 2. Subject for second hour: A study in methodology; principles derived from study of perception and perceptible. 3. Subject for third hour: Methods in physiology; in general; in teaching the skeleton and the bones. 4. Subject for fourth hour; methods in reading; for beginning, preceding use of text book; first reader pupils. 5. Subject for fifth hour: School management; opening daily sessions; recesses; closing daily sessions; directing movements of pupils; securing regular and punctual attendance.

FIRST GRADE SECTION.

Friday—1. Subject for first hour: Methods in Physiology; in general; in teaching the effects of alcohol and narcotics. 2. Subject for second hour: Psychology; memory. 3. Subject for third hour: Methods in reading; Third Reader pupils. 4. Subject for fourth hour: School management; the recitation. 5. Night meeting. (See night meeting of second grade section.)

Saturday—1. Subject for first hour: History of Education; in oriental countries; in ancient classical countries. 2. Subject for second hour: Methods in Arithmetic; advanced class in fractions. 3. Subject for third hour: Psychology; attention. 4. Subject for fourth hour: Methods in Geography; advanced class studying New England States. 5. Subject for fifth hour: School Management; school government.

(The above is only an outline of subjects. The county superintendent should appoint in advance two instructors for each subject.)

It is not expected that this programme should be strictly followed by any institute. It is only intended to indicate in this way the amount and character of work that an institute should do. The time of the institutes should not be consumed in reading papers and making speeches. The institute instructors should instruct the teachers in the subjects set down in the programme, just as teachers in a normal school would instruct their classes in the same subjects. The programme should be placed in the hands of the teachers some weeks, or months if possible, before the meeting of the institute. They should be expected to study the subjects assigned. They should be given the names of standard books that treat of these subjects. When the institute meets they should be called upon to form classes and recite upon the subjects assigned. If the institute is large it should be divided into sections, so that the instruction may be thoroughly individualized. The above programme is arranged for two sections, one composed of teachers holding certificates of second grade, and the other composed of teachers holding third grade certificates. Teachers included in the second grade section, or they may be placed in a separate section, if it is not meant to insist that this should be the basis of classification. It is only suggested for consideration. It is insisted, however, that unless the institute is small it should be divided into classes or sections, so that every teacher may be called upon in each exercise and thus be made an active participant in the work.

The kind of programme for meetings of teachers in attendance, where the objects were chiefly social intercourse and mutual entertainment, is not adapted to institute work. If the institute work is to succeed the talking and speech making by a few teachers must give way to work that involves active participation on the part of every teacher. The institute instructors should prepare themselves not to talk and lecture, but to instruct classes in such manner as to induce all the teachers to think and work.

The hours are numbered 1, 2, 3, 4 and 5 for each day, for the reason that the time of opening varies in different counties. In being this programme the county superintendent should use the hours of the day that will indicate the beginning of each period of work, and the hours should begin at the time fixed in the programme.

The meeting on Friday night should be used to arouse public interest in school work. No effort should be spared to make the exercises of the meeting entertaining and instructive to the people. To this end the exercises may be interspersed with music, recitations, catechisms, drills, etc. The topics for discussion should be subjects of general interest relating to schools. To be announced in the programme it is hoped, will secure many citizens. The discussion should be in the form of addresses by speakers able to engrafts a running discussion.

To secure the best results the programmes for all the institutes should be made out in advance, and should be so arranged as to constitute a consecutive course of study for each session.

I contemplate in this way the county institute will be a great power for good. In some counties the sessions are taking hold of the institute work in a manner that is highly gratifying. Most respectfully, J. M. Carlisle,
State Superintendent of Public Instruction.

CHARTERS FILED.

The following charters were filed today:

The San Antonio and Gulf Shore Railway company, to run from San Antonio to Velasco, a distance of 200 miles, running through the counties of Bexar, Wilson, Gonzales, DeWitt, Jackson, Wharton, Matagorda and Brazoria. Principal office will be at San Antonio. Incorporators: William Davis, Robert E. Sadler, H. R. Jones, B. F. Jones, William Jones, C. B. Davis, J. E. Davis, all of San Antonio, and William M. Hanson, J. Brown King, William A. King, J. H. Montgomery, Virgil B. Colley, J. A. Rogers, all of Gonzales county; C. R. Martin of Grayson county, R. W. Crowder of McLennan county. Directors for first year: William Davis, William H. Brooker, Robert E. Sadler, John C. Davis, H. R. Jones, William N. Hanson, J. Brown King, Virgil B. Colley and J. H. Montgomery. Capital stock $2,000,000, divided into 20,000 shares, at $100 per share. The attorney general has certified that the charter is in accordance with the law.

The Texas Savings Loan association of Waco has amended its charter, extending its purposes and continues capital stock $100,000.

Greenwood Cemetery company of Dallas, capital stock $5000.

A HOME ROAD.

Mr. William Davis of San