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By Mr. Terrell:
House bill No. 121, A bill to be entitled "An Act to repeal Articles 3988, 3990, 3999, of Chapter 7, Title LXXXVI, of the Revised Civil Statutes of Texas, so as to repeal the law enacted under the Jester amendment transferring one per cent. of the permanent school fund to the available school fund."

Read first time, and referred to Committee on Education.

By Mr. Childs:
House Joint Resolution No. 6, To amend Sections 4, 22 and 23, of Article 4, and Sections 9, 13, 18, 20, 21 and 22, of Article 5, and Sections 14 and 10, of Article 8, Sections 30 and 44, of Article 16, and Section 4, of Article 3, of the Constitution of the State of Texas, so as to have elections every four years."

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

By Mr. Kennedy:
House Joint Resolution No. 7, To amend Sections 7, 8, 15, 19, 21 and 29, of the Constitution of the State of Texas, relating to the judiciary, and providing that a person shall be a practicing attorney to be eligible to the office of county judge.

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

By Mr. Prince:
Resolved, By the House of Representatives, the Senate concurring, that Hogg & Robertson be and they are hereby granted permission and empowered to sue under the contract entered into by the said Hogg & Robertson and his Excellency, C. A. Culberson, with reference to collecting from the United States the balance due the State of Texas, said contract dated July 30th, 1897, and that further consideration of said matter by the House and Senate be dismissed.

Read second time, and Mr. Dies moved to refer to Judiciary Committee No. 1. Mr. Savage moved as a substitute that it be referred to the Committee on Claims and Accounts. The motion of Mr. Savage prevailed, and it was so referred.

By Mr. Shropshire:
House Concurrent Resolution No. 2.
Resolved, By the House of Representatives, the Senate concurring, that a joint committee shall be appointed, consisting of fifteen members of the House of Representatives, to be appointed by the Speaker, and ten Senators, to be appointed by the President of the Senate, whose duty it shall be to consider the feasibility of preparing an amendment to the Constitution of the State relating to and including all subjects deemed necessary and appropriate to the purposes of a State Constitution, save and except the preamble and Bill of Rights, homestead and other exemption provisions as the same now exists in the Constitution of this State; and in the event the said committee shall determine it advisable that such amendment be prepared and submitted to the people, then they are instructed to frame such an amendment as they shall conclude to be consistent with the demands and necessities of the people, and make their report to the respective houses of this Legislature at as early a date as practicable, which proposed amendment, if adopted by the House of Representatives and Senate, by a vote of two-thirds of all the members elected to each house, shall be submitted to a vote of the people of the State of Texas at the next general election.

Read second time, and on motion of Mr. Cross, referred to the Committee on Constitutional Amendments.

By Mr. Childers:
Resolved, That the Speaker of the House appoint a special committee of twenty-five members of the House to investigate the attorney fee that is claimed by Hogg & Robertson for collecting one hundred and one thousand, one hundred and thirteen dollars from the United States government, and that said committee shall report back to the House the proceedings of their investigation.

Read second time, and on motion of Mr. Dies, referred to the Committee on Claims and Accounts.

Mr. Tarver moved to adjourn until tomorrow at 10 o'clock a.m., and Mr. Dies until 9 a.m. tomorrow.

Question recurring on the longest time first, the motion prevailed, and the House adjourned accordingly.

SEVENTH DAY.

Hall of the House of Representatives, Austin, Texas, Tuesday, Jan. 17, 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:

Allen of Colorado. Bennett.
Allen of Hopkins. Blount.
Barbee. Bolin.
Barrett. Bridgers.
Bean. Browne.
Beaty. Caldwell.
Calvin.  Monroe.
Chambers.  Morris.
Childs.  Murphy.
Clements.  Murray.
Collins.  Neff.
Comoly.  Nolan.
Cross.  Oliver.
Culp.  Palmer.
Dean.  Parish.
Decker.  Pfeuffer.
Dorroh.  Poole.
Eckols.  Powell.
Ells.  Prince.
Evans of Fannin.  Ratchiff.
Evans of Grayson.  Robertson, Harrison
Frost.  Robertson of Bell.
Garrett.  Rochelle.
Gill.  Russell.
Goodlett.  Sansom.
Goodman.  Savage.
Gordon.  Schluter.
Graham.  Scurry.
Greenwood.  Shannon.
Grogan.  Shelburne.
Hamilton.  Shropshire.
Henderson, Brazos.  Smith of Grayson.
Howard.  Staples.
Hurley.  Stripling.
Kennedy.  Tarkington.
Kittrell.  Tarver.
Lake.  Tate.
Lane.  Tegle.
Lillard.  Terrell.
Livey.  Thomas of Wise.
Lloyd.  Tompkins.
Looney.  Tucker.
Marsh.  Vaughan.
Maxwell.  Walton.
McAnally.  Wells.
McClellan.  Wheless.
McKamy.  Willary.
McKellar.  Willrodt.
Meitzen.  Wright.
Mercer.  Absent.

A quorum was announced present.

Prayer by Rev. W. J. Gatlin, Chaplain. Pending reading of the Journal of yesterday, on motion of Mr. Barrett, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

Mr. Little for today on account of sickness, on motion of Mr. McAnally.
Mr. Sutherland indefinitely on account of sickness, on motion of Mr. Hurley.
Mr. Cocke for today on account of sickness, on motion of Mr. Kittrell.
Mr. Bailey for today on account of sickness, on motion of Mr. Willacy.

APPOINTMENTS ANNOUNCED.

Committee Clerks—H. B. Otto (stenographer).
General Committee Clerks—Bruce Thomas, J. D. Carwile.

COMMITTEES APPOINTED.

RULES.

Mr. Ayers, Chairman; Messrs. Powell, Henderson of Brazos, Bailey, Henderson of Lamar.

PUBLIC DEBT.

Mr. Mercer, Chairman; Messrs. Pfeuffer, Sutherland, Graham, Goodman, Monroe, McFarland, McClellan, Poole.

PUBLIC PRINTING.

Mr. Lillard, Chairman; Messrs. McFarland, Kennedy, Grubbs, Eckols, Calvin, Blount, Adams, McAnally, Scurry, Thomas of Fannin.

MINING AND MINERALS.

Mr. Crawford, Chairman; Messrs. Savage, Bridgers, Palmer, Frost, Loyd, Phillips of Lampasas, Jones, Wright, Barrett, Ellis, Little, Parish.

JUDICIAL DISTRICTS.

Mr. Evans of Grayson, Chairman; Messrs. Dies, Culp, Cross, Calvin, Bridgers, Neff, Nolan, Powell, Shropshire, Robertson of Harrison, Thomas of Wise, Wells, Goodlett, Pitts, Mercer, Cole, Allen of Colorado, Bailey.

ROADS, BRIDGES AND FERRIES.

Mr. Barbee, Chairman; Messrs. Ayers, Childress, Conoly, Evans of Fannin, Garrett, Goodman, Loyd, Staples, Stripling, Tarkington, Jones, Phillips of Lampasas, Hurley, Pitts, McKellar, Scurry, Sansom, Dean, Culp, Tate, Bolin, Blount, Smith of Collin.

IRRIGATION.

Mr. Masterson, Chairman; Messrs. Tarver, Bailey, Bridgers, Monroe, Mercer, Russell, Sansom, Tucker, Murphy, Dies, Conoly, Scurry.

LABOR.

Mr. Conoly, Chairman; Messrs. Nolan,
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**STATE ASYLMS.**

Mr. Grogan, Chairman; Messrs. Lillard, Maxwell, Prince, Wells, Henderson of Brazos, Tucker, Stripling, Beaty, McAnally, McDowell, Meitzen, Nolan, Childs, Morrow, Murray, Clements, Shropshire, Walton.

**ENROLLED BILLS.**

Mr. Collins, Chairman; Messrs. Livsey, Lillard, McFarland, Russell.

**AGRICULTURAL AFFAIRS.**

Mr. Willacy, Chairman; Messrs. Stewart, Tarkington, Murray, Wells, Ratcliff, Beaty, Rochelle, Sutherland, Terrell, Tucker, Teagle, Loyd, Neff, Evans of Fannin, Howard, Hurley, Hamilton, Graham.

**FEDERAL RELATIONS.**

Mr. Allen of Hopkins, Chairman; Messrs. Chambers, Ellis, Frost, Greenwood, Lake, Pitts, Parish, Tarver, Shropshire.

**COUNTY AND COUNTY BOUNDARIES.**

Mr. Dies, Chairman; Messrs. Morrow, Allen of Hopkins, Palmer, Ratcliff, Gill, Howard, Teagle, Smith of Collin, Savage, Phillips of Camp, Oliver, Derden, Beaty.

**ENGROSSED BILLS.**

Mr. Grubbs, Chairman; Messrs. Thomas of Fannin, McAnally, McFarland, Bridgers.

**EXAMINATION OF COMPTROLLER'S AND TREASURER'S ACCOUNTS.**

Mr. Prince, Chairman; Messrs. Browne, Gordon, Greenwood, Hamilton, Meitzen, Morrow.

On motion of Mr. Savage, Mr. Calvin was added to the Committee on Contingent Expenses.

**PETITIONS AND MEMORIALS.**

By Mr. Livsey:
A petition of one hundred and twenty-five citizens of Throckmorton county, against any changes in the present land law.

Read first time, and referred to Committee on Stock and Stock-raising.

By Mr. Peery:
A petition of one hundred and twenty-five citizens of Throckmorton county, against any changes in the present land law.

Read first time, and referred to Committee on Stock and Stock-raising.

**BILLS AND RESOLUTIONS.**

By Mr. Schluter:
House bill No. 122, A bill to be entitled "An Act to amend Article 1316, Chapter 5, Title XXX, of the Revised Civil Statutes of the State of Texas, and to require the judges of the district and county courts to prepare their charges to the jury before counsel shall argue a cause to the jury, and to repeal all laws in conflict herewith."

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

By Mr. Decker:
House bill No. 123, A bill to be entitled "An Act to authorize the Southern Kansas Railway Company of Texas to purchase the Panhandle Railway and to operate the same under the charter of the Southern Kansas Railway of Texas, as a part of its own line, with the right to extend the same, and to construct branches therefrom, by amendment of its charter under the general laws of the State of Texas."

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

By Mr. Looney:
House bill No. 124, A bill to be entitled "An Act to amend Chapter 5, Title CII, of the Revised Civil Statutes of Texas, of 1895, by adding thereto Articles 500la and 500lb, providing for elections in a county or subdivision of a county, to determine whether hogs, sheep or goats shall be permitted to run at large in such county or subdivision."

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

By Mr. Kittrell:
House bill No. 125, A bill to be entitled "An Act to authorize private corporations created, or that may be created, under the laws of Texas to extend or renew their corporate existence where the same has expired or may be about to expire by lapse of time, and prescribing the conditions and mode of such extension or renewal."

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

By Mr. Loyd:
House bill No. 126, A bill to be entitled "An Act to amend Article 4978, Chapter 5, Title CII, of the Revised Civil Statutes of the State of Texas, adopted 1895, and to provide a mode of preventing certain animals from running at large in counties and subdivisions."

Read first time, and referred to Committee on Agriculture.

By Mr. Allen of Hopkins:
House bill No. 127, A bill to be entitled "An Act to amend Article 440, Title XII,
Chapter 4, of the Penal Code of the State of Texas, relating to penalty for practicing medicine without filing for record certificate of qualification, so as to conform to Article 3787, Title LXXXII, Chapter 1, of the Revised Civil Statutes of Texas, relating to record of certificate of qualification for practice of medicine.

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

By Mr. Kennedy:

House bill No. 128, A bill to be entitled "An Act to amend Article 2911 (2915), Chapter 6, Title LIII, of the Revised Civil Statutes of 1895, relating to the Commissioner of Agriculture, Insurance, Statistics and History, and providing an adequate bond for said commissioner."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Mr. Chambers:

House bill No. 129, A bill to be entitled "An Act to amend Article 4987, Chapter 5, of Title LIII, of the Revised Civil Statutes of the State of Texas, relating to the mode of preventing animals from running at large."

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

By Mr. Ratliff:

House bill No. 130, A bill to be entitled "An Act to amend Article 2439, of the Revised Civil Statutes of 1895, of the State of Texas, relating to the fees and taxes to be collected by the Secretary of State."

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

By Mr. McDowell:

House bill No. 131, A bill to be entitled "An Act to amend Section 6, of Chapter 149, of the Acts of the Regular Session of the Twenty-fifth Legislature, to preserve and protect the wild game, birds and wild fowl of the State, and provide adequate penalties for the unlawful taking, slaughter, sale or shipment thereof, and to repeal all laws and parts of laws in conflict herewith."

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

By Mr. Ratliff:

House bill No. 132, A bill to be entitled "An Act to restore and revive the charters, or rights to do business of private corporations chartered under the laws of the State of Texas and all permits issued by the State of Texas to foreign corporations, or their rights to transact business within this State, which have from failure to pay their annual franchise tax, lapsed or been declared canceled or forfeited by the Secretary of State."

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

By Mr. McDowell:

House bill No. 133, A bill to be entitled "An Act to amend Title IV, Article 22, Section 12, of the Revised Civil Statutes of the State of Texas, changing the time of holding the District Court in Trinity county."

Read first time, and referred to Committee on Judicial Districts.

By Mr. McAnally:

House bill No. 134, A bill to be entitled "An Act to repeal Articles 3898, 3899, 3900 and 3901, Chapter 7, of the Revised Statutes of the State of Texas, relating to the annual transfer of money from the permanent to the available school fund."

Read first time, and referred to Committee on Education.

By Mr. McKellar:

House bill No. 135, A bill to be entitled "An Act to amend Article 788, Chapter 3, of the Penal Code of the State of Texas, relating to the use of animals without the consent of the owner."

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

By Mr. Terrell:

House Joint Resolution No. 8, To amend Section 2, of Article 3, of the Constitution of the State of Texas, and to decrease and limit the number of Senators and Representatives in the State Legislature.

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

By Mr. Wheless:

House Concurrent Resolution No. 3.

Whereas, We are advised through the press that Hon. Wm. J. Bryan of Nebraska, will visit this State on or about the nineteenth of the present month; therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, that a committee of three be appointed by the Speaker, who shall, in conjunction with a similar committee to be appointed by the President of the Senate, extend to Mr. Bryan the cordial greeting of the Legislature, and an invitation to visit the capitol and address the members of the House and Senate in joint session.

Read second time, and adopted.

By Mr. Pitts:

House Concurrent Resolution No. 4.

Whereas, By special message of Gover-
nor Culberson, it is made known that the Twenty-sixth Legislature will be called upon to appropriate large sums of money for the fees of private attorneys employed by him July 30th, 1897, to collect the claim of Texas against the United States, and it being necessary that just and intelligent action be pursued in relation to said fee and appropriation; therefore, be it

Resolved, By the House of Representatives, the Senate concurring, that the Speaker of the House appoint three of its members, and the President of the Senate appoint two of its members, who shall together constitute a joint committee of five legislators, to inquire into, and true report the make of, all the facts and incidents pertaining to the appointment of said attorneys, their services, and the authority of the Governor to employ such services at said time, and the necessity therefor. Be it further

Resolved, That said committee shall be empowered to elect from their members a chairman. That such chairman shall have authority to administer oaths, to issue subpœnas and attachments to compel the attendance of witnesses, the production of papers, records and such other evidence as may be deemed necessary to said investigation. That said chairman shall have power to enforce obedience to the processes and orders of said committee by fines not exceeding five hundred dollars, or imprisonment in any jail not exceeding one month, as may be assessed by said chairman, and ratified by the House or Senate upon the report of such order. That all process of said committee shall be served by the Sergeant-at-Arms of the House or Senate, and they shall have the same authority thereunder as if said process were issued by the House or Senate. That the said chairman shall employ a competent stenographer, and shall cause a sworn report of all testimony taken before said committee to be reduced to writing and presented to the House and Senate with the final report of said committee. That said committee shall, at the earliest possible time, ascertain and report

First—The history of the claim as it appears in the official records of Texas.

Second—Whether the Attorney-General knew of its existence, and of any effort to collect it by the services of private attorneys.

Third—What public emergency existed for the employment of private attorneys to represent the State of Texas.

Fourth—Whether the instrument signed on the 30th day of July, 1897, by Governor Culberson, and relied on as authority for private legal services, is a proclamation or a contract, and when the same was first made public.

Fifth—Whether the Governor at the time of signing said instrument, and under existing circumstances had the legal authority to employ private counsel at public expense.

Sixth—What persons rendered services in the collection of said claim, and what was the value, extent, and nature of such services.

Seventh—Recommendation of the committee.

Be it further resolved, That the expenses of the committee, stenographer, Sergeant-at-Arms in serving process, witness fees, and other necessary and incidental expenses be paid, upon the approval of said committee, out of the contingent fund, on the order of the Speaker of the House or President of the Senate.

Read second time, and on motion of Mr. Dies, referred to the Committee on Claims and Accounts.

By Mr. Lane:

Resolved, That the Speaker of this House shall appoint a committee of three members of this House, to examine into the work and result of the State Reformatory at Gatesville, for the purpose of ascertaining as near as possible to what extent the inmates of said institution are reformed, what per cent. of them, after discharge, return to crime, and to what extent they are reformed, and also to ascertain, if possible, a more efficient plan of reformation: which committee shall report their findings and recommendations to this term of the Legislature.

Read second time, and on motion of Mr. Cross, referred to the Committee on Penitentiaries.

By Mr. Palmer:

Whereas, The Hon. J. S. Calliott, a prominent lawyer and citizen of Corsicana, is now present; therefore, be it

Resolved, That he be invited to a seat on the floor of this House.

Read second time, and adopted.
By Mr. Bennett:

Resolved, That as Major H. W. B. Price of Alabama, a survivor of the battle of San Jacinto, is in the city of Austin and that as Texas is greatly indebted to the gallant heroes of that battle who fought so valiantly to avenge the fall of the Alamo, the inhuman butchery of the veterans at Goliah, and for the independence of Texas, he be invited to a seat within the bar of this House.

Read second time and adopted unanimously by a rising vote.

COMMITTEE REPORTS.

Committee Room.

Austin, Texas, January 16, 1899.

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

SIR: Your Committee on Contingent Expenses, to whom was referred resolution providing for the purchase of stamps for members and officers of the House, have had the same under consideration, and I am instructed by the committee to recommend that it be adopted with the following amendment, to wit:

Amend by striking out $15.00 wherever it occurs and insert in lieu thereof $20.00.

SAVAGE, Chairman.

On motion of Mr. Savage the report was adopted.

On motion of Mr. Tucker, the House, at 10:50 a. m., took recess until 11:55 a. m.

AFTER RECESS.

The House was called to order by the Speaker at 11:55 a. m.

IN JOINT SESSION.

At 12 o'clock, m., the Honorable Senate of Texas was announced at the bar of the House.

Escorted by Sergeant-at-Arms C. H. Allen of the Senate, the Senators advanced into the Hall and were seated along the aisles in chairs prepared for them.

Hon. R. N. Stafford, President Pro Tem., was invited to a seat on the right of the Speaker.

The President Pro Tem. directed the Secretary to call the roll of the Senate, and the following Senators answered to their names:

Senators Atlite, Davidson, Dibrell, Goss, Bough, Greer, Grimmett, James, Johnson, Kerr, Lewis, Lloyd, McGee, Miller, Morris, Neal, Odell, Potter, Ross, Sebastian, Stafford, Stone, Turney, Wayland, Yantis, Yett.

The President announced a quorum present.

The Speaker directed the Clerk to call the roll of the House, and the following members answered to their names:


(Mr. Schlueter, Mr. Mercer and Mr. Staples absent on Joint Inaugural Committee.)

The Speaker announced a quorum present.

The Speaker then announced that the two Houses were in joint session for the purpose of inaugurating the Governor and Lieutenant-Governor-elect.

Rev. Dr. W. C. Denson, Chaplain of the Senate, then offered prayer, as follows:

Our Father which art in Heaven, hallowed be Thy name. Accept our thanksgiving and praise for Thy gracious condescension toward the children of men in the establishment of Thy kingdom on earth. We thank Thee for the reach and sweep and power of Thy word in its revelations of Thyself, of Thy righteous law,
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The glorious hopes and triumphs of those who come to Thee through the Christ of the Gospel. For our National and State governments, whose foundations are laid in Thy word, and whose dependence for perpetuation, peace, and prosperity is in Thy name, we magnify and worship Thee. We invoke Thy blessings and good providences upon the people of this nation and upon all who are in authority over them. In our own State prosperity and happiness prevail; we have been blessed with a wise and just administration of the affairs of the State, issuing in the phenomenal triumph of right over wrong, of morality over immorality, and in the upbuilding and re-assurance of the people, in contentment and hopefulness; for all of which we give Thee our heartfelt thanks and gratitude. We pray that Thy blessings and benedictions may follow those who have served the people through the administration now closing. May they into whose hands the affairs of government are now being transmitted be wise and just and humane to that degree attainable only by Divine guidance and grace. We ask for them the rich supply of all their need, the protection of their healths and lives, and their enlargement in all that is ennobling and uplifting. May the peace of God that passeth all understanding fill their hearts and minds; and may merciful and protective providence be over the people of this State. And to the name of the Father, Son and Holy Spirit be present and everlasting praises. Amen!

The Speaker directed the Clerk to read from the House Journal of January 16, the following report of the joint committee to arrange for counting the vote for Governor and Lieutenant-Governor, and to arrange for the inaugural ceremonies of the same:

Hon. J. S. Sherrill, Speaker of the House or Representatives, and Hon. Geo. T. Jester, President of the Senate.

Sirs: Your Joint Committee appointed to make arrangements to count the vote, and to arrange for the inauguration of the Governor and Lieutenant-Governor, beg leave to recommend that the House and Senate meet in joint session in the Hall of the House of Representatives on Monday, the 16th day of January, A. D. 1899, at 10:30 o'clock a. m., for the purpose of counting said vote, and that the House and Senate will sit in Joint Session in the Hall of the House of Representatives on Tuesday, the 17th inst., at 12 o'clock, noon, when the Joint Committee will escort the Governor and Lieutenant-Governor-elect to the Speaker's stand, when the oath of office will be administered to them by the Chief Justice of the Supreme Court.

On the part of the House.

BAILEY.

SCHLUTER.

STAPLES.

On the part of the Senate.

MILLER.

GRINNAN.

TERRELL.

The Joint Committee on Inaugural Ceremonies (Mr. Bailey absent, excused on account of sickness, and Mr. Mercer acting in his place) appeared at the bar of the House, at 12 o'clock n., and were duly announced, accompanied by Governor-elect Joseph D. Sayers, Governor Charles A. Culberson, Lieutenant-Governor-elect J. N. Browning, Lieutenant-Governor George T. Jester, Chief Justice R. R. Gaines, Associate Justice T. J. Brown, Associate Justice L. G. Denman, Clerk of the Supreme Court Charles S. Morse, bearing the Great Seal and Bible; Attorney-General T. S. Smith, Land Commissioner George W. Finger, Railroad Commissioners John H. Reagan, L. J. Storey and Allison Mayfield; Ex-Governor James S. Hogg and others.

At two raps of the Speaker's gavel the Joint Session rose, as the Committee on Inaugural Ceremonies advanced into the Hall, and those accompanying them were invited to seats on the rostrum.

The Speaker then introduced to the Representatives, Senators and the assemblage, Governor Charles A. Culberson, who introducing Governor-elect Joseph D. Sayers, said:

"Senators, Representatives, Ladies and Gentlemen:

"The part assigned to me on this impressive occasion, introducing the Governor-elect of this State, is both a pleasure and compliment. A resident of Texas, he is thoroughly conversant with her traditions and history, is deeply concerned for her prosperity and glory. In all the walks of life he has been an exemplary citizen, and integrity and honor have ever found lodgment in his heart. In the martial and heroic age of the South he perilled his life in her cause, and none wore the gray more nobly. Since that great conflict he has won deserved distinction in the public service and stands now in the front rank among those men whom Texas has given to National affairs.

"In recognition of this service, a great party nominated him for this high office, and standing upon the noblest platform the Democracy ever proclaimed, and in agreement with recent measures of re-
form in the State, the people have chosen him for the highest office in their gift by a decisive majority. Admirably equipped for the important duties, surrounded by an able corps of officers and with a Legislature that in character and ability will take rank with any that has preceded it, there are strong reasons for the belief and hope in which all patriotic citizens will unite, that his administration will respond to the public needs and contribute to the prosperity of our people.

"I beg now to announce that the oath of office will be administered by Associate Justice Brown of the Supreme Court of the State."

The Speaker directed Associate Justice T. J. Brown to administer the oath of office to Governor-elect Joseph D. Sayers, which was done. Associate Justice Brown holding the Holy Bible in his right hand, and the Governor-elect touching the same with his, and at the conclusion of which the Governor-elect kissed the Book.

The Governor-elect then affixed his signature to the official oath, Clerk Charles S. Morse, of the Supreme Court, attesting the same with the Great Seal of the Commonwealth of Texas.

Ex-Governor Charles A. Culberson then introduced to the Joint Session and the vast assemblage, Joseph D. Sayers, as Governor, who said:

My Fellow Citizens:

He who undertakes the chief magistracy of this great Commonwealth will have no easy task before him, and without the earnest and hearty co-operation of his fellow citizens he cannot reasonably anticipate a satisfactory and successful administration of the public affairs. Therefore, at the very threshold of the duties imposed upon me by the oath, which I have just taken, I invoke the guidance of Almighty God and the aid of all my countrymen to enable me to so discharge every obligation as to best promote the prosperity of the State and the happiness of the people.

On an occasion like the present it will not be deemed out of place. I take it, to devote a few moments to the consideration of the purpose of government and its method of administration. Although the subject be old and indeed familiar, its importance makes it always worthy a reference before any audience. It will be conceded by all that a just and well constituted government will have no object in view other than to serve and benefit the entire citizenship, and that it should be conducted with wisdom, firmness, fidelity and without discrimination. No class or interest should be favored with special privileges, and to every one should be insured certain and complete protection to life, liberty and property. These are elementary propositions. They are recognized as indisputably true, and are so broad and comprehensive in meaning as to cover almost the entire domain within which the State may safely exercise authority. In their reasonable interpretation and application may be found to reside almost every necessary governmental power.

Faithful, honest and efficient administration is no less needful than wise and just legislation, and failure in either is always attended with unhappy consequences. Whatever the law—be it good or bad, popular or unpopular—it is the bounden duty of those to whom its execution is entrusted to enforce it, and no influence, however potent, should be heard to stay its steady and impartial operation. So long as it is on the statute book it is an authoritative expression of the popular will through the appropriate channel, and it should be respected and obeyed. Every infraction is an open defiance to the sovereignty of the people, and, if not followed by adequate penalty, begets dangerous distrust in the ability of the government to answer the purpose for which it was ordained. Disregard of the law through neglect of the executive branch of the public service to put it and to keep it in constant force, is as reprehensible as the exercise of power without proper warrant of authority. No deadlier blow can be given to free institutions than wise and loose and irregular administration, and such a policy, if policy it may be termed, cannot be too strongly condemned. The safety of society demands that the enforcement of the law should be uniform, steady and impartial, and that none should be so strong as to be beyond its requirements, and none so weak as to be beneath its protection.

In the earlier days of the Republic the sphere of governmental action was limited, and its appropriate functions were well defined. Individual freedom was then regarded as the very cornerstone upon which religious, civil and political liberty rested, and to which the progress of the race towards a higher and better civilization is chiefly indebted. The contrast between the legislation that was had prior to the Civil war and that enacted during the past three decades is broad and deep, and the most careless observer cannot fail to note this very obvious distinction between the two eras.

Formerly the greatest latitude, consistent with the welfare of society, was allowed the citizen, and he was taught to rely upon himself in the management of
his personal affairs—thinking for himself and acting for himself. Nowadays it has become somewhat, if not largely, different, and the power of legislation is often invoked to suppress evils that were once thought to be beyond governmental reach, and to be corrected only through the operation of laws which are not artificial and which do not depend upon the operation of laws which are not reach, and to be corrected only through non-interference in such matters, except the long and well established policy of non-interference in such matters, except when the public good clearly and emphatically demanded, is in some measure due to and justified by the changed conditions in our social, commercial and industrial life, and the introduction of agencies that were previously unknown; but not altogether so. It has proceeded, to a certain extent, from the tendency of the popular mind to over-estimate the power and enlarge the duty of the State, and to under-rate the ability of the citizen to successfully cope with the difficulties that environ him.

The effect of this tendency has been to cause the individual to lose confidence in himself, and to rely too much upon the government. But in the protection of property it cannot be well claimed that the duty of government is limited only to cases of open violence by the mob, or to the willful wrongdoing of the single trespasser. Its obligation in this respect extends much further, and may fairly include unjust and discriminating legislation, uncertain and arbitrary administration, and artificial combinations whose object it is to weaken or destroy other enterprises and industries, the healthy existence and successful conduct of which is essential to society. Nor can it be doubted that it is the province and duty of government to weaken or destroy the peace and repose upon which the very life of society depends, and substitute anarchy or despotism for a government of liberty, regulated by law.

The protection of liberty—personal, religious, civil and political—comes next in order of importance, and this includes the employment of all the necessary and proper means to insure it. To pursue, without illegal interruption, such avocations as are not forbidden by law; to worship God according to the dictates of his own conscience; to stand before the law the equal of any other man, and to be judged as any other man; and to vote, under the restrictions imposed for the good of society upon the whole people, as he may deem best for his country, unawed by power and uncorrupted by bribe, and to have his ballot fairly counted, these are rights to whose protection every person and every character of property within our borders is equally entitled. Human life is sacred, made so by God and man, and should never be taken except as expressly permitted by law, and there can be no justification outside of the law. However severe the provocation, the welfare of society demands that the injured party should rest his case with the law and abide its judgment; and those entrusted with its enforcement are, therefore, the more strongly bound to see that the offender is brought to speedy and impartial trial, and that the penalty denounced by the law be inflicted.

When it shall be well understood by all that the criminal, whoever he may be, will be quickly and adequately punished as prescribed by law, then not only will the law be permitted to assert its right of cognizance of offenses and to take its regular and orderly course, however aggravated the circumstances, but crime also will become less frequent throughout the land. It is the uncertainty and delay that too often characterizes judicial investigation as much as the nature of the crime itself that drives the citizen to a violation of the law by visiting, with his own hands, summary punishment upon the offender—forgetting in his indignation and resentment that in so doing he weakens the authority of the law, and renders his own life less secure.

True it is that, in a certain sense, the citizen is sovereign, yet nevertheless he is subject to the law of his own creation, and he cannot break it without impeaching his own sovereignty. And more than that, in so doing he establishes a precedent, which if too often followed, will unquestionably destroy the peace and repose upon which the very life of society depends, and substitute anarchy or despotism for a government of liberty, regulated by law.

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the imperfection of its laws or the weakness of its administration, fails to effectively maintain to the people this pledge, in all its fullness, ought to be abolished.

Scarcely, if at all, less necessary to the very existence of the social fabric than the protection of life and liberty is that of property. The fruits of industry, skill, economy and enterprise should be held by no uncertain tenure. They should be safe not only against those acts which the law declares to be felonies and misdemeanors, but also against harsh and improvident legislation. The burdens of government should be fairly and equitably distributed and imposed, and every change of property should be compelled to contribute to the public treasury according to its value. And government should go further and see to it that such property as may be favored by the law with peculiar privileges and unusual powers shall not be used to injure other pursuits that are necessary to the well being of the Commonwealth.

All legislation that directly or indirectly affects property, either as to value or as to title, should be conservative and just; and the rights of ownership, as well as the welfare of society, should be observed. To acquire and hold property lies at the very base of civilization and cannot be impaired without danger to society.

Even and exact justice, as well to the property as to the person of the citizen, should be the ruling motive and guiding principle of action in every branch of the public service, and the more strongly and the more uniformly it is maintained the more prosperous will be the State and the happier will be the people. And a similar policy of even and exact justice should be adopted towards those who may invest but not reside with us, putting and keeping them as to their investments on an equal footing with ourselves, and dealing with them as with ourselves. By so doing, confidence, both at home and abroad, will become firmly established and the best of other communities will seek homes amongst us, attracted by our genial climate, rich soil, exhaustless resources and splendid citizenship, and bringing with them wealth, thrift, energy and enterprise.

As to the laws applying to and affecting these great purposes of government, no just complaint can be urged against our State. The statute book of Texas will compare most favorably with that of the foremost American commonwealths, and as to the enforcement of the law, a comparison will be equally as creditable to ourselves. But there is room for improvement, and from the executive department, in all its branches and subdivisions, the very best service possible should be exacted, and with less the people should not be content. There should be no condonation of inefficiency in the discharge of official duty. It is not enough that every other qualification should be possessed. The highest standard of excellence is needed for the delicate and important work of governmental administration, and, if uniformly and impartially exacted, there may be found in the great body of the citizenship those who can and will fully meet every requirement.

Having sought and accepted official responsibility, no one should be permitted to regard himself other than a public servant, and office as a public trust—to be held and administered not for the especial advantage of himself and his kin, but for the benefit of the people and of the people only. The doctrine that office is property, and endowed with property rights, may be good in law, but it is not healthful to the public service; and has sometimes led to great abuse. Nepotism is not admissible in a properly constituted government.

It should be known everywhere that in no other State is life, liberty and property so secure; in no other State are offenses against them so surely, so speedily and so sufficiently punished; and in no other State is such complete justice between all men and as to all kinds of property maintained as within the great Commonwealth of Texas.

Under our political system this is the peculiar and exclusive prerogative of the State, and it therefore becomes its imperative duty, which it cannot honorably or safely avoid, to fully and successfully discharge the responsibility thus imposed, and I doubt not that Texas will continue faithful to this important trust. In this way will she vindicate the wisdom and confidence of our fathers in their provision for home rule and local self-government, and will maintain her place among the best administered of American commonwealths.

The character of our people for peace, good order, intelligence, justice and morality, already high, will keep pace with their advancement in material prosperity, and in all lands will the fame of our State abide, each year adding lustre to her history.

An empire in extent, resources almost limitless, situation altogether favorable, and an open sea around her southern border, Texas may well aspire to a greatness and grandeur that will have no parallel.
in the history and experience of her sister States.

It will not, I trust, be regarded as inappropriate to this hour to invite your attention to other matters, although not directly connected with the public service.

However essential a wise and just government may be, and however efficient its administration in all respects, it must, nevertheless, be supplemented in a large degree by individual effort and enterprise in other and different directions, and having other and different ends in view. Government cannot overstep certain limits without harm to society. Its orbit, wherein it may move with wholesome effect, is restricted, and its sphere of usefulness has boundaries that are well marked. It cannot till the field, nor operate the factory, nor conduct commerce, nor follow the professions. These instrumentalities, with all their subdivisions, belong to the citizen, and should be under his exclusive control, and upon him must devolve the responsibility of their proper use.

All material development is effected upon three great lines—agriculture, commerce and manufactures. The time has been in the history of our race when a country could be prosperous, in which any of these great industries should be largely dominant, and furnish employment to the great body of its people. But not so in the present age. Conditions now are vastly different. The world is not what it was a century ago. Steam, electricity, invention, and a more extensive and accurate insight into the workings and secrets of nature have wrought marvelous changes, and the proposition has become unquestionably true that the grand divisions of labor, agriculture, commerce, and manufactures, should exist and flourish within the same borders in order to insure entire independence to any people.

In this day it may be safely asserted to be an impossibility for a people to live and attain permanent prosperity by agriculture alone, or by commerce alone, or by manufactures alone. These great industries should not be envious rivals. They attain their highest development when in close proximity, and when their relations are cordial and friendly. They are mutually helpful, and when a sense of justice, or even of enlightened selfishness prevails, there will be no effort to enrich or strengthen the one to the detriment of the others. Of the full profit, when equity is recognized, the three will share in just proportion, and in so doing all will live and prosper. Depress agriculture so that it will cease to be remunerative, what then? Make manufactures unprofitable, because of the unfriendly attitude of agriculture and commerce, what will be the result? Let commerce be put under the ban, who so blind as not to foresee the end?

I submit these observations as applicable to present conditions in our State, and in the hope that we all, however engaged, may speedily awaken to a realization of what should be done in order to bring about a complete and harmonious union of these great factors in the production and distribution of material wealth, so that they may find here their best and most profitable development.

With us, agriculture—although its output is enormously large, with the certainty of becoming very much larger—has almost ceased to be remunerative beyond the extent of our own consumption. Of manufactures there are but few as compared with the quantity of raw material that is being produced, and of the vastly greater quantity that can be easily and speedily realized; while transportation—one of the instrumentalities of commerce—is exacting full compensation, notwithstanding the lack of manufactures and the very low price and greatly enlarged volume of agricultural products.

This is unfortunate, and if conditions be not soon changed for the better, they will result disastrously to every interest.

I trust that wiser counsels will prevail and that a proper regard for the general welfare will characterize the future action of those upon whom the responsibility rests.

Should present conditions, however, be insisted upon, then it will become the duty of the State to exert whatever power it may possess to compel such associations as have procured from the government exceptional privileges, to deal fairly and equitably with all other interests. The exercise of such power, while firm and impartial, will, I am quite sure, be conservative, and attended with the proper consideration of every just right. The purpose will be to restrain, not to injure; to build up, not to pull down. The prosperity of every factor in our material development will be regarded as essential to the well being of the entire system. At this time there can be no policy of greater importance to the people than that which will lead to the establishment and operation of industrial enterprises of all kinds in our State. Their necessity is urgent, and it must be met if we would be prosperous.

Our cotton crop for the season just closed aggregated near four millions of bales, with a reasonable certainty of a
steady increase year by year. Its price, however, is distressingly low, with no indication of improvement, unless larger and better markets be secured. Added to this embarrassment is the further necessity, so long as present conditions prevail, upon our people to send their cotton, with the exception perhaps of a few hundred bales, to other States and countries, to be sold and converted into finished products. These fabrics we buy for our own consumption at largely increased prices over that received for the raw material, thus paying transportation both ways and the cost of converting the cotton into manufactured goods, with a per cent added for profit, besides losing to our wage earners diversified and remunerative employment, and to our farmers the sale of much of their field and garden produce. A similar necessity exists as to our hides and wool, not including other kinds of raw material which are to be had in plentiful abundance.

Our store and warehouses are full to overflowing with merchandise of all kinds, the inventories of which, although long and costly, contain but few items of home manufacture. Almost everything we use and wear in city, town and country comes from distant markets. Much of our bacon, pork, corn, hay and other farm, garden and orchard products is also brought from elsewhere: and notwithstanding our wealth of timber—of many valuable kinds—we go to other workshops to procure our carriages, wagons, buggies and farming implements, and to other factories for the furniture that is used in our public buildings, churches, school houses and homes. Herein is to be found one of the prime reasons why the first of January of each recurring year finds so many of our people unable to meet their engagements, and with but small hope for the future. This condition is ruinous to our State, and unless there be a wide departure, we may expect the situation to grow worse, until poverty shall become the most distinguishing characteristic of our people.

The statement is not an exaggeration. It is unfortunately too true, and calls for an immediate remedy. Relief can be had if we will only do as other States of the Union—notably southern—are doing. That is, if we will at once direct our efforts to the promotion of such mechanical and manufacturing industries as may be appropriate to our natural resources.

We often, however, hear it said there is not sufficient home capital for the purpose, and that we must secure help from the outside before it can be accomplished. This is a fatal mistake. We must first show that we have confidence in such enterprises and in ourselves before others will risk their means in them.

In a communication to the Tradesmen’s Annual, Governor Atkinson of Georgia, illustrated the enterprising and self-reliant spirit of the people of that State by a reference which will bear quoting today. He said: “The town in which I live—Newnan, a place of about 3000 population—is a striking illustration, but not an exceptional instance, The people there, without the aid of foreign capital, have established various industrial enterprises, where twenty years ago not one existed. They manufacture wagons, buggies, acids, cotton goods, and have foundries, machine shops, etc. Not one of these enterprises have failed to pay dividends regularly, and the value of their products is nearly one million of dollars annually. Men who fifteen or twenty years ago would have hailed at the idea of their boys becoming mechanics or engineers, now send them to the shops to learn by actual experience the industrial side of life. Thus, in nearly every town in the State, old ideas give place to the new, and men have ceased to be afraid to engage in agriculture or enter the professions. Sons of wealthy men are preparing themselves for the management of industrial enterprises, and the field of opportunity is becoming more and more alluring.”

These are words of encouragement and promise to the people of Texas, and their entire accuracy is more than verified by the present condition of Georgia—over whose soil immense armies, within the memory of ourselves, marched and camped and fought, carrying desolation in their pathways, and reducing almost to a wilderness a land that once was full of plenty and bright with happiness. From the ashes of her desolation—through the courage, energy, thrift, economy and enterprise of her sons and daughters—an industrial life has sprung, bringing prosperity to the present and hope for the future.

Virginia, Tennessee, the Carolinas and Alabama tell the same story.

We are of the same stock and lineage, with the best and most enterprising of other States and countries as a valuable supplement to our citizenship, and why
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should we hesitate to do that in which they have so well succeeded? Our situation is far more propitious for the undertaking, and we need not fear the result. The victory is won even before the battle shall be fought, and we may safely anticipate its full and substantial fruits before a single dollar has been expended. While depending upon ourselves in this emergency, yet we extend to outside capital the most cordial invitation to assist us, and we give to it the assurance of fair and just treatment at our hands. We promise, that no discrimination shall be made against it, and that the same protection will be accorded it as is given to that of our own citizens. Both will stand upon an equal footing, and special privileges will be granted to neither. Upon these terms we welcome all who desire to invest their means within our State, and express the hope to them that their investments may be profitable, and that their business connection may be pleasant. We invite them most cordially to homes with us; to assist in building up a mighty Commonwealth; to share our prosperity; to become of us; to be citizens of Texas, giving them the pledge that in all respects they will be treated as ourselves. We have room enough for all; there is opportunity for all who are industrious, temperate and frugal.

But we are fortunate in that at no other period of our history has there been so auspicious a conjunction of necessity and opportunity as now. Recent events are preparing the way for the successful inauguration of an era of industrial life, and of enlarged commercial intercourse with other nations.

Hitherto our trade relations with the East have not been satisfactory. They have been not at all commensurate with the amount, character and value of our productions. We have permitted other countries, greatly inferior to us, to outstrip us in the matter of commerce. We now have the opportunity to forge rapidly to the front. The opportunity may not come to us again within a century—perhaps never.

The construction of the canal, bringing the two oceans together, is a certainty, thereby shortening the distance between ourselves and the Orient by several thousand miles.

With our cotton fields, sheep folds and cattle ranches almost within hearing of the hum of the spindle and the whirl of machinery, and with the shortest water-line to China and Japan at our command, was there by so great and permanent prosperity? Of all the States Texas will be the most benefited by these new conditions; provided her people will at once seize the occasion and avail themselves of the best opportunity by far that has ever occurred to them for achieving industrial, agricultural and commercial greatness. Every ship that leaves our shores should be laden to the guards with the products of our industry, skill and enterprise.

This, and this only is the way that will lead to permanent prosperity. If we hesitate, the fault will be with us. Hewers of wood and drawers of water we have been, and will continue to be as long as we depend altogether upon agriculture. Our ambition should be to acquire industrial independence. No less a purpose is worthy the race from which we have sprung, nor the inheritance we have received from our fathers.

Whatever the policy that may finally prevail as to territorial extension it may be considered as certain that there will be none of self-abnegation or self-imposed restriction as to commerce. Expansion of trade is not only a vital necessity but a determined fact. Our power to produce is greater than our ability to consume. The disparity will increase with the coming years, and it may be depended upon that the people of America will not surrender the commercial advantages which the victory at Manila has given to them. Other nations must accord to us a liberal share of the eastern trade. The rhetoric of the hustings, however brilliant and captivating, must yield to the logic of the situation, supported by that of an imperious necessity.

True statesmanship and a proper regard for own welfare demands that we should not sacrifice our material interests upon the altar of a political philosophy that may be very suitable for the library or the lecture room, but is not responsive to the needs of our people. The policy of today may not answer the requirements of tomorrow, and no name, however venerated for wisdom and patriotism, can be summoned from the dim past to deter us from pursuing that course which the exigencies of the present, with all its environments, point out to us as the pathway of safety, happiness and prosperity.

Texas has an easy capacity for ten millions of bales of cotton. Her possibilities in other directions are equally as certain and as great; but the best thought and greatest energy of the people must be aroused and kept in constant and vigorous action in order to reach the climax of achievement. To attain this high station will not be so difficult as would at first appear. The circumstances of the hour are propitious. The way is
plain and the means at our command more than sufficient. All that will be required is united, active and earnest effort, supplemented by a lofty and patriotic ambition. We should not be satisfied with a less exalted position than that which puts us in the lead of the commonwealths of America. To upbuild the State, to promote her moral, intellectual and material advancement and to make her influence and power correspond to her domain, population and wealth of resource, should be the supreme ambition of every son and daughter.

The past is secure, the present is certain, and the future full of hope and encouragement.

I know not how to more strongly accentuate our duty than to quote from a public address by the Ex-President of the Confederacy. Speaking for the last time to those whom he loved so well, and whom he had served so faithfully, that soldier and statesman said: "Men in whose hands the destinies of our Southland lie, for love of her I break my silence to speak now a few words of respect and admiration. The past is dead. Let it bury its dead with its hopes and aspirations. Before you lies the future—a future of expanding national glory, before which the whole world shall stand amazement. To upbuild the State, to promote her moral, intellectual and material advancement and to make her influence and power correspond to her domain, population and wealth of resource, should be the supreme ambition of every son and daughter.

Men of Texas—women of Texas—of whatever race, nationality or faith, I call upon you to lay aside all rancor, all bitterness, all differences, and to unite harmoniously in an earnest effort for the development of our State and for the promotion of her best interests, not forgetting that she is one of many great commonwealths, united in bonds that will never be broken, each moving in its own constitutional sphere and exercising every constitutional power, yet under the same flag and with a common destiny.

At the close of Governor Sayer's address, Speaker Sherrill introduced Lieutenant-Governor George T. Jester, who introduced Lieutenant-Governor-elect James N. Browning.

The House Journal of the Texas Senate, January 18, 1899.