Mr. Willacy moved to reconsider the vote by which House bill No. 11, was passed and to table the motion to reconsider. The motion to table prevailed.

On motion of Mr. Culp, the House, at 11:53 a.m., adjourned until 10 o'clock a.m. next Monday.

TWELFTH DAY.

Hall of the House of Representatives,
Austin, Texas,
Monday, January 23, 1899.

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

In the absence of Speaker Sherrill, Chief Clerk Lee J. Rountree, called the House to order.

Roll called and the following members present:

Adams.
Allen of Colorado.
Allen of Hopkins.
Ayers.
Bailey.
Barbee.
Barrett.
Bean.
Bentz.
Bennett.
Bolin.
Bridgers.
Caldwell.
Calvin.
Chambers.
Childers.
Childs.
Clements.
Cole.
Collins.
Conoly.
Cross.
Culp.
Dean.
Decker.

Wells.
Thomas of Wise.
Thomas of Fannin.
Tucker.
Vaughan.
Wright.
Walton.

Absent—Excused.

Allen of Colorado.
Blount.
Cocke.
Crawford.
Dies.
Greenwood.
Lake.
Little.
Marsh.
Morris.

Mr. Willacy moved to reconsider the vote by which House bill No. 11, was passed and to table the motion to reconsider. The motion to table prevailed.

On motion of Mr. Culp, the House, at 11:53 a.m., adjourned until 10 o'clock a.m. next Monday.

A quorum was announced present.

Prayer by Rev. W. J. Gatlin, Chaplain.

The Chief Clerk, whose duty it is to preside temporarily (see Rule 5) when the Speaker is absent at a time to which the House has adjourned, announced that Speaker Sherrill was absent on account of important business, and that nominations for Speaker pro tem. were in order.

Mr. Henderson of Lamar, nominated Hon. John H. Bailey of DeWitt county.

Mr. Masterson seconded the nomination of Mr. Bailey.

Mr. Prince seconded the nomination of Mr. Bailey.

There being no other nominations, the Chair appointed the following tellers:

To take up the ballots—Messrs. Cross, Jones, Mercer and Willacy.

To count the ballots—Messrs. Staples, Shuburne and Powell.
The ballot resulted as follows: Mr. Bailey received 112 votes, all the votes cast.

The Hon. Chief Clerk presiding, then announced that Hon. John H. Bailey of DeWitt county, having received 112 votes, being all the votes cast, was thereupon declared the unanimous choice of the House for Speaker pro tem.

Messrs. Henderson of Lamar, Prince and Childs were appointed a committee to escort the Speaker pro tem-elect to the Speaker's stand.

That duty being performed, the oath of office was administered to Mr. Bailey by the Chief Clerk.

Mr. Henderson of Lamar, then introduced Mr. Bailey to the House as Speaker pro tem., who, in a few appropriate words, thanked the House for the honor conferred, and declared the House ready for business.

Pending reading of the Journal of yesterday, on motion of Mr. Masterson, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

Mr. Garner until Wednesday, on account of important business, on motion of Mr. Durrah.

Mr. Durrah indefinitely, on account of sickness, on motion of Mr. Shropshire.

Mr. Peery and Mr. Browne for today, on motion of Mr. Tucker.

Mr. Murphy until 12 o'clock tomorrow, on motion of Mr. Walton.

Mr. N. A. Cravens, Private Secretary to the Governor, appeared at the bar of the House, and being duly announced, was sent up to the Speaker's stand the following:

MESSAGE FROM THE GOVERNOR.

To the Senate and House of Representatives:

In the discharge of a duty imposed upon me by the Constitution, I submit for your consideration, the following:

THE PUBLIC FREE SCHOOLS.

One of the most important planks in our platform bears reference to our Educational System, and the pledge is therein made that all legislative assistance necessary will be given to bring the public free schools to the highest possible degree of efficiency, consistent with our financial condition. The platform also pledges the party to the repeal of the law allowing the transfer of any part of the permanent to the available school fund. This provision has my hearty concurrence, and I recommend immediate and favorable action by the Legislature. The permanent school fund should be regarded as a sacred trust, not only by the present, but by all future generations, and its principal should never be diminished to any extent whatever.

In the administration of this great fund, we are now confronted with two very serious difficulties. They, however, are not insuperable, and may be overcome by considerate legislation. It should be premised that it is the bounden duty of the State to make that fund as productive as possible consistent with entire security, thereby meeting the demand of an increasing scholastic population, and at the same time lightly burdening as possible the tax payers of the State, in order to give the people a good and efficient system of public free schools. The Comptroller in his last annual report gives information that there was in the treasury on December first, last, the sum of $1,134,247.12 to the credit of the permanent school fund which could not be invested because of the inability of the Board of Education to purchase at par county bonds which bear not less than five per cent. interest. Private capital, says the Comptroller, has acquired all such bonds as were desirable, either at a less rate of interest or by paying premiums. In consequence, not only has the Board of Education been unable to invest this portion of the permanent fund, but the amount of this class of securities held for the benefit of the fund has decreased during the past year by $344,491.23. With the permanent school fund steadily increasing, the final issue, unless remedial legislation be had, can be easily foreseen. Prompt action is needed. The law which limits the School Board to an investment of the fund in such county bonds as do not bear a rate of interest less than five per cent. should be immediately amended and authority should be given the Board to exercise its discretion in the purchase of such character of securities. I believe that one step further should be taken, and that the Board should be allowed an option by law upon all county bonds to be hereafter issued, such option, however, to expire within a reasonable time after the county authorities shall have notified the Board of the intended issuance of such bonds. If this be not done, the Board will be at a great disadvantage in securing such county bonds as may be desirable, for the reason that private capital will constantly seek such investments. No reasonable objection can be urged by the counties against such legislation. They are directly interested in the safe and constant invest-
ment of the permanent fund and should be more than willing to extend every assistance to the Board, especially when they cannot possibly suffer the slightest injury or inconvenience. But this relief, if granted, will only be of a temporary character. It cannot be doubted that the inevitable tendency of the county governments will be to decrease their bonded indebtedness. Any other presumption would imply a want of confidence in the integrity and capacity of the administrators of the county finances. Even with the remedial legislation suggested, the time must come when the county interest-bearing indebtedness of our State will be far less than at present. As such indebtedness shall decrease, the difficulty of investing the permanent fund will increase. This is inevitable. After much thought upon the subject, I am led to the conclusion that next to the bonds of the United States, of our own State, and of our counties, those of very many of the other States of the American Union come in point of safety and desirability to meet the permanent fund. What is most to be regarded in the investment of the fund is security; then follows interest. I cannot give my sanction to its investment in securities of railroads, either built or to be built. The bonds of more than three-fourths of the States of the Union come in point of safety and desirability. Public domain remains to meet the deficiency of our permanent school fund, and receipts of July 14, 1879, and March 29, 1887, making the amount received by the school fund since the adoption of the Constitution $2,101,017 acres. According to the Commissioner's report, leaves a deficit of 9,879,021 acres due the school fund. On the other hand, there have been alienated since the adoption of the Constitution for other purposes, 44,006,066 acres, and it is estimated that only 3,853,694 acres of the unlocated public domain remain to meet the deficiency of 9,879,021 acres due the public school fund. Added to this embarrassment, a cloud is thus cast upon the titles of many people who lived with good faith and made and acquired homestead interests, to say nothing of other locations equally deserving protection from the government. The late Commissioner submits two methods of solving the difficulty. One is to provide for the appointment of experienced clerks to take out and tabulate all files since the foundation of the government, located under every authority whatever. This suggestion is made upon the hypothesis that when the last file shall have been reached, which will show that one-half of the public domain had been exhausted, only those titles to locations thereafter made would be affected. If the Commissioner's supposition should prove true, then every title thereafter made by the government would come within the rule enunciated in the Hogue case. If this policy in reference to the settlement of the question should be adopted, it will be readily perceived that it would require a considerable length of time and much labor, attended with large expense, to accomplish the work. In the meantime, the title to the vast amount of located lands would remain unsettled. The other difficulty is of a far more serious character, and also deserves immediate consideration. The report of the late Commissioner of the General Land Office, Hon. A. J. Baker, and his letter to my predecessor of the 5th inst., show that at the time of the adoption of our present Constitution, there were 75,961.277 acres of unlocated public domain, including all the land and bays embraced within the entire limits of the State. One-half of the public domain was by the Constitution made part of the perpetual public school fund. The language is so plain that none can mistake its meaning, and it became the duty of the administration of our public lands to see to it that this provision of the Constitution was not evaded. The report of the Commissioner (page 4) shows how the public domain has been disposed of since the adoption of the Constitution. In all, and since then, the public school fund has received 22,970,000 acres; and also the proceeds of 4,131,017 acres sold under the acts of July 14, 1879, and March 29, 1887, making the amount received by the school fund since the adoption of the Constitution $2,101,017 acres. This, according to the Commissioner's report, leaves a deficit of 9,879,021 acres due the school fund. On the other hand, there have been alienated since the adoption of the Constitution for other purposes, 44,006,066 acres, and it is estimated that only 3,853,694 acres of the unlocated public domain remain to meet the deficiency of 9,879,021 acres due the public school fund.
In this connection, I desire to invite the attention of the Legislature to the case of Hogue vs. Baker (May 23rd, 1898), wherein it will be perceived that the Supreme Court does not undertake to determine whether one-half of the entire public domain, as it then existed, was appropriated by the Constitution to the public free schools, or whether one-half of the remainder, after deducting the 3,050,000 acres set apart for the capitol and the 1,000,000 acres allotted to the University, was so appropriated. The question as to how these lands are chargeable under the Constitution must be an important factor for consideration in the settlement of the question.

I am not able to express an opinion as to the accuracy of the data given by the Commissioner, but assume them to be correct. My conclusion as to the deficit due the school fund seems to rest, in part, upon the theory that the capitol and University lands are chargeable only to the one-half of the public domain reserved to the State for general purposes.

Unless something be done very many of our people will suffer irreparable injury. My attention has been called especially to the distressing condition in which the towns of Plainview and Lockney, in the counties of Hale and Floyd, respectively, and the “Cottonwood Settlement” in Dickens county, with their contiguous territory, are left under the decision in the Hogue case. All of them are flourishing communities, settling upon, purchasing and improving their lands in good faith and believing that they were acquiring a perfect title from the State. There are only a few of the very many instances that might be given of the severe and perhaps fatal hardship, which the purchasers of the public domain, since the adoption of the Constitution, will undoubtedly suffer, if relief be not granted. It is unquestionably the duty of the State to make good the deficit in the school lands. The method of settlement is a question of legislative policy; but the amount due the school fund as shown by whatever method of determining that fact the Legislature may adopt, should be at once discharged. It is immaterial as to the particular class of persons who may be affected by an accounting with a view of determining the exact locations that overbalance the equitable division demanded by the Constitution. The State's legal and moral obligation to such persons to make good the title to lands disposed of by it in a regular manner and in good faith should be scrupulously executed. The State cannot afford to call in question the titles to the homesteads of its citizens, whether acquired directly or indirectly through the action of its legally authorized agents, except in cases of palpable fraud. If settlement of the amount due the school fund be effected by an accounting with a view of ascertaining the exact location that overbalanced the State’s half of the public domain and bringing suit against the holders of lands located thereafter for an equitable division of such lands, the loss would undoubtedly fall heaviest on the owners of homesteads. The grants made to railroad companies, the Texas veterans and others, and also the locations made under sales of public domain, as provided by law, where no alternate survey was at the time located for the common school fund, would, in a great measure, if not altogether, escape the method of accounting suggested by the Commissioner and could not be recovered.

I therefore recommend that the Legislature appropriate all of the unappropriated public domain in payment of its obligation to the school fund, and that if there be not a sufficient amount of unappropriated public lands to discharge said obligation, that the State assume the balance of the debt and issue its obligations therefor. In this way, the duty imposed by the Constitution on the legislative and executive authorities to carefully and jealously guard the school fund as a sacred trust, can be performed and all questions relating to the validity of land titles, so far as the State is concerned, will be forever settled.

THE ELKEMOSYNARY INSTITUTIONS.

There are some features in the administration of our eleemosynary institutions, including the Confederate Home and the Reformatory, which, in my judgment, should receive immediate and careful consideration. The appropriation act makes provision for the payment of their officials and employees, and one would
It supposes that their emoluments are limited to their salaries, as expressed in the law. I am informed, however, that such is not the case, but that quite a number of such officials and employes enjoy perquisites without any authority whatever in law, and that they use the public funds and stores for the support of themselves and their families, except for clothing, without warrant for so doing other than a custom which has existed for many years. If this be so, the practice should be immediately terminated. If such perquisites be allowed by law, the policy is a most vicious one, but if they abound only in custom, then it is reprehensible in the extreme. Public money and public property should never be expended or used unless with the express sanction of law. The system is absolutely indefensible, however, it may be viewed, and if persisted in will inextricably lead to the most flagrant abuse. To illustrate: an official or an employe may, under such a practice receive a salary of $1000 or $2000, while the value of his perquisites may be as large, if not larger, depending entirely upon the number in his family and their disposition for extravagant living and social enter- tainment. Perquisites should not be allowed under any circumstances, and I know of no other government that permits them. If the salary of an official or an employe be insufficient to secure the best service, then it should be increased in an open and direct manner. It should be nominated in the law and the amount fixed, and beyond the amount fixed he should not be permitted to go. Again, the policy obtains for each of these institutions to buy its own supplies partly after advertisement and partly through private purchase. From my observation and experience elsewhere, I am strongly of the opinion that this method is not only extravagant, but it oftentimes leads to practices that are corrupt and will not bear exposure. I am also informed that it very frequently happens that the supplies advertised for and furnished do not prove sufficient in amount to meet the necessities of the institutions and that the balance needed is obtained through private purchase and at retail figures. It will be perceived upon a moment’s reflection that these methods do not rest upon sound business principles, and that they put the State at a great disadvantage. Purchases to the fullest extent practicable should be made in the open market and after due advertisement, and those made privately should be reduced to the minimum point and confined to perishable articles. Supplies for all the institutions should be purchased by one person and in bulk, so far as may be practicable, and the successful bidder should be required to deliver to each institution and in such quantity as may be needed, that the supplies can be obtained at at least fifteen per cent. below their cost as heretofore. I therefore recommend that the office of steward in each of these institutions and of quarter-master in the Confederate Home be abolished, and that of purchasing agent be created, with a salary of $2000 per annum, without any other emoluments, and that he be required to purchase all supplies for the institutions named, and to execute bond in a sufficient amount for the proper performance of his duty. He should be assisted by two clerks at a salary of $1000 each and he should have a contingent fund for his office of $100 per annum for stationery and traveling expenses. The policy of purchasing for each of these institutions a store-keeper and general accountant at a salary not to exceed $100 per annum and without any other emoluments, is not the case, but that quite a number contribute one hundred cents on every dollar contributed by the people for the purpose.

THE INSANE.

From the best information that I have been able to obtain, I am led to believe that there are at least one thousand insane people in the jails, upon the poor farms, and under private care and restraint in the State. The situation in this respect is sad and distressing in the extreme and I feel that a suggestion only of the subject is necessary to insure an immediate and adequate response from the Legislature.

After correspondence with those in whose skill, experience and judgment I have great confidence, and who are thoroughly acquainted with the present conditions, I am led to believe that the wise policy at this time would be to increase the accommodation at the asylums already constructed. It would not only be
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the more economical plan, but it would afford earlier relief.

I have therefore to recommend that suitable appropriations be made to erect an annex to the Terrell Asylum for two hundred and fifty female patients, and to so increase the accommodations at the Austin and San Antonio asylums that the former will be able to care for three hundred additional patients, and the latter to maintain in all one thousand patients. If this be done, it will obviate the necessity for the construction of another asylum, with the increased expense of supervision that would necessarily follow. As soon as the finances will permit, provision should be made for the separation of the epileptics from all other insane persons, and a mode of treatment and care quite different from that now given.

WHITECAPISM.

This offense is denounced in strong and unmeasured terms by the Democrats of Texas in their State platform, and justly so. It is a constant menace to peace and order, and whenever indulged in, leads to murder, arson, robbery and other forms of violence. While not more prevalent in our State than in some other sections, perhaps not so much so; yet it must be confessed that its occurrence within our borders has become alarmingly frequent. There can be no excuse whatever for this character of lawlessness. It is cowardly and brutal, availimg itself of the darkness of the night, and of the power coming from the union of the many against the few and of the strong against the weak. It destroys property while the owner is asleep, or has been driven from his home through threats reaching him from a hidden and unknown source. It is closely akin to willful, cold-blooded and cowardly assassination, and he who shall engage in such wanton violence should be made to suffer speedy and severe punishment. If guilty, there should be no escape from the law’s severest penalty. Every citizen is entitled to the most complete protection, both as to person and property, and the power and sovereignty of the State stands pledged to his security, not only from actual harm, but also from intimidation of whatever kind or for whatever purpose.

I earnestly recommend prompt and appropriate action upon the subject.

THE TAX COMMISSION.

By virtue of the pledge made by the late Democratic State Convention, it is incumbent upon the Legislature to establish a commission to consist of the Governor, Comptroller, and State Revenue Agent, whose duty it shall be to formulate measures looking to a fair and equitable imposition of taxes and to their more certain and economical collection, and also to a better and safer system for the holding and disbursement of the public money, and to report the same to the Legislature for its consideration. Beyond all question, no subject of greater importance can be addressed to the legislative discretion. No one can read the very able report of the late State Revenue Agent, and also the reference to the inequalities of railway taxation, as shown on pages 15 and 16 of the report of the Railroad Commission, without being most deeply impressed with the urgent necessity of legislative action in the direction indicated. Our present system of taxation is mere patch-work. The cost of levying and collecting taxes is entirely too heavy, and the mode of caring for and disbursing the public funds without sufficient safeguards. That there have not hitherto been serious defalcations has been due solely to the integrity of the revenue officials. It may be safely said that there is no protection whatever to the treasury against a conspiracy by those charged with the disbursement of the public funds for its robbery. If an equitable system of taxation, falling upon every one in proportion to the value of his estate—real, personal and mixed—could be instituted, and if its certain collection could be insured at a reasonable charge, it cannot be doubted that the present rate of ad valorem taxation could be greatly reduced without detriment to the public service. It is beyond the power of successful contradiction that very many and large holdings annually escape taxation through the inefficiency of the present system. This inequality operates with great injustice to the honest taxpayer, and causes the burden of government to fall with undue weight upon the landed interests of the State.

I recognize and appreciate the difficulty of imposing a just and equitable system of taxation so that no person and no interest can escape the duty of a reasonable contribution to the support of the government, but it is entirely within the legislative capacity to very greatly improve the method now in force, and I most urgently recommend the enactment of a law providing for a tax commission charged with the duty of preparing and reporting to the Legislature a system of uniform and equitable taxation, and of efficient and economical enforcement, and also a method of disbursement of the public funds that will provide the necessary safeguards against misuse, fraud.
and embezzlement. An appropriation of about six hundred dollars should be made to meet such expenses as are necessary to be incurred.

In addition, I also recommend the enactment of a law, designating June thirtieth as the end of the fiscal, scholastic and appropriation years, and that it shall apply to every State official, board and institution upon whom is devolved the duty of making a report. This will insure uniformity and harmony of action in all the departments.

In addition to the foregoing measures, I have also to advise the enactment of a law which forbids any official or employee—Federal, State, county or municipal—becoming interested directly or indirectly in any contract with the State government or with any of its branches. Such inhibition is one of the necessary means by which the purity of the public service can be maintained, and most strongly appeals to the legislative judgment.

THE RAILWAY COMMISSION.

This branch of the public service will, I doubt not, receive the attention which its importance demands.

As it is altogether independent of the executive and directly responsible to the Legislature and the people, I can only commend its recommendations to a most careful consideration, with the assurance that whatever legislation may be needed to strengthen it and will add to its efficiency shall have my most cordial support.

In a communication to myself from the Commission, of the 19th inst., and accompanied by one from the Attorney-General, I am advised of the pendency of ten different suits against the Commission in the Circuit Court for the Western District of Texas, and am requested to ask an immediate appropriation by the Legislature of thirteen thousand five hundred dollars, twelve thousand dollars of which is to be expended by the Attorney-General in the employment of additional counsel to assist in the defense of these suits, the taking of testimony and in the payment of all other expenses that may be necessary and proper until their final determination. The remainder, to-wit: fifteen hundred dollars, I am informed, is to enable the Commission to have the necessary investigation made by experts and extra employees for the collection of evidence necessary for the State in these cases.

In view of the very great importance of securing decisions favorable to the State in all of the suits, I earnestly recommend that the appropriation be made as early as may be practicable. The counsel should be selected and be employed by the Attorney-General, with the consent of the Commission, and should be required to act under his directions until the conclusion of the controversy. I am also advised by the Commission that the time for taking testimony in the cases will begin on the first proximo, that the facts involved are numerous, the principles important, and the interests of the State in the result so great as hardly to be estimated. The character of these suits, the circumstances under which they were brought and the nature of the orders already made by the judge, in whose court they are to be first heard, are so well known that I need not say further than that, in my judgment, the Commission and the Attorney-General should promptly receive the assistance they desire from the Legislature. The Attorney-General is so pressed with other duties, many of which are not strictly germane to his office, that it is an impossibility for him to give these cases the proper attention. He will have against him an array of counsel whose skill, ability and experience have put them in the very front rank of the profession.

THE PENITENTIARIES.

While the system of maintaining the convicts is, as an entirety, more than self-supporting, yet it is not so with the penitentiaries themselves. An examination of the official reports shows that, for eight years past, each of the penitentiaries has been during that period, and is now, from a financial standpoint, a losing institution—the one at Rusk being by far the greater loser. Had it not been for the State and share farms, the contract farms, and the railroad forces, it would have been necessary to draw very heavily upon the treasury, every year, to supply the deficit at both penitentiaries.

According to the reports of those in charge of the system for the two years ending October 31st, 1898, I find the receipts and expenditures to be as follows: Huntsville Penitentiary, receipts, $367,636.68; expenditures, $591,738.28; Rusk Penitentiary, receipts, $368,852.73; expenditures, $358,860.90; State and Share Farms, receipts, $205,250.60; expenditures, $170,363.30; Contract Farms, receipts, $567,429.25; expenditures, $232,461.77; Railroad Forces, receipts, $188,403.92; expenditures, $82,164.95.

It is just, however, to the Huntsville penitentiary that it should be said that the salaries of the Superintendent, Financial Agent, Inspectors, and of their office subordinates are chargeable to it;
also, those of the salesmen, and the expenses of the Penitentiary Board. This Penitentiary is entitled to other credits not shown in the report.

In inviting the attention of the Legislature to this subject, I do not wish to be understood as intending to reflect upon the management of these institutions. Such a purpose I expressly disclaim. The Rusk penitentiary has, and still is, laboring under many very serious difficulties, one of which is its inability to dispose of its products rapidly and at living prices.

It will be observed from the statement given as to the receipts and expeditures already invested with authority to dispose of its products rapidly and at living prices.

Also, those of the salesmen, and the expenses of the Penitentiary Board. This Penitentiary is entitled to other credits not shown in the report.

The attention of the Legislature is respectfully invited to that portion of the report of the Railroad Commission, which has reference to the allowance of free transportation by railway companies, and to reasons given why it should be prohibited.

The law, creating the office of State Revenue Agent, limits the inspection by such agent of the institutions of the State to matters directly pertaining to the disbursement of public money. The Executive is charged with the duty of appointing many of the officials connected with them and is responsible for their proper conduct. So far as I am informed, he has no means under the law of ascertaining whether they are satisfactorily discharging their duties or not, unless through a personal inspection by himself. His own duties are of such varied character that it is scarcely possible for him to give the institutions that degree of attention which their importance and his own responsibility in reference to them demands.

In the interest, therefore, of proper administration, he should have some one, vested by law with full authority, to inspect these institutions in every detail of their management whenever he may be ordered so to do, and make a report thereon. I am clearly of the opinion that the powers of the State Revenue Agent should be so enlarged as to enable him to meet this requirement. Being already invested with authority to examine into the expenditures, he can very well discharge these additional duties at but a very small expense to the State. By this means, it is believed that the administration of these institutions can be greatly improved.

THE GENERAL LAND OFFICE.

Attention is especially invited to the estimates furnished for the support of the General Land Office for the next two fiscal years. It will be perceived that the estimates are in two classes—one for the office, the other for the school land department, the former aggregating $39,490 for each year, and the latter $14,000 for a like period. While not informed as to the details in administration in the General Land Office, it occurs to me that under the circumstances, there should be a reclassification of the estimates, followed by a reduction of the amount asked for.

If it should be the policy of the Legislature to make good the deficit due the public school fund, then there will hardly be an acre of unlocated public domain left for any purpose other than that which constitutes a part of that fund.

The mere statement of the proposition as to a reclassification of the estimates should be sufficient without argument.

I do not favor the immediate abolition of the office, nor would I cripple its usefulness by scant appropriations, but I do favor a policy looking to such a rearrangement of its work as will lead to a material reduction in its force and at the same time leave enough to promptly and efficiently meet every proper demand upon the office. In a few years there should be no necessity for any other expense, save for a custodian of the archives and for a force for the preservation of the files and for supplying copies, to be given at a reasonable charge.

From long experience, I am fully aware of the extreme difficulty that always attends the abolition of offices and the reduction of salaries, but I have every confidence that the Legislature...
will be able to overcome all opposition to such character of reform when its necessity shall have become apparent.

INTEREST-BEARING INDEBTEDNESS.

The outstanding bonds of the State aggregate $3,992,030.00, of which $3,234,040.00 are held by special funds, and $737,990.00 are held by individuals. These latter bonds consist of $1,700.00, $653,200.00, and $7,300.00, respectively, and bear four, five, and seven per cent. interest, respectively, and are respectively due in 1899, 1909 and 1914.

I am of the opinion that provision should be immediately made looking to the payment of the bonds now held by individuals when due, by authorizing the Governor, Comptroller and Treasurer to set aside at the end of each fiscal year, so much of the surplus funds then on hand as they may deem advisable and invest the same in other interest-bearing bonds, to constitute a sinking fund with which to meet such bonds when they shall become payable.

I am opposed to refunding them and know of no reason why they should not, with proper economy, be discharged when due through the method stated.

An interest-bearing indebtedness is a curse to any people and should never be incurred except under the most pressing circumstances. As to the bonds held by the special funds—that is, for the benefit of the permanent school, permanent University, Agricultural and Mechanical Institution for the Blind, Deaf and Dumb Asylum, Lunatic Asylum and Orphan Asylum funds—the question will be as to what should be the policy to refund these bonds amounting to $3,254,040, and bearing four, five, six and seven per cent. interest, so as to maintain an investment for these institutions, or to provide for their payment, trusting to find other securities. To put the question in another form: Shall the indebtedness held against the State by these institutions become perpetual, or shall it be discharged as other indebtedness in the expectation that the State will be able to obtain other securities in which to invest for the benefit of the special funds.

My opinion is that the latter policy should prevail. I would not, however, advise payment through increased taxation, but through the exercise of a proper economy, and by adding each year to an interest-bearing sinking fund until a sufficiency shall be accumulated with which to discharge the entire indebtedness.

It will be a happy day indeed, when the State will cease to owe any fund or any person, standing alone among her sister States absolutely free from all indebtedness of whatever kind.

CITY AND TOWN COURTS.

My attention has been called to the pressing need of immediate legislative action looking to the rehabilitation of the city and town courts of the State, in order that they may have the means of enforcing the laws against petty offenses made so by the Penal Code of the State.

The necessity for such action results from a conflict in opinion between the Supreme Court on the one hand and the Court of Criminal Appeals on the other.

The former tribunal has decided that the municipal courts have jurisdiction over petty offenses within the city or town limits, as defined by the State, while the latter tribunal has determined that the authority of the municipal courts extends only to the enforcement of the city or town ordinances, and that when offenses are provided for by the Penal Code of the State and also by the city or town ordinances, the latter are imperative and that such offenses can only be prosecuted in State courts as contradistinguished from the municipal courts.

It is unnecessary that I should detail the unfortunate consequences that have resulted from this conflict of opinion. The embarrassment is great in the extreme, and the cities have become helpless against that character of crime by which they are generally infested.

I have to recommend such action as may commend itself to the Legislature in order to relieve the exigency.

There are other matters of importance to which I will shortly invite attention, but which, for want of time, I am now unable to present. But concluding, however, I will avail myself of the opportunity to congratulate the Legislature and the people upon the very satisfactory and efficient administration of the public affairs by my predecessor. The record made by him is a splendid tribute to his integrity, patriotism and statesmanship, and the conditions, resulting in a great measure from his labors, leave but little for myself to do except such things as are of an administrative character.

I beg to tender to the Legislature my best efforts for the promotion of all needful legislation, and every assistance within my power to make its session easy, pleasant and successful.

JOSEPH D. SAYERS, Governor.

The message was read in full, and the matters mentioned therein referred to the several appropriate committees.
PETITIONS AND MEMORIALS.

By Mr. Hamilton:
A petition from twenty citizens of Sabine county, asking that Sabine county be transferred from the district to the community free school system.
Read and referred to Committee on Education.

By Mr. Decker:
A petition from seventy-five citizens of Gottle county, asking for the passage of a law providing for the destruction of prairie dogs.
Read and referred to Committee on Stock and Stock-raising.

BILLS AND RESOLUTIONS.

By Mr. Henderson of Lamar:
House bill No. 230, a bill to be entitled "An Act to provide for the inspection of game killed in a county, to amend the stock laws, so that inspectors and persons in charge of game killed in a county may determine whether cattle or horses shall be permitted to run at large.
Read and referred to Committee on Stock and Stock-raising.

By Mr. Prince:
A petition of 144 citizens of Navarro county, to amend the stock laws, so that freeholders of any county or part thereof may determine whether cattle or horses shall be permitted to run at large.
Read and referred to Committee on Stock and Stock-raising.

By Mr. Evans of Grayson:
House bill No. 238, a bill to be entitled "An Act to provide for the inspection of game killed in a county, providing for reports of inspectors and persons in charge of county convicts and hirers thereof, and providing penalties, etc."
Read first time, and referred to Judiciary Committee No. 2.

By Mr. Lillard:
House bill No. 239, a bill to be entitled "An Act to provide that in the trial of criminal cases in the district courts of this State, ten jurors concurring may render a verdict."
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Wooten:
House bill No. 240, A bill to be entitled "An Act to amend Title LXXIII, of the Revised Civil Statutes of the State of Texas, by adding Article 3517a, disqualifying notaries public in certain cases."
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Childs:
House bill No. 241, A bill to be entitled "An Act to create the office of official stenographer for the district courts of the State of Texas, and to prescribe their duties and compensation, and to provide for transcribing and making a full report of the trial of all cases in the district courts, and criminal district courts to the Courts of Civil Appeals and Courts of Criminal Appeals, and Supreme Court of the State of Texas, and to provide that such report shall be filed with said appellate courts in lieu of statements of facts and bills of exceptions, as now provided, and to repeal Articles 1295, 1296, 1379, 1380, 1381 and 1382, and all other laws in conflict with this act, of the Revised Civil Statutes of the State of Texas."
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Whelss:
House bill No. 242. A bill to be entitled "An Act to amend Sections 2 and 7, Chapter 149, of the Acts of the Regular Session of the Twenty-fifth Legislature, approved May 27, 1897, relating to the protection of game, so as to exempt migratory birds from the prohibitions contained in the law and permit the shipment from one county to another of game killed in a lawful manner for personal consumption."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Masterson:
House bill No. 243, A bill to be entitled "An Act to require all persons, firms and corporations, owning or operating a brand upon live stock to renew same and to revoke, cancel and annul all brands not renewed."
Read first time, and referred to Committee on Stock and Stock-raising.

By Mr. Kittrell:
House bill No. 244, A bill to be entitled "An Act to require persons suing to recover on promissory notes, bonds or other like evidences of indebtedness to allege and prove that the same have been duly rendered for taxation, and to forbid such recovery unless such allegation and proof is made."
Read first time and referred to Judiciary Committee No. 1.
By Mr. Looney:
House bill No. 245, A bill to be entitled "An Act to amend Article 1012, Title XXVII, Chapter 14, of the Revised Civil Statutes of the State of Texas, relating to the employment of stenographers and typewriters by the Courts of Civil Appeals, and reducing the salary thereof from $1200 per annum to $50 per month".

Read first time, and referred to Committee on Finance.

By Mr. Morrow:
House bill No. 249, A bill to be entitled "An Act to amend Title LXXIX, of the Revised Civil Statutes of the State of Texas (1895), by adding thereto Article 3107a, prohibiting contracts for the payment of more than five per cent. attorneys' fees in all written contracts, notes, obligations and other instruments providing for the payment of money, and declaring contracts for the payment of a greater sum than five per cent. attorneys' fees shall be deemed usurious."

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

By Mr. Teagle:
House bill No. 251, A bill to be entitled "An Act for the relief of railway and other corporations chartered since 1887, which have failed or are about to fail to construct their roads and branches within the time required by law."

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

By Mr. Stewart:
House bill No. 252, A bill to be entitled "An Act to amend Title VII, Chapter 3, of the Code of Criminal Procedure, by adding thereto Article 457a, providing certain allegations in indictments for bigamy."

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

By Mr. Neff (by request):
House bill No. 253, A bill to be entitled "An Act to define and regulate fraternal beneficiary orders and prescribe penalties for the violation thereof, also for fraudulent statements or representations by a person, officer, member or examining physician."

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

By Mr. Sutherland:
House bill No. 254, A bill to be entitled "An Act to amend Articles 3099, 3103, 3104 and 3105, Title LIX, of the Revised Civil Statutes of the State of Texas of 1895, and the addition of Articles 3107a, 3107b and 3107c, to decrease the legal rate of interest of this State and providing penalties for its violation."

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

By Mr. Ratcliff:
House bill No. 255, A bill to be entitled "An Act to amend Article 3713, of Chapter 8, General Provisions, Title LXXIX, of the Revised Civil Statutes of the State of Texas, relating to penitentiaries and convicts, and to provide a more liberal system of credits for good behavior on the part of convicts."

Read first time, and referred to Committee on Penitentiaries.

By Mr. Murray:
House bill No. 256, A bill to be entitled "An Act to amend Chapter 9, of the Revised Penal Code of the State of Texas, by adding to said chapter Articles 879a, 879b and 880, defining theft of cotton and prescribing the punishment therefor."
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Derden:
House bill No. 257, A bill to be entitled "An Act to amend Article 4737, of the Revised Civil Statutes of the State of Texas, Chapter 4, relating to the powers and duties of road overseers, and to provide for the clearing of weeds from all public roads."

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

By Mr. Lillard:
House bill No. 258, A bill to be entitled "An Act to repeal Article 492, Chapter 2, Title XVII, of the Revised Penal Code of the State of Texas, fixing the punishment for the offense of failing to work upon the public roads."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Mr. Ratcliff:
House bill No. 259, A bill to be entitled "An Act to exempt to every farmer, with family, one bale of cotton from mortgage, lien, attachment, or other species of forced sale."

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

By Mr. Masterson:
House bill No. 260, A bill to be entitled "An Act to protect the wild game in this State and to prevent the sale of same in certain seasons by any person, firm, corporation, restaurant, hotel or boarding house, and to prescribe a penalty for the violations of this act."

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

By Mr. Stewart:
House bill No. 261, A bill to be entitled "An Act to amend Article 723, Chapter 5, of the Code of Criminal Procedure of the State of Texas, relating to the reversals of cases by the Court of Criminal Appeals, so as to provide that the judgment of the trial court shall not be reversed except upon error calculated to deprive the defendant of some substantial constitutional right, which error shall be excepted to upon the trial."

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

By Mr. Bolin:
House bill No. 262, A bill to be entitled "An Act to amend Article 3744, of Chapter 10, of the Revised Civil Statutes of the State of Texas (1895), relating to the hiring of county convicts, and to fix the amount of credit on fines for work performed."

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

By Mr. Wooten:
House bill No. 263, A bill to be entitled "An Act to amend Article 4342, of the Revised Civil Statutes of the State of Texas (1895), regulating passenger fares on railroads in the State, and adding thereto provisions prohibiting computation of sidings, switches, parallel tracks and yard tracks, in estimating the mileage for passenger fares, and also to punish violators of said article by penalties and forfeitures."

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

By Mr. Masterson:
House bill No. 264, A bill to be entitled "An Act to amend Article 11, Title XIII, of the Revised Civil Statutes of the State of Texas, so as to allow aliens to acquire title to sufficient real estate in the State of Texas for the establishment of farms and factories."

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

By Mr. Powell:
Resolved, First—That it is the sense of the members of this House that the constitutional provision that "free discussion shall be allowed" is wise and eminently correct, but by this is not meant long and windy speeches, but brief and to the point.

Second—That the motion to table should not be invoked unless to prevent obstruction, dilatory tactics, or some action that tends to divert from the merits of the original subject matter.

Third—That each standing committee of the House should appoint a sub-committee from its number, to consider and pass upon bills and all matters which are to be favorably reported, so that the language and terms thereof will clearly and correctly present the intention and merit of the subject matter, and thus save much time of the House in considering the mode of expression and effect of language.

Fourth—That a strict observance of these principles will do more than all else to accomplish the true purpose of legislation, respect the rights both of the minority and the majority, and dispatch business with such speed as will likely bring about an early adjournment of this session.

Read second time and, on motion of Mr. Powell, tabled subject to call.

By Mr. Tarver:
Whereas, Because of the fact that the Twenty-fifth Legislature made no appropriation for fees accruing in examining trials in justice courts for the year commencing on the 28th of February, 1899, and ending February 28th, 1899; and
Resolved, That in the enactment of laws for the government of the people of Texas and for the promotion of their interests in all departments and stations in life no distinction should be made on account of sex and that the same opportunities, preparation and encouragement should be given to the female as to the male portion of our citizenship.

Resolved, That any industrial system which discriminates against the women of Texas, in the matter of compensation for efficient services rendered, is unjust and ought to be abrogated by law.

Resolved, That equal facilities should be given to both sexes for the attainment of knowledge of those arts and sciences which are essential to independent and useful citizenship and that an industrial college or colleges should be established and maintained for the benefit of girls in Texas.

Resolved, That the Speaker of the House be and is hereby requested to prepare and present to the House, at the earliest practicable day, a general bill covering and specifying all such accounts as may be presented before and approved by said committee.

Resolved, That all such accounts and claims should be presented to said committee for its consideration and action.

Resolved, That equal facilities for the attendance of the male portion of our citizenship.

Resolved, That any industrial system which discriminates against the women Whereas, Hon. J. L. Crawford an honorable and highly respected member of this House was, in the beginning of the session, called home to the bedside of his child then suffering with a severe attack of fever; and

Whereas, Information has come to the House that the end is uncertain, and the death angel seems to be hovering over his house; therefore be it

Resolved, That the members of this body extend their hearty sympathy to our fellow member and his family in their sorrow and affliction.

Resolved, That the Comptroller be and is hereby instructed to furnish the District Judge of the Twenty-third Judicial District of Texas, it is shown that W. N. Tigner, Justice of the Peace, has performed certain service for the State of Texas; and

Whereas, There is no money in the State treasury with which to pay said claim, therefore be it

Resolved, That said claim be reported by the Committee on Claims and Accounts with recommendation that the same be duly considered.

Resolved, That the Speaker of the House be and is hereby requested to appoint a special committee to consist of three members of this House, whose duty shall be to make a thorough investigation of the condition of the various insane asylums of the State, and ascertain how much money will be necessary to enlarge the capacity of said asylums sufficiently to accommodate and take care of all the insane people in the State, and to make such other and further investigations as may be necessary to ascertain what will be required to relieve this condition of affairs, and to report to the House as soon as possible, together with such recommendations as said committee may deem advisable.

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By Mr. Ellis:
Resolved, That the Speaker is hereby authorized to appoint the following committees:
A committee of three to visit the Orphans' Home at Corsicana, and the Insane Asylum at Terrell; a committee of three to visit the Agricultural and Mechanical College, Prairie View Normal and Sam Houston Normal; a committee of three to visit the University of Texas, and its Medical branch; a committee of three to visit the Penitentiaries, House of Correction and such of the farms on which convicts are hired to individuals as said committee may deem expedient; a committee of three to visit the State Lunatic Asylum, Deaf and Dumb Asylum, Blind Asylum, and Dea. and Dumb Asylum for Colored Youths. Each member of said committee shall receive the per diem and mileage allowed to Representatives, and all actual and necessary expenses.

Read second time and adopted.

By Mr. Kennedy:
Resolved, That the Chief Clerk order five thousand (5000) extra copies of the Legislative Record containing the message of His Excellency, the Governor.
Read second time and, on motion of Mr. Lillard, referred to the Committee on Contingent Expenses.

By Mr. Lane:
Resolved, that the Sergeant-at-Arms of this House shall be required, and it is hereby made his duty to see that one copy of the House daily record be placed on the desk of each of the members of the Senate.
Read second time, and Mr. Henderson of Lamar, offered the following amendment: Insert the words "to it," between the words "see" and "that," in third line.
Mr. Parish offered the following amendment: Add "and to secure copies and furnish each member one copy of the Journal of the Senate." The amendment was adopted, and the resolution as amended was adopted.

COMMITTEE REPORTS.

The following reports were submitted by Mr. Shannon on behalf of Judiciary Committee No. 2:

Committee Room,
Austin, Texas, Jan. 21, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 2, to whom was referred House bill No. 50, A bill to be entitled "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,"
Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Jan. 21, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 2, to whom was referred House bill No. 53, A bill to be entitled "An Act to amend Articles 691 and 696, Chapter 13, Title XV, of Penal Code, relating to punishment for negligent homicide,"
Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

BAILEY, Chairman.

MAJORITY REPORT.

Committee Room,
Austin, Texas, Jan. 21, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 2, to whom was referred House bill No. 55, A bill to be entitled "An Act to amend Article 1114 of the Revised Criminal Procedure," so as to provide for the payment of jurors who are summoned and who are not required to serve,"
Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

BAILEY, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, Jan. 21, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: The undersigned, a minority of your Judiciary Committee No. 2, to whom was referred 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,"
Being unable to concur with the action of the majority of your committee
in reporting said bill unfavorably, beg leave to submit this minority report. 

I submit that it is a hardship and an act of injustice to require the citizen to leave his home and business to attend a session of court, under penalty for fine for contempt if he fails to do so, and allow no pay for the time thus lost to him, simply because the court neglects or refuses to have him sworn, and I therefore recommend that the bill do pass.

JONES.

Committee Room, 
Austin, Texas, Jan. 21, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred 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 inquests upon dead bodies."

Have had the same under consideration and I am instructed to report the same back to the House with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room, 
Austin, Texas, Jan. 20, 1899.

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

Sir: Your Committee on State Affairs, to whom was referred House bill No. 179, A bill to be entitled "An Act to amend Article 1024, of the Revised Civil Statutes of the State of Texas, relating to passage fare on all railroads in this State."

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

SHELBURNE, Chairman.

MAJORITY REPORT.

Committee Room, 
Austin, Texas, Jan. 20, 1899.

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

Sir: Your Committee on State Affairs, to whom was referred House bill No. 143, A bill to be entitled "An Act to establish a State Board of Embalming, to provide for the better protection of health and life, to prevent the spread of contagious diseases, and to regulate the practice of embalming and the care of and disposition of the dead."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

SHELBURNE, Chairman.

MINORITY REPORT.

Committee Room, 
Austin, Texas, Jan. 20, 1899.

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

Sir: We, a minority of your Committee on State Affairs, to whom was referred House bill No. 143, A bill to be entitled "An Act to establish a State Board of Embalming, to provide for the better protection of health and life, to prevent the spread of contagious diseases, and to regulate the practice of embalming and the care of and disposition of the dead."

Do not agree with the majority of the committee, and recommend that it do pass.

CHILDS.

Committee Room, 
Austin, Texas, Jan. 20, 1899.

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

Sir: You Committee on State Affairs, to whom was referred House bill No. 165, A bill to be entitled "An Act to forbid the granting of authority to any foreign corporation to do any kind of business in this State for which a domestic corporation cannot be chartered."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

SHELBURNE, Chairman.

Committee Room, 
Austin, Texas, Jan. 20, 1899.

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

Sir: Your Committee on State Affairs, to whom was referred Concurrent Resolution No. 7, a resolution authorizing the appointment of a joint committee by the two houses of the Legislature to investigate the damages done by insects to the Court Reports deposited in the basement under the Secretary of State's office, and to ascertain the best means of destroying such insects; also authorizing the Secretary of State to dispose of said damaged reports and the other reports, papers and documents accumulated in said basement in the best manner practicable,

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

SHELBURNE, Chairman.
Committee Room, Austin, Texas, Jan. 29, 1899.

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

Sir: Your Committee on State Affairs, 2, to whom was referred
House bill No. 144, A bill to be entitled "A Bill to prescribe the per diem and mileage compensation of members of the Legislature," have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

SHELBURNE, Chairman.

Committee Room, Austin, Texas, Jan. 21, 1899.

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

Sir: Your Committee on Public Buildings and Grounds, to whom was referred
House bill No. 58, A bill to be entitled "An Act to amend Article 3820, Title LXXXV, of the Revised Civil Statutes of the State of Texas, prescribing certain qualifications for the office of Superintendent of Public Buildings and Grounds," have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass, amended as follows:

In third line of article amended strike out the words "or carpenter."

Add to article the following: "provided that the said applicant shall be a resident of the State of Texas, if practicable."

Caldwell, Chairman.

Committee Room, Austin, Texas, Jan. 21, 1899.

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

Sir: Your Committee on Engrossed Bills, to whom was referred
House bill No. 11, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Duval county, to confine the jurisdiction of the District Court of said county thereto, and to repeal all laws in conflict herewith."

Have carefully examined said bill and find the same correctly engrossed.

GROCBBs, Chairman.

Sena·e Message.

Senate Chamber, Austin, Texas, Jan. 21, 1899.

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

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed the following resolution, to wit:

House Concurrent Resolution No. 11. Relating to the appointment of a committee of five members from each house to arrange for the reception of Hon. W. J. Bryan. J. P. Pool, Secretary of the Senate.

Additions to Committees.

Mr. Grogan, Mr. Savage and Mr. Lilard to the Committee on Privileges and Elections, on motion of Mr. Staples.

Mr. McMurry to the Committee on Roads, Bridges and Ferries, on motion of Mr. Barbee.

Bills Recommitted.

House bill No. 143 (reported adversely by majority with minority favorable report), on motion of Mr. Sherrill.

House bill No. 92 (reported adversely), on motion of Mr. Palmer.

By Mr. Wooten (by unanimous consent):

House Concurrent Resolution No. 12. Whereas, The Federal government, through its Internal Revenue Department and officials is seeking to impose a stamp duty upon the official bonds of State and county officers of this State, and is claiming the constitutional authority so to do; and, whereas, The Attorney-General of this State has officially declared that such stamped duty is unconstitutional invasion of the domestic sovereignty of this State, and amounts to imposition and burden upon the governmental functions of the State and county governments of this State; and, whereas, The Legislature concurs in the correctness of said opinion of the Attorney-General of this State, and believes that the assertion of the authority of the United States to impose and collect a stamp duty upon the official bonds of the

Health and Vital Statistics, to whom was referred
petition of the "Northwest Texas Medical Association."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be referred to the Committee on Revenue and Taxation.

OLIVER, Chairman.

Bills Recommitted.

House bill No. 143 (reported adversely by majority with minority favorable report), on motion of Mr. Sherrill.

House bill No. 92 (reported adversely), on motion of Mr. Palmer.

By Mr. Wooten (by unanimous consent):

House Concurrent Resolution No. 12. Whereas, The Federal government, through its Internal Revenue Department and officials is seeking to impose a stamp duty upon the official bonds of State and county officers of this State, and is claiming the constitutional authority so to do; and, whereas, The Attorney-General of this State has officially declared that such stamped duty is unconstitutional invasion of the domestic sovereignty of this State, and amounts to imposition and burden upon the governmental functions of the State and county governments of this State; and, whereas, The Legislature concurs in the correctness of said opinion of the Attorney-General of this State, and believes that the assertion of the authority of the United States to impose and collect a stamp duty upon the official bonds of the
officers of this State is a palpable violation of the Constitution of the United States, and an unwarranted interference with the qualifications of State officers and the lawful exercise of governmental functions by the State, in as much as the making and filing of official bonds constitutes an indispensable part of the qualifications of all State and county officers, and therefore necessarily involves the sovereignty of the State over its own government and institutions; therefore, be it

Resolved, By the House of Representatives, the Senate concurring, that, in the name of all the people of the State of Texas, protest is hereby made against such unconstitutional and unlawful invasion of the domestic functions of the State government, and the Legislature hereby declares that the State of Texas ought not and will not quietly submit to the ruling of the Internal Revenue Department of the United States upon this subject.

Be it further resolved, That it is the sense of the Legislature that the State and county officials who are required by law to make official bonds as a part of their qualification to hold office, should refuse to pay the stamp duty aforesaid, until such time as the question may be authoritatively settled by a court of competent jurisdiction.

Be it further resolved, That the Attorney-General of the State is hereby required and directed to make all necessary and proper steps to defend in the courts the position of the State as herein above defined, and that he, himself, shall represent or procure to be represented by capable counsel, any and all State or county officials who may be proceeded against by the United States for failure to pay said stamp duty.

Be it further resolved, That a copy of this resolution be furnished the Attorney-General and the Department of Internal Revenue of the United States.

THIRTEENTH DAY.

Hall of the House of Representatives, Austin, Texas, Tuesday, Jan. 24, 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 Hopkins. Maxwell.
Ayers. McAnally.
Bailey. McChesney.
Barbee. McDowell.
Barrett. McFarland.
Bean. McKamy.
Beaty. McKellar.
Bennett. Meitzen.
Bolin. Mercer.
Bridgers. Monroe.
Caldwell. Morrow.
Calvin. Murphy.
Chambers. Murray.
Childers. Neff.
Childs. Nolan.
Clements. Oliver.
Cole. Palmer.
Collins. Parish.
Comoly. Poey.
Cross. Pfeuffer.
Dean. Phillips of Camp.
Decker. Pitts.
Deren. Poole.
Dies. Powell.
Ekols. Prince.
Ellis. Ratcliff.
Evans of Fannin. Robertson of Bell.
Evans of Grayson. Rochelle.
Frost. Rogers.
Garner. Russell.
Garrett. Sansom.
Gill. Savage.
Goodlett. Schluter.
Goodman. Scurry.
Gordon. Shannon.
Graham. Shelburne.
Greenwood. Shropshire.
Groogan. Smith of Grayson.
Grubbs. Smith of Collin.
Hamilton. Staples.
Henderson, Brazos. Stewart.
Henderson, Lamar. Stripling.
Howard. Sutherland.
Hurley. Tarkington.
Jones. Tarver.
Kennedy. Tate.
Kittrell. Teagle.
Lake. Terrell.
Lane. Thomas of Wise.
Lillard. Thomas of Fannin.
Lively. Tompkins.
Loyd. Tucker.
Looney. Vaughan.