Mr. Wooten moved that the House adjourn until 9 a.m. tomorrow.

Lest.

Mr. Evans of Grayson offered the following resolution:

Resolved. That 1200 copies of the House Record be printed each day and that 8 copies of same be placed on each member’s desk each morning.

Read second time, and Mr. Vaughan offered the following amendment:

Amend by making the number of copies on each desk 25.

Pending consideration, Mr. Rochelle moved to adjourn until 9 o’clock a.m. tomorrow and Mr. Tarver until 10 o’clock a.m. tomorrow.

Question being on the longest time first, the motion prevailed, and the House at 4 p.m., adjourned accordingly.

FOURTH DAY.

Hall of the House of Representatives

Austin, Texas,

Friday, January 13, 1899.

The House met at 10 o’clock a.m., pursuant to adjournment.

Speaker Sherrill in the chair.

Roll called and the following members present:

Adams.
Allen of Colorado.
Allen of Hopkins.
Ayers.
Bailey.
Barbee.
Barrett.
Bean.
Beaty.
Bennett.
Blount.
Bolin.
Bridgers.
Browne.
Caldwell.
Calvin.
Chambers.
Childers.
Childs.
Clements.
Cocke.
Cole.
Collins.
Conoly.
Crawford.
Cross.
Culp.
Dean.
Decker.
Derden.
Dies.
Dorrob.
Eckola.
Ellis.

Evan of Fannin.
Evans of Grayson.
Frost.
Garrett.
Gill.
Goodlett.
Goodman.
Gordon.
Graham.
Greenwood.
Grogan.
Grubbs.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Kennedy.
Kittrell.
Lake.
Lane.
Lillard.
Little.
Livsey.
Looney.
Loyd.
Marsh.
Masterson.
Maxwell.
McAnally.
McEllelan.
McDowell.

McFarland.
McKamy.
McKellar.
Meitzen.
Mearer.
Monroe.
Morris.
Morrow.
Murphy.
Murray.
Nef.
Nolan.
Oliver.
Palmer.
Parish.
Peery.
Pfeuffer.
Phillips, Lampasas.
Phillips of Camp.
Phillips of Grayson.
Phillips of Fannin.
Pitts.
Poole.
Powell.
Rateiff.
Robertson, Harrison.
Robertson of Bell.
Robertson of Bell. Willacy.
Rochelle.
Rogers.
Russell.

Sansom.
Savage.
Schumter.
Scurry.
Shannon.
Sheiburne.
Smith of Grayson.
Smith of Collin.
Staples.
Stripling.
Sutherland.
Tarkington.
Tarver.
Tar.
Teagle.
Terrell.
Thomas of Wise.
Thomas of Fannin.
Tucker.
Walton.
Wells.
Willrodt.
Willacy.
Wooten.
Wright.

O. H. CROSS PRESENT.

Mr. Neff rose in his seat and stated that Hon. O. H. Cross, who was absent, on account of sickness, at the organization of the House is now present, and sent up to the Speaker’s desk and had filed a certificate from J. W. Maxwell, a notary public in and for Travis county, Texas, that O. H. Cross took the oath of office before him, the said notary public, on the 10th day of January, 1899.

APPOINTMENTS ANNOUNCED.

The Speaker announced the following appointments:

Committee Clerks—J. J. Henderson of Lamar county, J. C. Son of Palo Pinto county.

Pages—Willie Phillips of Lampasas county, Alwyn P. King of Williamson county, Hardie Browder of Travis county,
January 13, 1899


FINANCE COMMITTEE.


PENDING BUSINESS.

The Speaker laid before the House as pending business, the resolution of Mr. Evans of Grayson, with amendment by Mr. Vaughan, pending.

Mr. Thomas of Fannin raised a point of order and said, "That the resolution of Mr. Evans of Grayson provided that 1200 copies of the House Journal be published, and 8 be given to each member daily. Mr. Vaughan moved to amend by inserting ‘25 copies to each member.’ The resolution as amended would provide that 1200 copies be printed and 25 be given to each member. That would be impossible and meaningless, and therefore out of order."

Sustained by the Speaker.

Mr. Powell offered the following amendment:

Amend the resolution so as to provide that there be printed a sufficient number to deliver four copies to each member of the House.

Mr. Vaughan offered the following substitute for the amendment:

Amend by providing that there be printed enough to provide 25 copies for each member.

On motion of Mr. Monroe the substitute was tabled.

The amendment by Mr. Powell was lost and the resolution was adopted.

Mr. Pfeuffer offered the following resolution:

Resolved, That each Representative be allowed $15.00 worth of stamps during the session, and no more, and that each officer be allowed $3.00 in stamps during the session. And the Sergeant-at-arms shall keep an itemized account with each Representative and officer of the House and report the same to the House on the last day of the session.

On motion of Mr. Peery the resolution was referred to the Committee on Contingent Expenses.

Mr. Bailey offered the following resolution:

Resolved, That the Speaker be and he is hereby authorized to appoint an additional page who shall serve during the present session subject to the Speaker’s control and receive two dollars per day as compensation for his services.

Read second time and adopted.

Mr. E. R. McLean, Private Secretary to the Governor, appeared at the bar of the House and being duly announced, presented the following

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,

AUSTIN, January 12th, 1899.

To the Senate and House of Representatives.

It seems proper in view of the gross misrepresentation of the transaction that your attention should be especially invited to the collection of the balance of the indemnity due this State by the United States growing out of the boundary controversy in 1850.

By an act of the Congress of the United States, approved June 7th, 1898, the sum of $101,113.27 was appropriated to pay the State of Texas for the claim arising under the acts of Congress approved September 9th, 1850, and February 28th, 1855, respectively, which will be more fully referred to hereafter, and the entire amount was deposited in the State Treasury to account of general revenue July 25th, 1898, by United States treasury warrant payable to the State of Texas, and duly endorsed by me.

The claim is one of long standing and arose in the settlement with the United States of the northern and western boundaries of the State in 1850. So much of the act of Congress approved September 9th, 1850, as affects the question, provided that for the relinquishment of certain territory by the State mentioned in the act, the United States would pay ten million dollars in stock, bearing five percent interest. The act also provided that no more than five million dollars of said stock should be issued until the creditors of the State holding bonds and certificates of stock of Texas, for which duties on imports were specially pledged, should first file at the treasury of the United States releases of all claims against the United States for or on account of said bonds or certificates in such form as should be prescribed by the
the claim was paid in 1883 or that previous to that time efforts possibly had been made to collect it. The claim could be collected only by Congressional action or judicial action in the court of claims at Washington. The law firm of Hogg & Robertson, dated July 30th, 1897, under which they were authorized to prosecute and collect the claim, is now called. In the summer of 1897 Ex-Governor Hogg, representing the law firm of Hogg & Robertson of Austin, informed me that he knew of a large claim due the State from the United States, which he believed he could collect if authorized and employed to do so. Attorney-General Crane was sent for and the claim discussed. Neither the Attorney-General nor myself had any previous knowledge of the existence of the claim, nor, as subsequently developed, had the Treasurer or Comptroller. The substantial result of the conference and discussion, relating both to the validity of the claim and the expediency of employing special counsel, was that the Attorney-General and myself were of the opinion that the claim could not probably be collected, and whether special counsel should be engaged was for me to determine. The matter was taken under advisement, and after mature consideration a contract was entered into with Messrs. Hogg & Robertson, dated July 30th, 1897, under which they were employed to collect the money or any part thereof after 1883, the State having been covered into the treasury the equivalent sense that those who had previous knowledge of it had either forgotten it or abandoned all hope of securing its payment. The reasons for this employment were these: (1) The counsel employed gave the information of the existence of the claim to the State authorities, without which it probably never would have been collected, and good faith suggested that it should not be used without credit to those who furnished it. It is not true that the claim was discovered by them in the sense that no other persons had heard of it, but it is true in the equivalent sense that those who had had previous knowledge of it had either forgotten it or abandoned all hope of securing its payment. No member of Congress from Texas and no State official, it is believed, made any effort to collect the money or any part thereof after 1883, and it is reasonable to suppose that they were either not advised of the claim or did not believe it could be collected. To have sent the claim to a member of Congress for presentation under the circumstances, without recognizing the value of its revival, would, to my mind, have smacked of bad faith. The fact that the Toby claim was paid in 1883 or that previous to that time efforts possibly
were made to collect claims for other creditors. Aside from this, the employment was that the claim was contested by the United States, and special services were deemed necessary for success. It has already been stated, on the authority of the Assistant Secretary of the Treasury by telegram to me, that the balance was covered into the treasury June 30th, 1877, and no part of it could be drawn out except by act of Congress. It not only required an act of Congress to withdraw the money, but the claim of the State to the residue was resisted and had been resisted for forty years. More than this, it was admitted at the outset of the controversy by our Senators in Congress that Texas made no claim to the balance. In December, 1856, in discussing a resolution introduced by Senator Rusk of Texas, on the subject of extending the time within which creditors should present their claims, Senator Benjamin of Louisiana said: "To the rest of the fund she has, in my judgment, not the shadow of a claim."—to which Senator Rusk immediately responded—"nor is she setting up any." Afterwards and in the course of the same debate, Senator Rusk said: "I think I can safely say that the State of Texas does not desire this money. She has given it for a release of a debt of $10,078,000. Texas expects to receive nothing from it. * * * She has received her share and released the United States from it." (Congressional Globe, 3rd Sess. 34th Cong. 129, 143, 144.)

Most of the Senators who took part in this debate declared, as did Senators Benjamin and Rusk, that Texas had no claim to the balance and all others present seemingly concurred in that view. From this time continuously the claim has been opposed in Congress whenever presented, and often the speech of Senator Rusk in 1856, was used to defeat it. In January 1873, the Legislature of Texas, for the first time, so far as is known, expressly asserted a right to the balance of the fund, and directed the Comptroller and Governor to collect it. If any effort was made to do so it resulted in failure. In 1874 Governor Coke called the attention of the Texas delegation in Congress to the matter and it is presumed that everything practicable was done, but it was ineffectual. During the Hayes administration another effort was made by our Representatives, and while a favorable committee report was obtained the measure failed to pass the House of Representatives. My information is that other attempts were made by our Congressional delegation to secure the appropriation of this money subsequent to this, but all of them failed, and after 1883, when the Toby claim was paid, the claim
of the State to the balance was apparently abandoned. It lay dormant and unnoticed until revived as set forth in this communication and finally paid it was strenuously assailed, according to my information, in the committees of both houses. There can be no question, therefore, that from the beginning the claim of the State has been vigorously attacked and it is certainly worthy of consideration, as indicating the expediency and necessity of employing counsel, that it was uniformly defeated until this was done.

It will be seen from the contract that the compensation for collecting the money is ten per cent. of the amount collected, subject to legislative appropriation, and in my judgment it is fair and reasonable. Authority to enter into a contract of this character is found in the requirements of the Constitution that the Governor shall cause the laws to be faithfully executed, and in the act of the Legislature approved April 4th, 1887, now constituting Article 2907, Revised Statutes. It was upon this authority that counsel were employed in the Green County case in 1890, and the Railroad Commission cases in 1892. Having confidence in the judgment and sense of right of that body, the clause in the contract providing that the fee should be subject to appropriation by the Legislature was inserted to avoid misrepresentation, because of the magnitude of the transaction and a willingness and desire to submit it to the approval of the people through their representatives. The fee is believed to be just for these among other reasons: (1) It is the usual and customary fee for the collection of money. (2) The claim was practically revived by the counsel who were employed, (3) They were to pay all of their expenses, (4) The claim having been defeated for years the hazard was considerable and the probability of success not particularly inviting, and (5) Besides the time and labor involved in a legitimate presentation of the matter to Congress, counsel obligated themselves in the event of failure there to proceed judicially in the court of claims, which would probably have necessitated frequent trips to Washington, and an appeal to the Supreme Court of the United States. The contract did not contemplate lobbying, for in that case it would have been justly contrary to public policy and void. Professional services only, were engaged, such as collecting facts, preparing briefs and arguments, and if necessary the conduct of the case in the court of claims. Contract for such services is allowable and legitimate, and none other than these were employed on this claim. Counsel collected the facts, prepared the brief and visited Washington twice in prosecution of the claim. When the question is dispassionately considered; when the time and labor involved, and which were apparently involved, are regarded; when it is recalled that the able and distinguished men in Congress from Texas since 1873, failed to secure it; and that by reason of the employment, a net sum exceeding fifty thousand dollars supposed to be lost will be recovered, it is submitted that the contract was both expedient and reasonable. For collecting $530,000 on a claim due the State, which was practically uncontested, Governor Coke paid $39,000 as fee or more than ten per cent., and without submitting the matter to the Legislature, as has been done in this case. It may be that in the present case the claim was collected with less expense and labor than was anticipated, but the contract and fee must be measured not alone by what was done, but also by what might have been necessary in order to fully test the right of the State. The contract calls for ten per cent. of the amount collected, and the sum actually paid was $101,113.27. For reasons herefore given, however, the State cannot honorably retain more than $56,113.27, and it is therefore recommended that ten per cent. of that amount be paid as fee.

The question whether the State should insist upon the payment of interest and therefore retain the $45,000 paid on the Toby claim has been fully considered, and in my judgment this should not be done. It is not usual for governments to pay interest on such claims.

State v. Mayes, 28 Miss., 709.
Whitney v. State, 52 Miss., 732.

This State acted upon this principle in refunding the money to Bacon and Graves in 1897, the money being used by the State for seven years without interest. Besides this, in presenting the claim originally to Congress the State has not at any time insisted upon the payment of interest, and it seems improper, now that the money is in our Treasury upon erroneous information, to raise the question for the first time. If the Legislature believes interest should be paid it would accord more with propriety and good faith to return the money and submit the claim for interest to Congress.

(Copy.)

THE STATE OF TEXAS.

KNOW ALL MEN BY THESE PRESENTS,

That, whereas, the law firm of Hogg & Robertson have made known to me that in their opinion, under the Act of Congress of February 28th, 1855, appropria-
January 13, 1899

HOUSE JOURNAL.

Resolving that the Speaker is hereby authorized to appoint one clerk for the Sergeant-at-Arms, who shall receive for his services the same compensation allowed the committee clerks.

Resolved, That the Sergeant-at-Arms be and he is hereby authorized to appoint a clerk for his office, who shall receive the same compensation as committee clerk.

The substitute was accepted and the resolution as substituted was adopted.

Mr. Culp offered the following resolution:

Resolved, That this House subscribe for 15 copies of a daily newspaper for each member thereof, members to select such papers as they desire, provided such papers contain a daily report of the proceedings of this House. Such papers to cost not more than three cents per copy.

Resolved, That each of these employes be paid for their services.

Resolved, That the House provide five daily newspapers for each member, and that each member shall select such papers as he desires.

Mr. Hamilton accepted the substitute. Mr. Terrell moved to table the resolution, upon which motion yeas and nays were demanded by Mr. Terrell, Mr. Childers and Mr. Morrow.

Tabled by the following vote:

Yea—82.

Adams. Ellis.
Allen of Hopkins. Frost.
Ayers. Gill.
Barbee. Gordon.
Bean. Graham.
Bennett. Henderson, Brazos.
Bridgers. Howard.
Caldwell. Jones.
Calvin. Kennedy.
Chambers. Lample.
Childers. Lane.
Clements. Lillard.
Cocke. Livey.
Cole. Loyd.
Conoly. Marsh.
Cross. McLemoly.
Dean. McClellan.
Dorothy. McDowell.
Resolved, That whereas, the State of Texas will be by good faith obligated to return to the treasury of the United States the sum of $45,000 out of the amount recently paid into the State treasury as the balance of the fund retained by the United States government for the purpose of liquidating of the creditors of the Republic of Texas the amount received by the State being in excess of the amount due to the extent of $45,000. Said amount having been heretofore paid by the general government in settlement of what is known as the Thomas Toby claim. Therefore, the Representatives and Senators from Texas in the Congress of the United States are requested and directed to take such action as will secure from the government of the United States the release to the State of Texas of said sum of $45,000, such release from the obligation to return said sum to be made by Congress upon condition that the same shall be appropriated and applied to the establishment, equipment and operation of the Agricultural and Industrial Department of the Colored Normal School at Prairie View, Texas.

Read second time, and on motion of Mr. Wooten referred to the Committee on Education.

BILLS AND RESOLUTIONS.

By Mr. Henderson of Lamar:
House bill No. 1, A bill to be entitled "An Act appropriating one hundred and ten thousand dollars to pay mileage and per diem of members, and per diem of officers and employes of the Twenty-sixth Legislature."

Read first time, and referred to Committee on Finance.

By Mr. Henderson of Lamar:
House bill No. 2, A bill to be entitled "An Act to appropriate twenty thousand dollars to pay the contingent expenses of the Twenty-sixth Legislature."

Read first time, and referred to Committee on Finance.

By Mr. Staples:
House bill No. 3, A bill to be entitled "An Act to provide for the redemption of real estate sold for debt."

Read first time, and referred to Judiciary Committee No. 1.

By Mr. Pfeuffer:
House bill No. 4, A bill to be entitled "An Act to make it penal for any railroad company, transportation company,
or any kind of common carrier, or any officer, agent, employe or receiver of
same, to grant, issue or deliver any free
pass or tickets, or pass or ticket at a dis-
count other than as sold to the public
generally; or for any legislative, execu-
tive or judicial officer of this State, or for
any district, county or municipal officer
whosoever in this State to accept, use
or travel on such free pass or tickets, or
on such pass or ticket so sold at a dis-
count other than as sold to the public
generally, and to prescribe a punishment
therefor."

Read first time, and referred to Judi-
ciary Committee No. 2.

By Mr. Dies:
House bill No. 5, A bill to be entitled
"An Act to amend Article 5051 of the Re-
vised Civil Statutes of 1895, as amended
by the Regular session of the Twenty-
fifth Legislature relating to county war-
dants and the payment of taxes and to
repeal all laws in conflict herewith."

Read first time, and referred to Judi-
ciary Committee No. 1.

By Mr. Tarver:
House bill No. 6, A bill to be entitled
"An Act to authorize and empower State,
county and municipal officials to make
their bonds through and by the means of
corporate security as provided by guar-
antee and surety fidelity companies and
to repeal Article 271 of the Penal Code,
and all other laws and parts of laws in
conflict with the provisions of this act."

Read first time, and referred to Judi-
ciary Committee No. 2.

By Mr. Schluter:
House bill No. 7, A bill to be entitled
"An Act to amend Article 3959, Title
LXVI, Chapter 11, of the Revised
Civil Statutes of the State of Texas:
more fully defining the duties of school
trustees and providing for their removal
from office."

Read first time, and referred to Com-
mittee on Education.

By Mr. Savage:
House bill No. 8, A bill to be entitled
"An Act to amend Article 196 (183) of
Chapter 2 of Title VII of the Penal Code
of Texas, to prevent the playing of base-
ball football and like games on Sunday,
within one-half mile of any church,
school house or private residence and
affixing a penalty therefor."

Read first time, and referred to Judi-
ciary Committee No. 2.

By Mr. Shropshire:
House bill No. 9, A bill to be entitled
"An Act to amend Article 969, Chapter
3, Title XVIII, Penal Code, Revised
Statutes of 1895, relating to marriages
in cases of seduction."
By Mr. Masterson:
House bill No. 17. A bill to be entitled
"An Act to amend Chapter 6, Title XVII, Article 845 of the Revised Criminal Statutes of Texas, prescribing the punishment for burglary."
Read first time, and referred to Judiciary Committee No. 2.

By Mr. Wetherall:
House bill No. 18. A bill to be entitled
"An Act to amend Article 2753 of the Revised Civil Statutes of the State of Texas, relating to qualifications of non-resident guardians."
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Bean:
House bill No. 19. A bill to be entitled
"An Act to amend Title XIV, Chapter 7, of the Penal Code of the State of Texas, by adding thereto articles 859a and 859b, regulating the redemption of tickets, checks and other similar evidences of indebtedness, issued or circulated by individuals, partnerships, corporations, associations or joint stock companies, and prescribing a penalty for violations of the provisions of this act."
Read first time, and referred to Judiciary Committee No. 2.

By Mr. Derden:
House bill No. 20. A bill to be entitled
"An Act to amend Article 3107, Title LXIX, of the Revised Civil Statutes of the State of Texas of 1895, providing that evidence of usurious interest in any case shall be admitted without a special plea of usury."
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Decker:
House bill No. 21. A bill to be entitled
"An Act to amend an act of the regular session of the Twenty-third Legislature, entitled "An Act to provide for the protection of domestic animals, for the creation of a Live Stock Sanitary Commission, rules and regulations to provide penalties for violating the same and to make an appropriation to carry out the provisions of this act, approved April 29, 1895."
Read first time, and referred to Committee on Stock and Stock Raising.

By Mr. Tucker:
House bill No. 22. A bill to be entitled
"An Act to provide for the location and building of a branch asylum for the care and treatment of the epileptic insane of the State, and to make an appropriation therefor."
Read first time, and referred to Committee on Asylums.

By Mr. Ellis:
House bill No. 23. A bill to be entitled
"An Act to amend Article 1070, Chapter 17, Title XXXI, of the Revised Civil Statutes, relating to appeals from justices' courts."
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Sydney:
House bill No. 24. A bill to be entitled
"An Act to amend Section "d" of Article 3928, Chapter 9, Title LXXXVI, Revised Civil Statutes, Acts of 1895, relating to compensation of county superintendents of public instruction."
Read first time, and referred to Committee on Education.

By Mr. Schrum:
House bill No. 25. A bill to be entitled
"An Act to amend Article 4308, Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, prescribing the duties of railway companies with respect to their general and public offices to be kept and maintained within this State."
Read first time, and referred to Committee on Internal Improvements.

By Mr. Savage:
House bill No. 26. A bill to be entitled
"An Act to amend Articles 3104 and 3106 of Title LXIX, of the Revised Statutes of Texas, adopted in 1895, relating to interest."
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Ratliff:
House bill No. 27. A bill to be entitled
"An Act to compensate members of venires for the trial of any criminal act or capital offense."
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Chambers:
House bill No. 28. A bill to be entitled
"An Act to amend Article 3089, Chapter 3, of Title XVII, of the Revised Civil Statutes of the State of Texas, relating to insurance, and to provide that policies shall be considered as a liquidated demand."
Read first time, and referred to Committee on Insurance, Statistics and History.

By Mr. Kennedy:
House bill No. 29. A bill to be entitled
"An Act appropriating thirty thousand dollars to pay the accounts of citizens of Texas for supplies furnished for the maintenance of the Texas United States volunteer."
Read first time, and referred to Committee on Finance.

By Mr. McElwee:
House bill No. 30. A bill to be entitled
"An Act to amend Article 4308, Title XC,
of the Revised Statutes of the State of Texas, relating to public weighers.

By Mr. Calvin:

House bill No. 31, A bill to be entitled "An Act to amend Article 3320, Chapter 4, Title LXVI, of the Revised Civil Statutes of the State of Texas, so as to provide a lien on horses or other animals for shoeing the same."

Read first time, and referred to Judiciary Committee No. 1.

By Mr. Shelburne:

House bill No. 32, A bill to be entitled "An Act to provide for the location of a branch of the asylum for the insane in Northwest Texas."

Read first time, and referred to Committee on Asylums.

By Mr. Chambers:

House bill No. 34, A bill to be entitled "An Act to define and punish fraud perpetrated upon hotels and boarding houses, and to provide a punishment therefor."

Read first time, and referred to Judiciary Committee No. 2.

By Mr. Kennedy:

House bill No. 35, A bill to be entitled "An Act providing for an election to determine whether or not a constitutional convention shall be called; to provide for electing delegates to said convention; to provide for the submission of the proposed Constitution to a vote of the people and making an appropriation to enable the Governor to carry out the provisions of this act."

Read first time, and referred to Judiciary Committee No. 1.

By Mr. Grogan:

House bill No. 36, A bill to be entitled "An Act to set apart and appropriate to the common school fund of the State of Texas all of the lands heretofore or hereafter recovered from railway companies or other persons, firms or corporations; and to provide for the disposition of the same."

Read first time, and referred to Committee on Public Lands and Land Office.

By Mr. Neff:

House Joint Resolution No. 1. To amend Section 1 of Article 6 of the Constitution of the State of Texas, providing for the payment of the poll tax as a prerequisite to the right of suffrage.

Read first time, and referred to Committee on Constitutional Amendments.

By Mr. Staples:

House Joint Resolution No. 2, To amend Section 24, Article 3, of the Constitution of the State of Texas, so as to provide for the compensation of members of the Legislature not to exceed $1000.00 per annum and allow no mileage.

Read first time, and referred to Committee on Constitutional Amendments.

By Mr. Morrow:

House Joint Resolution No. 3, To amend Section 1 of Article 6, of the Constitution of the State of Texas, relating to suffrage and making the payment of a poll tax a prerequisite to the exercise of such right.

Read first time, and referred to Committee on Constitutional Amendments.

Mr. Kennedy offered the following resolution:

Resolved, That the Chief Clerk have printed in pamphlet form one hundred and fifty copies of the Rules of the House, provided same can be ready for use by Monday next, and the cost shall not exceed $20.

Read second time, and on motion of Mr. Schulte, it was laid on the table until the report of the committee is received.

SENATE MESSAGE.

Hon. J. S. Sherrill, Speaker of the House of Representatives.

I am directed by the Senate to inform the House that the Senate has passed the following bills, to-wit:

Senate bill No. 6, A bill to be entitled "An Act to appropriate one hundred and ten thousand dollars to pay members' mileage and per diem, and officers' and employees' per diem of the Twenty-sixth Legislature."

Senate bill No. 7, A bill to be entitled "An Act to make an appropriation to defray the contingent expenses of the Twenty-sixth Legislature."

J. P. Pool,
Secretary of the Senate.

SENATE BILLS ON FIRST READING.

The above reported bills, Senate bills Nos. 6 and 7, were each read first time and referred to the Committee on Finance.
Mr. Tarver moved to adjourn until 2:30 p.m. today, and Mr. Meitzen until 2 p.m. today.

Question being on the longest time first, the motion prevailed and the House, at 11:50 a.m., adjourned accordingly.

AFTERNOON SESSION.

The House met at 2:30 p.m. pursuant to adjournment.

Speaker Sherrill in the chair.

ROLL called and quorum present.

APPOINTMENTS ANNOUNCED.

Page appointed under a resolution adopted this morning—Frank Gallager.

COMMITTEES.

STATE AFFAIRS.

Mr. Shelburne, Chairman; Messrs. Cocke, Barrett, Evans of Grayson, Schulte, Monroe, Thomas of Wise, Bolin, Shannon, Dorroh, Decker, Teagle, Staples, Stewart, Rochelle, Ellis, Tompkins, Poole, Childs, Bennett, Gill, Walton.

INTERNAL IMPROVEMENTS.

Mr. Smith of Grayson, Chairman; Messrs. McKamy, Schluter, Stewart, Thomas of Fannin, Lillard, Teagle, Sansom, Garner, Grubbs, Masterson, Decker, Gordon, Kennedy, Pfeiffer, Tompkins, Rogers, Powell.

JUDICIARY COMMITTEE NO. 1.

Mr. Wooten, Chairman; Messrs. Ayers, Schluter, Powell Kittrell, Bolin, Prince, Robertson of Bell, Barrett, Masterson, Staples, Dues, Neff, Calvin, Allen of Hopkins, Russell, Smith of Grayson, Wright, Derden.

JUDICIARY COMMITTEE NO. 2.

Mr. Bailey, Chairman; Messrs. Pitts, Cocke, Greenwood, Garner, Garrett, Ellis, Palmer, Chambers, Tate, Lane, Collins, Jones, Henderson of Brazos, Tarver, Cross, Rogers, Shannon, Decker.

COMMITTEE REPORTS.

By Mr. Henderson of Lamar, Chairman:

Committee Room, Austin, Texas, Jan. 13, 1899.

Hon. J. S. Sherrill, Speaker of the House.

Six: Your Committee on Finance to whom was referred Senate bill No. 6, A bill to be entitled "An Act to appropriate one hundred and ten thousand dollars, to pay members' mileage and per diem, and officers' and employees' per diem, of the Twenty-sixth Legislature," and also Senate bill No. 7.

A bill to be entitled "An Act to make an appropriation to defray the contingent expenses of the Twenty-sixth Legislature."

Have had the same under consideration, and am instructed to report them back to the House with the recommendation that they do pass.

HENDERSON of Lamar, Chairman.

On motion of Mr. Henderson of Lamar, House Rule No. 31, requiring that all bills reported favorably by committees should be printed and laid on the desk of each member before being considered by the House, was suspended in order to take up Senate bills Nos. 6 and 7.

On motion of Mr. Henderson of Lamar, House Rule No. 73, requiring that all bills carrying appropriation should be considered in a committee of the whole House was suspended, in order to take up Senate bills Nos. 6 and 7.

Mr. Henderson of Lamar, moved to suspend the constitutional rule requiring bills to be read on three several days in each House and that Senate bill No. 6 be put on its second reading and passage to a third reading.

The motion prevailed by the following vote:

Yea—122.

Allen of Hopkins. Ayers.
Bailey. Barbee.
Barrett. Bean.
Bennett. Blount.
Bolin. Bridges.
Browne. Caldwell.
Calvin. Chambers.
Childers. Childs.
Clements. Cole.
Collins. Conoly.
Crawford. Cross.
Culp. Dean.
Decker. Derden.
Dies. Dorroh.
Dorothy. Eckols.
Ellis. Evans of Fannin.
Evans of Grayson. Frost.
Garner. Gill.
Goodlett. Goodman.
Gordon. Graham.
Greenwood. Grogan.
Grubbs. Hamilton.
Howard. Hurley.
Jones. Kennedy.
Kittrell. Lake.
Lane. Lillard.
Little. Livesey.
Loyd. Looney.
Marsh. Masterson.
Maxwell. McAnally.
McClellan. McDowell.
McFarland.
The Speaker then laid Senate bill No. 6 before the House on its second reading and passage to a third reading. The bill was read second time and passed to a third reading.

Mr. Henderson of Lamar moved to suspend the constitutional rule requiring bills to be read on three several days in each House and that Senate bill No. 6 be put on its third reading and final passage. The motion prevailed by the following vote:

Yeas—118.


Absent—Excused.


The Speaker then laid Senate bill No. 6 before the House on its third reading and final passage. The bill was read third time and passed by the following vote:

Yeas—120.


The Speaker then laid Senate bill No. 6 before the House on its third reading and final passage. The bill was read third time and passed by the following vote:

Yeas—120.

Mr. Henderson of Lamar moved to suspend the constitutional rule requiring bills to be read on three several days in each House, and that Senate bill No. 7 was then laid before the House on its second reading, was read second time and passed to a third reading.

The motion prevailed by the following vote:

Yeas—119.

Adams. Bean. 
Allen of Hopkins. Bennett. 
Ayers. Blount. 
Barbee. Bridgers. 
Barrett. Browne. 
Caldwell. McDowell. 
Calvin. McFarland. 
Chambers. McKamy. 
Childers. McKellar. 
Childs. Meitzen. 
Clements. Mercer. 
Cocke. Monroe. 
Cole. Morrie. 
Collins. Morphy. 
Conolly. Crawford. 
Crawford. Murray. 
Cross. Nef. 
Culp. Nolan. 
Dean. Oliver. 
Decker. Palmer. 
Derden. Parish. 
Diss. Peery. 
Doroh. Pfeiffer. 
Ellis. Phillips, Lampasas. 
Ellis. Pitts. 
Evans of Fannin. Poole. 
Evans of Grayson. Frost. 
Frost. Ratcliff. 
Garner. Roberston, Harrison 
Garrett. Gill. 
Gill. Goodman. 
Gill. Sansom. 
Gordon. Savage. 
Graham. Slater. 
Greenwood. Scurry. 
Grogan. Shannon. 
Grubbs. Shelburne. 
Hamilton. Smith of Grayson. 
Henderson, Brazos. Smith of Collin. 
Henderson, Brazos. Stripling. 
Henderson, Lamar. Sutherland. 
Henderson, Lamar. Tarkington. 
Henderson, Lamar. Terrell. 
Howard. Tason. 
Hurley. Tater. 
Loyd. Terrell. 
Looney. Terrell. 
Marsh. Teagle. 
Maxwell. Thomas of Collin. 
McAnally. Thomas of Wise. 
McClanahan. Thomas of Fannin. 
McDowall. Tucker. 
McFarland. Vaughan. 
McKamy. Walton. 
McKellar. Wells. 
Meitzen. Whelch. 
Monroe. Willacy. 
Morris. Willrodt. 
Morrow. Wooten. 
Murphy. Wright. 
Murray. 

Absent—Excused.

Mercer. Stewart. 
Prince. Tompkins. 
Rogers.

Mr. Henderson of Lamar moved to suspend the constitutional rule requiring bills to be read on three several days in each House and that Senate bill No. 7 be placed on its second reading and passage to a third reading.

The motion prevailed by the following vote:

Yeas—119.

Adams. Bean. 
Allen of Hopkins. Bennett. 
Ayers. Blount. 
Barbee. Bridgers. 
Barrett. Browne. 
Caldwell. McDowell. 
Calvin. McFarland. 
Chambers. McKamy. 
Childers. McKellar. 
Childs. Meitzen. 
Clements. Mercer. 
Cocke. Monroe. 
Cole. Morrie. 
Collins. Morphy. 
Conolly. Crawford. 
Crawford. Murray. 
Cross. Nef. 
Culp. Nolan. 
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Derden. Parish. 
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Doroh. Pfeiffer. 
Ellis. Phillips, Lampasas. 
Ellis. Pitts. 
Evans of Fannin. Poole. 
Evans of Grayson. Frost. 
Frost. Ratcliff. 
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Gill. Sansom. 
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Murphy. Wright. 
Murray. 

Absent—Excused.

Mercer. Stewart. 
Prince. Tompkins. 
Rogers.

Senate bill No. 7 was then laid before the House on its second reading, was read second time and passed to a third reading.

Mr. Henderson of Lamar, moved to suspend the constitutional rule requiring bills to be read on three several days in each House, and that Senate bill No. 7
be placed on its third reading and final passage.
The motion prevailed by the following vote:

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BILLS AND RESOLUTIONS.

By Mr. Oliver:
House bill No. 37, A bill to be entitled “An Act to require sleeping car companies and railroad companies running sleeping cars to fix a different and uniform rate for upper berths and for lower berths and to graduate the price of charges for each day and night or parts thereof and to provide adequate penalties for the violation of this act.”

Read first time, and referred to Committee on Internal Improvements.

By Mr. Allen of Hopkins:
House bill No. 38, A bill to be entitled “An Act to amend Article 493, Chapter 2, Title XIII, of the Penal Code of the State of Texas, so as to conform to the provisions of Article 4709, Chapter 1, Title XCVII, of the Revised Civil Statutes of Texas, relating to public roads on boundary lines.”

Read first time, and referred to Committee on Internal Improvements.

By Mr. Poole:
House bill No. 45, A bill to be entitled “An Act to provide for the redemption of real estate sold for debt.”

Read first time, and referred to Committee on Finance.

By Mr. Calvin:
House bill No. 44, A bill to be entitled “An Act to amend Article 3905, Chapter 7, Title LXXXVI, Revised Civil Statutes, State of Texas.”

Read first time, and referred to Committee on Education.

By Mr. Peery:
House bill No. 46, A bill to be entitled “An Act to amend subdivision 19 of an act entitled ‘An Act to amend Article 5049 of Chapter 1, Title CIV, of the Revised Statutes, relating to general occupation taxes.’”

Read first time, and referred to Committee on State Affairs.

By Mr. Masterson:
House bill No. 47, A bill to be entitled “An Act to repeal Article 1025 and to amend Article 1024, Chapter 1, Title XIII, of the Code of Criminal Procedure of the State of Texas, relating to inquiries upon dead bodies.”

Read first time, and referred to Judiciary Committee No. 2.

By Mr. Terrell:
House bill No. 48, A bill to be entitled “An Act to amend Chapter 1, Section 19, of the school laws of Texas, relating to legal holidays.”

Read first time, and referred to Committee on Education.

By Mr. Murphy:
House bill No. 49, A bill to be entitled “An Act to restore and confer upon the County Court of Bexar county the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and general laws of the State, and to conform the jurisdiction of the District Court of said county to such change, and to repeal all laws in conflict with this act.”

Read first time, and referred to Judiciary Committee No. 1.

By Mr. Poole:
House bill No. 50, A bill to be entitled “An Act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the State government for the years beginning March 1, 1897, and ending February 28, 1899, registered in the Comptroller’s office, and for other deficiencies.”

Read first time, and referred to Committee on Finance.

By Mr. Ratcliff:
House bill No. 43, A bill to be entitled “An Act to require sleeping car companies to fix a form rate for upper berths and for lower berths and to graduate the price of charges for each day and night or parts thereof and to provide adequate penalties for the violation of this act.”

Read first time, and referred to Committee on Education.
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"An Act to prohibit the firing of any combustible or explosive fireworks within one hundred yards of any business house in any unincorporated town or village."

Read first time, and referred to Judiciary Committee No. 2.

By Mr. Smith of Grayson:
House bill No. 51, A bill to be entitled "An Act to amend Article 2395 of the Revised Civil Statutes of the State of Texas, relating to the exemptions to families and providing for the exemption of all wearing apparel of families from forced sale for the payment of debt."

Read first time, and referred to Judiciary Committee No. 1.

By Mr. Decker:
House bill No. 52, A bill to be entitled "An Act to amend Chapter 10, Title LI, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 2653a, relating to the sale of real estate by guardian."

Read first time, and referred to Judiciary Committee No. 1.

By Mr. Ellis:
House bill No. 53, A bill to be entitled "An Act to amend Articles 691 and 696, Chapter 13, Title XV, of the Penal Code of the State of Texas, relating to punishment for negligent homicide."

Read first time, and referred to Judiciary Committee No. 2.

By Mr. Savage:
House bill No. 54, A bill to be entitled "An Act to repeal Article 491 of Chapter 2, Title XIII, of the Penal Code of the State of Texas, relating to the working of public roads."

Read first time, and referred to Judiciary Committee No. 2.

By Mr. Rochelle:
House bill No. 55, A bill to be entitled "An Act to amend Article 1114 of the Revised Criminal Statutes of the State of Texas, so as to provide for the payment of jurors who are summoned and who are not required to serve."

Read first time, and referred to Judiciary Committee No. 2.

By Mr. Murray:
House bill No. 56, A bill to be entitled "An Act to amend Article 3235 (3107), Title LXIII, of the Revised Civil Statutes of the State of Texas, relating to landlords and tenants, so as to create a preference lien on one-half of all crops produced by the tenant."

Read first time, and referred to Committee on Agricultural Affairs.

By Mr. Lane:
House bill No. 57, A bill to be entitled "An Act to amend substitute bill No. 212, Chapter 112, page 157, of the acts of the regular session of the Twenty-fifth Legis-

4 House lature of Texas, relating to statements to be made by national banks to the tax assessors or their deputies, and providing for the failure or refusal of such banks to make such statements."

Read first time, and referred to Committee on Revenue and Taxation.

By Mr. Evans of Grayson:
House bill No. 58, A bill to be entitled "An Act to amend Article 3839, Title LXXXV, of the Revised Statutes of the State of Texas, prescribing certain qualifications for the office of Superintendent of Public Buildings and Grounds."

Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Tucker:
House Joint Resolution No. 4, To amend Section 9, Article 8, of the Constitution of the State of Texas, relative to the rate of taxation.

Read first time, and referred to Committee on Constitutional Amendments.

Mr. Powell moved to reconsider the vote by which the resolution of Mr. Kennedy relating to publishing the Rules of the House was today tabled until the Committee on Rules should report, and the motion to reconsider was lost.

Mr. Shelburne offered the following resolution:
Resolved, That our United States and the kingdom of France, which closed the war with Spain, France, which closed the war with the United States and the kingdom of Spain.

Resolved, further, That our Representatives and Senators are requested to vote to give freedom and independence to the island of Cuba, coupled with the provision that the Philippine islanders be
given independence as soon as practical by their bonding themselves and reimbursing the United States for the cost of the war.

Read second time and on motion of Mr. Dies referred to the Committee on Federal Relations.

Mr. Kennedy offered the following resolution:

Resolved, That the Rules of the House be printed in the Legislative Record for January 14.

Read second time and adopted.

Mr. Terrell offered the following resolution:

Resolved, That no person or persons known as lobbyists, shall appear before any committee of this House in the interest of any measure pending before this House, unless invited to come before said committee by a majority of the members of the committee.

Read second time, and on motion of Mr. Schluter referred to the Committee on Rules.

Mr. Parish offered the following resolution:

Resolved, That we, the Twenty-sixth House of Representatives, hereby instruct our Representatives and Senators in Washington to urge upon the Federal Government the payment of private claims, from this State, for subsistence and supplies furnished volunteer soldiers between time of enrollment and mustering in in the war with Spain.

Read first time and on motion of Mr. Peery referred to the Committee on Federal Relations.

Mr. Bailey called up Senate Concurrent Resolution No. 1, relating to counting the vote for Governor and Lieutenant-Governor, and inauguration of the same.

The resolution was read second time and adopted.

In accordance with above resolution the Speaker appointed the following committee on part of the House: Messrs. Bailey, Schluter and Staples.

Mr. Tarkington moved to adjourn until 9:30 a. m. tomorrow, and Mr. Smith of Collin, to 9 a. m. tomorrow.

Question recurring on the longest time first, the motion prevailed and the House, at 4:15 p. m., adjourned accordingly.

FIFTH DAY.

Hall of the House of Representatives, Austin, Texas.

Saturday, Jan. 14, 1899.

The House met at 9:30 o'clock a. m. pursuant to adjournment.

Speaker Sherrill in the chair.