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 authorized to be 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.

Read second time, and pending consideration, Mr. Tarver moved to adjourn until 9 a. m. tomorrow.

The motion was lost.

After further consideration, on motion of Mr. Powell, the resolution was made a special order for 11 o'clock a. m. tomorrow.

Mr. Tarver moved to adjourn until 10 o'clock a. m. tomorrow; Mr. Meitzen until 9 a. m. tomorrow, and Mr. Masterson until 2 o'clock p. m. today.

Question recurring on the longest time first, the motion prevailed, and the House accordingly, 12:17 p. m., adjourned until 10 o'clock a. m. tomorrow.
GRANTED LEAVE OF ABSENCE.

Mr. Robertson of Harrison, until Friday, on account of important business, on motion of Mr. Schluter.

Mr. Mitchell, Assistant Doorkeeper indefinitely, on account of sickness, on motion of Mr. Barbee.

On motion of Mr. Savage, the Committee on Privileges and Elections was excused for today, on account of important committee work.

BILLS AND RESOLUTIONS.

By Mr. Henderson of Lamar:
House bill No. 265, A bill to be entitled "An Act to amend Title LII, Chapter 5, of the Revised Statutes of Texas of 1895, by adding thereto Article 2904a and Article 2904b, providing for the appointment by the Attorney-General of a first, second and third Assistant Attorney-General, and providing for their compensation, and by amending Article 2905, defining the duties of the various Assistant Attorney-Generals."
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Schluter:
House bill No. 266, A bill to be entitled "An Act to appropriate a sum of money to employ special counsel in certain suits now pending in the Federal Court for the Western District of Texas, restraining the Railroad Commission from making rates, and for expenses connected therewith."
Read first time, and referred to Committee on Finance.

By Mr. Childers, Mr. Smith of Collin, and Mr. Bean:
House bill No. 267, A bill to be entitled "An Act to amend Article 5048, Chapter 18, of the Revised Civil Statutes of Texas, as amended by the Twenty-fifth Legislature, relating to occupation taxes, so as to repeal the law placing an occupation tax on merchants, physicians, photographers, lawyers, livery men and cotton buyers."
Read first time, and referred to Committee on Revenue and Taxation.

By Mr. Dies:
House bill No. 268, A bill to be entitled "An Act to amend Chapter 12, of Title XXVII, of the Revised Civil Statutes of the State of Texas (1895), by creating an additional Supreme Judicial District to be known as the Supreme Judicial District No. 6, to establish a court of Civil Appeals therein, and provide for its location, and to provide the counties from whence the appeals should be returnable to said court."
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Tarver:
House bill No. 269, A bill to be entitled "An Act to amend Section 1, Chapter 165, of the general laws of the Twenty-fifth Legislature, authorizing corporations to engage in the business of becoming surety on bonds, etc., and providing that the commissioners court of any county may, at its discretion, decline to receive or approve the bond of any county officer when made with other than personal sureties, resident of the county in which said bond is offered."
Read first time, and referred to Judiciary Committee No. 2.

By Mr. Vaughan:
House bill No. 270, A bill to be entitled "An Act to amend Article 3982, Title LXXXVI, Chapter 13, of the Revised Civil Statutes of the State of Texas, relating to transfers of children from one school district to another, and to provide that no transfers shall be made except in cases where such child or children sought to be transferred shall live nearer the school to which application is made for the transfer."
Read first time, and referred to Committee on Education.

By Mr. Lane:
House bill No. 271, A bill to be entitled "An Act to amend Articles 18 and 19, Title IV, of the Revised Civil Statutes of the State of Texas, relating to representative districts, and providing for a decrease in the number of such districts."
Read first time, and referred to Committee on State Affairs.

By Mr. Derden:
House bill No. 272, A bill to be entitled "An Act to prevent railroad corporations and other persons or corporations acting with them from occupation, use, or from leasing or renting any of the right-of-way or other real estate held or owned by such railroad corporations for any purpose other than that which may be
necessary for the construction and use of their railways and stations, and other accommodations necessary to accomplish the objects of their incorporation, and to provide penalties for such illegal occupancy, use, renting or leasing."

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

By Mr. Powell:

House bill No. 273, A bill to be entitled "An Act to amend Article 380, of Chapter 18, Title XXX, of the Revised Civil Statutes of Texas, relating to statement of facts made by the district attorney Committee No. 1.

"An Act to amend Chapter 3, Article 5118, of the Revised Civil Statutes of Texas (1895), and providing for the better assessment of taxes."

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

By Mr. Kennedy:

House bill No. 275, A bill to be entitled "An Act to amend Articles 3892, 3893, and 3894, of Chapter 6, Title LXXXVI, of the Revised Civil Statutes of the State of Texas (1895), and providing for the investment of the permanent school fund in the bonds of counties and of incorporated cities and towns."

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

By Mr. Wright:

House bill No. 276, A bill to be entitled "An Act to authorize and regulate the practice of law in the courts of the State of Texas."

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

By Mr. Morrow:

House bill No. 277, A bill to be entitled "An Act to provide for the assessment and collection of taxes on incomes of both persons and corporations, and provide penalties for false swearing in relation thereto."

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

By Mr. Robertson of Bell:

House bill No. 278, A bill to be entitled "An Act to amend Article 5124, Chapter 3, Title CIV, of the Revised Civil Statutes of Texas, relating to the duties of boards of equalization, and providing for the correction of errors and inequality in the findings of boards of equalization."

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

By Mr. Pleuffer:

House bill No. 279, A bill to be entitled "An Act to make it penal for any railroad company, or any transportation company, or any kind of common carrier, or any telegraph company, or any telephone company, or any receiver of any one of said companies or common carriers, or any officer, agent or employee of same to grant, issue, or deliver any free pass, or free ticket, or frank, or any pass or ticket at a discount other than as sold to the public generally to any person whatsoever, not in the employ of the company, common carrier, or receiver, in whose name or by whose authority or permission said ticket, pass or frank is issued, and to prescribe a penalty therefor."

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

By Mr. McFarland:

House bill No. 280, A bill to be entitled "An Act to amend Article 2360, of Title XLI, of the Revised Statutes, relating to sales of real estate under execution, and to provide the manner of giving notice of the time and place of such sales, and providing that such notice be published in some newspaper when the amount of judgment shall exceed one hundred dollars."

Read first time, and referred to Committee on Public Printing.

By Mr. Shelburne:

House bill No. 281, A bill to be entitled "An Act to amend Article 4201, Chapter 11, Title LXXXVII, of the Revised Civil Statutes of the State of Texas, relating to sale of vacant and unappropriated lands."

(Amend by striking out the words "of any actual, bona fide settler and resident of the State," and inserting the word "another" in lieu thereof.)

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

By Mr. Ellis:

House Concurrent Resolution No. 13,

Resolving by the House of Representatives, the Senate concurring, that a joint committee shall be appointed consisting of three members of the House to be appointed by the Speaker, and three members of the Senate to be appointed by the President of the Senate, whose duty it shall be to fix the hour and arrange for the election of a United States Senator.

Read second time and adopted.

In accordance with above resolution the Speaker announced the following committee on part of the House: Messrs. Ellis, Tate and Gill.
By Mr. Shropshire:

Be it resolved by the House of Representatives, That hereafter the purchasing and ordering of all stationery and other supplies for the use of the members of this House, while in session, shall be made through and by the direction of the Committee on Contingent Expenses; provided, that this resolution shall not apply to the printing of bills or Legislative Record.

Read second time and

Mr. Tarver moved that it lie on the table till tomorrow.

Mr. Shropshire moved to table the motion of Mr. Tarver.

The motion to table was lost and the motion of Mr. Tarver was lost.

Mr. Savage offered the following amendment:

Provided, that said committee shall report to the House the end of every week.

On motion of Mr. Teagle the amendment was tabled.

Question recurring on adoption of the resolution, yeas and nays were demanded by Mr. Kennedy, Mr. Pitts and Mr. Dean.

Adopted by the following vote:

Yeas—64.

Allen of Hopkins. McKamy.
Barbee. Meitzen.
Barrett. Mercer.
Bolin. Morrow.
Bridgers. Murphy.
Brown. Neff.
Caldwell. Nolan.
Calvin. Oliver.
Chambers. Palmer.
Childs. Phillips of Camp.
Clements. Pitts.
Cole. Poole.
Collins. Powell.
Conolly. Prince.
Cross. Ratcliff.
Dean. Robertson of Bell.
Derdon. Sansom.
Ellis. Savage.
Evans of Grayson. Schluter.
Gordon. Seavy.
Hamilton. Shropshire.
Henderson, Brazos. Stewart.
Howard. Stripling.
Kennedy. Sutherland.
Lake. Teagle.
Lane. Terrell.
Livesey. Thomas of Wise.
Loyd. Wheel.
Marsh. Willrodt.
McAnally. Wooten.
McDowell. Wright.

Nays—40.


McKellar.
McKee.
Peyry.
Peachell.
Rochelle.
Rogers.
Russell.
Shannon.
Sheburne.
Smith of Collin.
Tarkington.
Tarver.
Tate.
Thomas of Fannin.
Vaughan.
Walton.
Wells.
Willacy.

Absent.

Ayers. Monroe.
Bean. Morris.
Bennett. Pfeuffer.
Frost. Smith of Grayson.
Grogan. Staples.
Grubbs. Tompkins.
Kittrell. Tucker.
Lillard. Absent—Excused.

Cocke. Little.
Crawford. Robertson, Harrison.
Dorroh.

Mr. Shropshire moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Jan. 23, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 74, A bill to be entitled

"An Act to amend Article 1041, Chapter 3, of Title XCVI, of the Revised Civil Statutes of the State of Texas, relating to the registration of deeds, etc.,"

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.

WOOTEN. Chairman.

Committee Room,

Austin, Texas, Jan. 23, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 71, A bill to be entitled
"An Act to prohibit recovery for damages for personal injuries against common carriers where the injuries were sustained while alighting from a moving train, car or vehicle,

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.

WOOTEN, Chairman.

Committee Room, Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 12, A bill to be entitled
"An Act to amend Section 48, of Caption 1, of the school law passed by the Twenty-fifth Legislature by adding thereto Section 48a, so as to allow county treasurers pay for receiving and paying out school money."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be returned to the calendar and re-referred to the Committee on Education.

WOOTEN, Chairman.

Committee Room, Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 5, A bill to be entitled
"An Act to amend Section 5051 of the Revised Civil Statutes of 1895, as amended by the Regular Session of the Twenty-fifth Legislature, relating to county warrants and the payment of taxes and to repeal all laws in conflict herewith."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be returned to the calendar and re-referred to the Committee on County Government and County Finances.

WOOTEN, Chairman.

Committee Room, Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 81, A bill to be entitled
"An Act to amend Chapter 4, Title VII, of the Code of Criminal Procedure of the State of Texas by adding thereto Article 525a, providing for the issuance of process for witnesses residing in the county before the meeting of the district court, to testify before the grand jury."

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. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 54, A bill to be entitled
"An Act to repeal Article 491, of Chapter 2, Title XIII, of the Penal Code of the State of Texas."

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

BAILEY, Chairman.

Committee Room, Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 2, to whom was referred
House bill No. 66, A bill to be entitled
"An Act to amend Title LV, Articles 3101, 3102, 3103, 3104, 3105, 3106, of the Revised Statutes of the State of Texas, relating to the conventional rate of interest, and defining usury, and to prevent the same, and to repeal any and all laws in conflict with this provision."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be returned to the calendar and re-referred to Judiciary Committee No. 1.

BAILEY, Chairman.

Committee Room, Austin, Texas, Jan. 23, 1899
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 2, to whom was referred
House bill No. 69, A bill to be entitled
"An Act to protect members of secret societies, and to provide penalties for the violation of this act."

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. 23, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 76, A bill to be entitled

"An Act to regulate the qualifications of certain railroad employees and operators, and to prescribe penalties for the violation of the provisions hereof."

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. 23, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 80, A bill to be entitled

"An Act to amend Article 969, Chapter 3, Title XVIII, of the Penal Code, relating to seduction."

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. 23, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 78, A bill to be entitled

"An Act to prohibit county and district clerks and their deputies from writing or preparing certain instruments of writing required by law to be recorded, or registered or filed in the county or district clerk's office, and prescribing a penalty for the violation of the same."

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. 23, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 6, A bill to be entitled

"An Act to authorize and empower State, county and municipal officials to make their bonds through and by means of corporate security as provided by guarantee, and surety and fidelity companies, and to repeal Article 271, of the Penal Code and all other laws and parts of laws in conflict with the provisions of this act."

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. 23, 1899.

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

Sir: Your Committee on Finance, to whom was referred

House bill No. 89, A bill to be entitled

"An Act to authorize and empower State, county and municipal officials to make their bonds through and by means of corporate security as provided by guarantee, surety and fidelity companies, and to repeal so much of Article 271, of the Penal Code and all other laws and parts of laws as may be in conflict with the provisions of this act."

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. 23, 1899.

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

Sir: Your Committee on Education, to whom was referred

House bill No. 7, A bill to be entitled

"An Act to amend Article 3959, Title LXXXVI, Chapter 11, of the Revised Civil Statutes of the State of Texas, more fully defining the duties of school trustees and providing for their removal from office."

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.

COLE, Chairman.

Committee Room, Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred
House bill No. 68, A bill to be entitled
"An Act to provide for the employment of joint county and town superintendents of public instruction, and prescribing their duties and compensation."

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.

COLE, Chairman.

Committee Room, Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred
House bill No. 24, A bill to be entitled
"An Act to amend Section 'd' of Article 3929, Chapter 9, Title LXXXVI, Revised Civil Statutes, Acts of 1885, relating to compensation of county superintendents of public instruction."

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.

COLE, Chairman.

MAJORITY REPORT.

Committee Room, Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee of Education, to whom was referred
House bill No. 48, A bill to be entitled
"An Act to amend Article 3010, Chapter 7, Title LXXXVI, of the Revised Civil Statutes of the State of Texas; requiring schools to be taught on legal holidays; defining the number of hours per day and the days per month to be taught."

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 with the following amendment:

Strike out the word "shall" and insert the word "may" in third line of the Article.

COLE, Chairman.

MINORITY REPORT.

Committee Room, Austin, Texas, Jan. 24, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: We, a minority of your Committee on Education, to whom was referred
House bill No. 48, A bill to be entitled
"An Act to amend Chapter 7, of the Revised Civil Statutes of the State of Texas, requiring schools to be taught on legal holidays, defining the number of hours per day, and the days per month to be taught."

Do not concur with the majority of this committee, and beg leave to report the same back to the House with the recommendation that it do not pass.

DIES.

THOMAS of Fannin, RUSSELL.

Committee Room, Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Education, to whom was referred
Resolution of Mr. Kittrell, relating to the Thomas Toby claim.

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.

COLE, Chairman.

Committee Room, Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Revenue and Taxation, to whom was referred
House bill No. 57, A bill to be entitled
"An Act to amend Substitute Bill No. 212, Chapter 112, page 157, of the Acts of the Regular Session of the Twenty-fifth Legislature of Texas, relating to statements to be made by National banks to the tax assessors or their deputies, and providing a penalty for the failure or refusal of such banks to make such statements."

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, with the following amendments:

Amend by changing subdivisions as follows: 3d to 4th, 4th to 5th, 5th to 6th, 6th to 7th, 7th to 8th, and add subdivision 3, as follows:

3d. A list of the depositors, their residences, and the amount of their deposits on the first day of January of each year,
and the amount of their deposits on such other dates of each year, not to exceed four several dates to be named by such assessor; provided, that said assessor shall deem it necessary to get such additional statements or any part of same.

Add immediately preceding the emergency clause the following amendment:

That the assessor of taxes and his deputies shall not disclose to any person the information upon which he shall base his assessment under this act, beyond the proper entry upon his assessment rolls, and if he shall disclose such information to any person without authority of law he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500).

SCHLUTER, Chairman.

Committee Room,
Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sirs: Your Committee on Agricultural Affairs, to whom was referred House bill No. 56, A bill to be entitled "An Act to amend Article 3235 (3107), Rule LXIII, of the Revised Statutes of the State of Texas, relating to landlords and tenants, so as to create a preference on one-half of all crops produced by the tenant;"

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.

WILLACY, Chairman.

Committee Room,
Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sirs: Your Committee on Agricultural Affairs, to whom was referred House bill No. 86, A bill to be entitled "An Act to regulate public weighers, and to repeal all laws in conflict therewith, and to prescribe penalties for the violation of its provisions."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be returned to the calendar and re-referred to Judiciary Committee No. 1.

WILLACY, Chairman.

Committee Room,
Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sirs: Your Committee on Agricultural Affairs, to whom was referred House bill No. 172, A bill to be entitled "An Act to amend Article 3235, of Title LVIII, of the Revised Civil Statutes of the State of Texas, relating to landlord and tenant,"

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.

WILLACY, Chairman.

Committee Room,
Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sirs: Your Committee on Agricultural Affairs, to whom was referred House bill No. 205, A bill to be entitled "An Act to amend Article 4310, of the Revised Civil Statutes, prescribing the duties of public weighers,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be returned to the calendar and re-referred to Judiciary Committee No. 1.

WILLACY, Chairman.

Committee Room,
Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sirs: Your Committee on Agricultural Affairs, to whom was referred House bill No. 190, A bill to be entitled "An Act authorizing and directing the President and Board of Directors of the Agricultural and Mechanical College of Texas, to employ an expert entomologist, whose duty it shall be to devise means, if possible, of destroying the 'Mexican boll weevil,' and other pests, and to perform the duties of professor of entomology in the Agricultural and Mechanical College of Texas, and appropriating five thousand dollars for the purpose of carrying this act into effect."

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, with the following amendment: In Article 3, line 7, after the word "suspended," insert the following: "and that this act take effect from and after the date of its passage."

WILLACY, Chairman.
county, in regard to the extermination of prairie dogs,
Have had the same under consideration, and I am instructed to report the
same back to the House with the recom-

WILLACY, Chairman.

Committee Room,
Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

Sir: Your Committee on Stock and
Stock-raising, to whom was referred
House bill No. 39, A bill to be entitled
"An Act to amend Articles 4954, 4956,
and 4968, Chapter 4, Title CII, of the
Revised Civil Statutes of 1895, relating
to estrays, the object being to make four
months sufficient time to post estrayed
stock."

Have had the same under consideration,
and I am instructed to report the
same back to the House with the recom-

CHILDERS, Acting Chairman.

Committee Room,
Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

Sir: Your Committee on Stock and
Stock-raising, to whom was referred
House bill No. 210, A bill to be entitled
"An Act to amend Articles 4950 and
4960, Title LII, Chapter 4, Revised Civil
Statutes of Texas, relating to estrays,"
Have had the same under consideration,
and I am instructed to report the
same back to the House with the recom-

CHILDERS, Acting Chairman.

Committee Room,
Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

Sir: Your Committee on Contingent
Expenses, to whom was referred
A resolution instructing the Chief
clerk to have five thousand (5000) copies
of the Legislative Record containing the
Governor’s message printed,
Have had the same under considera-
tion, and I am instructed to report the
same back to the House with the recom-

SAYAGE, Chairman.

Committee Room,
Austin, Texas, Jan. 23, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

Sir: Your Committee on Privileges
and Elections, to whom was committed
The consideration of the case of W. T.
Wasson, contestee, vs. I. M. Bennett,
contestee, involving the election of a Rep-
resentative from the Fifty-fourth Repre-
sentative District of Texas, beg leave to
report as follows:
That after having such proof as con-
testant had to offer, the contestant, be-
fore open committee, withdrew his con-
test.
Wherefore, your committee report
that I. M. Bennett, contestee, is duly and
constitutionally entitled to his seat as a
member of this body.

STAPLES, Chairman.

BILLS WITHDRAWN.

House bill No. 4, on request of Mr.
Pfeuffer.
House bill No. 5 (for correction), on
request of Mr. Dies.

BILL ORDERED PRINTED.

House bill No. 55 (with majority ad-
verse and minority favorable report), on
motion of Mr. Rochelle.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, Jan. 24, 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 Sen-
ate has passed the following resolution, to-
wit:

House Concurrent Resolution No. 13,
Relating to United States Senator, and
that Senators Gough, Stafford and Atlee
have been appointed as the committee on
the part of the Senate.

J. P. Pool,
Secretary of the Senate.

SPEAKER’S TABLE.

The Speaker laid before the House the
resolution of Mr. Tarver, relating to re-
moving the remains of “Big Foot” Wal-
lace to the State cemetery at Austin, which resolution had been referred to the
Committee on State Affairs and reported favorably.

Mr. Tarver offered the following amendment:

Amend by striking out the words "that the sum of $250.00 or so much thereof as may be necessary be and is hereby appropriated out of any monies in the State treasury not otherwise appropriated," and insert in lieu thereof the words "that the sum of $250.00 or so much thereof as may be necessary should be appropriated by the State."

Mr. Childs offered the following amendment to the amendment:

Amend the amendment by adding "In case the remains cannot be removed that the said sum be expended in erecting a suitable monument over the late Texas hero."

Pending consideration of the "Big Foot" Wallace resolution with pending amendments, the Speaker announced, at 11 a.m., that the Special Order for this hour is House Concurrent Resolution No. 12, on its adoption.

The resolution was laid before the House.

Mr. Powell offered the following substitute for the resolution:

Whereas, The Federal Government through its Internal Revenue Department and officials is seeking to impose a stamp duty upon the official bonds of the 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 stamp duty upon official bonds is an 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, inasmuch as the making and filing of official bonds constitutes an indispensable part of the qualifications of all State and county officials, 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 fully approves the said opinion of the Attorney-General.

Mr. Wooten moved to table the substitute, upon which motion yeas and nays were demanded by Mr. Powell, Mr. Tarver and Mr. McFarland.

Tabled by the following vote:

Yeas—83.

Allen of Colorado. McKamy.
Allen of Hopkins. McKellar.
Ayers. Metzler.
Bailey. Mercer.
Barbee. Murphy.
Barrett. Murray.
Beaty. Neff.
Bridgers. Nolan.
Brown. Oliver.
Caldwell. Palmer.
Calvin. Parish.
Childers. Peery.
Childs. Pfeiffer.
Clements. Pitts.
Collins. Poole.
Conely. Prince.
Cross. Ratliff.
Culp. Robertson of Bell.
Dean. Rochelle.
Deren. Rogers.
Dies. Russell.
Eckols. Sansom.
Evans of Grayson. Schulte.
Garnett. Shelburne.
Goodlett. Smith of Collin.
Goodman. Sutherland.
Gordon. Tarkington.
Graham. Teague.
Graves. Terrell.
Greenwood. Thomas of Wise.
Henderson, Brazos. Tucker.
Jones. Vaughn.
Lace. Wells.
Lovesey. Wheeler.
Masterson. Willacy.
Maxwell. Willrodt.
Mclnally. Wooten.
McClellan. Wright.
McDowell. 

Nays—12.

Decker. Morrow.
Henderson, Lamar. Powell.
Howard. Shannon.
Kennedy. Tarver.
Loyd. Walton.

Absent.

Bolin. Gill.
Ellis. Hurley.
leave to report as follows, viz.:
The same under consideration, and beg of a United States Senator today, January 24, at 11:30 a.m.
2. That the House proceed to nominate and ballot for a United States Senator today, January 24, at 12:15 p.m.
3. That the Senate and House shall meet in joint session on Wednesday, January 29, at 12 o'clock, noon, in the House of Representatives, for the purpose of declaring the result of the previous balloting.

Respectfully submitted,
On the part of the Senate:
GOUGH,
ATLEE,
STAFFORD.

On the part of the House:
ELLIS,
TATE,
GILL.

On motion of Mr. Bailey, the report was adopted.

SENATE MESSAGE.
Senate Chamber,
Austin, Texas, Jan. 24, 1899.

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

Sir: I am directed by the Senate to inform the House that the Senate has adopted the report of the Joint Committee, appointed to arrange for the election of a United States Senator.

J. P. Pool,
Secretary of the Senate.

Mr. Henderson of Lamar, asked leave to make the following privileged motion:
To reconsider the vote by which the resolution of Mr. Ellis was adopted yesterday, relating to appointing certain special committees, and asked to have the motion to reconsider spread upon the Journal.

Returning to consideration of House Concurrent Resolution No. 12, Mr. Bailey moved the previous question on the motion to refer, and the main question was ordered.

The motion to refer to the Committee on Federal Relations prevailed, and the resolution was so referred.

"I vote no, because I believe this resolution contains the very essence of State Rights Democracy, and it should be adopted without reference to any committee.

"SMITH of Collin."

The House then returned to consideration of the "Big Foot" Wallace resolution, with amendments pending, which was before the House when the special order was reached.

Mr. Childs withdrew his amendment.

Mr. T. V. Allen of Hopkins offered the following amendment:

Mr. Wooten accepted the amendment.

Mr. Decker moved to refer to the Committee on Federal Relations.

Pending the motion to refer, Mr. Ellis, chairman on part of the House, submitted the following privileged report:

Austin, Texas, Jan. 24, 1899.

To Hon. J. S. Sherrill, Speaker of the House, and Hon. J. N. Browning, President of the Senate.

Your Joint Committee appointed for the purpose of arranging for the election of a United States Senator, have had the same under consideration, and beg leave to report as follows, viz.:

1. That the Senate proceed to nominate and ballot for a United States Senator today, January 24, at 11:30 a.m.
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The House then returned to consideration of the "Big Foot" Wallace resolution, with amendments pending, which was before the House when the special order was reached.

Mr. Childs withdrew his amendment.
Mr. Morrow then offered the following amendment to the amendment:

Amend by striking out that portion of the resolution stating "that the sum of $2,000 should be appropriated for that purpose," and inserting instead thereof, "that the friends shall be awarded a suitable location in the State Cemetery for a monument to his memory; provided, they shall provide all means and defray all expenses in the erection of such monument."

On motion of Mr. Tarver, the amendment was tabled.

The amendment by Mr. Tarver was lost.

The resolution as reported was adopted.

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

Mr. J. P. Pool, Secretary of the Senate.

The Speaker here announced that the Senate has passed the following bill, to wit:

Senate bill No. 14. A bill to be entitled "An Act to amend Subdivisions 1 and 2, Article 1093, Title 15, Chapter 2, of the Code of Criminal Procedure of the State of Texas, relating to attached witnesses, the following vote of the Senate was adopted yesterday, and which motion was voted for reconsideration was spread upon the Journals.

The following voted for C. H. Jenkins:

Mr. Howard, Total—1.

The following voted for E. H. R. Green:

Mr. Tompkins. Total—1.


The Speaker then announced that the Senate and House of Representatives of the Twenty-sixth Legislature would meet in Joint Session tomorrow at 12 o'clock p.m. for the purpose of comparing the vote for United States Senator.

On motion of Mr. Schluter, the House, at 1:10 p.m., adjourned until 10 o'clock a.m. tomorrow.

FOURTEENTH DAY.

Hall of the House of Representatives, Austin, Texas, Wednesday, Jan. 25, 1899.

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