SIXTEENTH DAY.

Hall of the House of Representatives, Austin, Texas, Friday, Jan. 27, 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:


Absent.


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

GRANTED LEAVE OF ABSENCE.

Mr. Prince until Tuesday on account of important business, on motion of Mr. Caldwell.

Mr. Oliver indefinitely on account of sickness, on motion of Mr. Allen of Hopkins.

Mr. Schluter until Monday on account of important business, on motion of Mr. Lake.

Mr. Rogers for yesterday on account of important business, on motion of Mr. Dies.

Mr. Lane until Tuesday on account of sickness, on motion of Mr. Scurry.

Mr. Tompkins until Monday on account of sickness, on motion of Mr. Derden.

Mr. Ellis until Monday on account of important business, on motion of Mr. Kennedy.

Mr. Stewart until Tuesday on account of sickness in his family, on motion of Mr. Kennedy.

Mr. Pitts for yesterday and today on account of important business, on motion of Mr. Shropshire.

Mr. McKamy until Tuesday on account of important business, on motion of Mr. Conoly.

Mr. Willacy indefinitely on account of sickness, on motion of Mr. Murray.

Mr. Russell indefinitely on account of sickness, on motion of Mr. Monroe.

PETITIONS AND MEMORIALS.

By Mr. Morrow:

A petition from Dr. J. W. Poole and eighteen other physicians of Kaufman county, asking for the passage of a law giving physicians a preference lien on crops for services rendered.

Read and referred to Judiciary Committee No. 1.

By Mr. Decker:

A petition of twenty citizens of Hutchison county, asking that said county remain attached to Roberts county for judicial purposes.
Read, and referred to Committee on State Affairs.

**BILLS AND RESOLUTIONS.**

By Mr. Evans of Fannin and Mr. Thomas of Fannin:

House bill No. 328, A bill to be entitled "An Act to amend Article 578, of Chapter 6, Title XIV, of the Penal Code of the State of Texas, relating to offenses by public weighers." (Repeals the law providing that any owner shipping any produce named in this article to any town or city having a public weigher may have such produce weighed by private weighers.)

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

By Mr. McKellar:

House bill No. 329, A bill to be entitled "An Act to amend Article 3744, Chapter 10, of the Revised Civil Statutes of Texas, 1895, relating to the hiring of county convicts, and to increase the credits to such convicts on fines and costs for labor performed."

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

By Mr. Peery:

House bill No. 330, A bill to be entitled "An Act to regulate the running of cold storage and to provide a tax for same."

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

By Mr. McFarland:

House bill No. 331. A bill to be entitled "An Act to amend Section 1, of "An Act to regulate and limit the expenditure of State, county and local public school funds, and regulate treasurer's reports thereof," passed by the First Called Session of the Twenty-fifth Legislature and approved June 23rd, 1897, and providing for commissions to the county treasurer on all moneys recovered and paid out by him."

Read first time, and referred to Committee on Education.

By Mr. McAnally:

House bill No. 332, A bill to be entitled "An Act to prevent railway trains from obstructing public roads, streets and highways by providing a penalty therefor."

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

By Mr. Jones:

House bill No. 333. A bill to be entitled "An Act to amend Chapter 13, of Title XVII, of the Penal Code of the State of Texas, by adding thereto articles to be known as Articles 904a and 904b, to prevent the changing or altering of the wool brand on sheep and defining the term 'wool brand.'"

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

By Mr. Kittrell:

House bill No. 334, A bill to be entitled "An Act to authorize admission to record and evidence in the courts of this State of duly certified copies of all deeds and other instruments of conveyances of land, which have been duly registered or recorded in other States, but which the laws of such States require to be retained in the deed or notarial archives of such States, and to give such instruments like effect as notice and proof as is given by deeds executed in this State, and to declare an emergency."

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

By Mr. Evans of Grayson:

House bill No. 335, A bill to be entitled "An Act to amend Article 4352, of Chapter 1, Title XVIV, of the Revised Statutes of the State of Texas, relative to the incorporation of railroad companies, by adding a provision to the provisions contained in said article, requiring all charters hereafter granted to railroad corporations to contain a provision binding such corporations to comply with the rates fixed by the Railroad Commission of Texas, and with all other lawful rules and regulations prescribed by said Commission, and to comply with any and all rates that may be established by the Legislature of the State by statute."

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

By Mr. Staples:

House bill No. 336, A bill to be entitled "An Act to suppress the running of pool rooms and sale of pool tickets in this State, defining the offense, and affixing a penalty therefor."

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

By Mr. Bolin:

House bill No. 337, A bill to be entitled "An Act to set apart and appropriate to the use and benefit of the permanent public school fund of Texas, all the surveyed land which has heretofore been covered by the State from any individual or individuals or corporations and the unsurveyed land, whether commonly called public domain or scrap land; also to provide for the sale and lease of said lands, and to provide for the patenting of homestead pre-emptions which were surveyed prior to the 23rd day of May, 1898."

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

By Mr. Parish:

House bill No. 338, A bill to be entitled
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"An Act to create a more efficient road system for Robertson county, Texas, and making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said county, and providing for officers fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act."

Resolved, By the House of Representatives, that an urgent appeal be made to the summoning of teams for road work, and providing for the compensation as road officers, and defining their compensation as road officers, and fixing the appointment of deputy road commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the public roads of said county, and providing for officers fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act."

Resolved further, That the Speaker appoint a committee of three to frame and transmit this appeal.

Read second time, and tabled on motion of Mr. Teagle.

COMMITTEE REPORTS.

Committee Room, Austin, Texas, Jan. 27, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on State Affairs, to whom was referred house bill No. 118, A bill to be entitled "An Act to amend Article 2801, Chapter 1, Title 17, Revised Civil Statutes of 1895, relating to the office of Secretary of State, providing that he shall give bond."

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

SHELBURNE, Chairman.

Committee Room, Austin, Texas, Jan. 26, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on County Government and County Finances, to whom was referred house bill No. 166. A bill to be entitled "An Act to amend Article 4308, Revised Civil Statutes of Texas, relating to the election of public weighers."

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

ROBERTSON of Bell, Chairman.

Committee Room, Austin, Texas, Jan. 26, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on County Government and County Finances, to whom was referred house bill No. 171. A bill to be entitled "An Act to amend Article 2446, of the Revised Statutes, relating to the per diem pay of county commissioners."

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

ROBERTSON of Bell, Chairman.

Committee Room, Austin, Texas, Jan. 26, 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. 145. A bill to be entitled "An Act to provide for the destruction of prairie dogs and fix a penalty against persons who fail or refuse to exterminate the prairie dogs on their lands."

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

PEERY, Chairman.

Committee Room, Austin, Texas, Jan. 26, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Asylums, to whom was referred house bill No. 22. A bill to be entitled "An Act to provide for the location and building of a branch asylum for the care and treatment of the epileptic insane of the State, and to make an appropriation therefor."

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, with the following amendments:
Amend first, by striking out of Section 2 the words 'and be located at Abilene.'

Amend by adding Section 9a to read as follows:

Section 9a. The commissioners appointed by the Governor shall select the site for said branch asylums at or near the city of Abilene; provided, the city of Abilene shall first donate to said asylum 640 acres of good arable land within three miles of said city, and shall agree and bind itself to furnish said asylum for a period of nineteen years all the water said asylum may need, at the rate of six cents for each one thousand gallons; said water to be furnished in the lake and to be pumped and taken out of the lake by said asylum, but should said city fail or refuse to make said donation of land and water, then said commission shall be free to select said site anywhere in Texas.

GROGAN, Chairman.

Committee Room,
A. Austin, Texas, Jan. 26, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

SIR: Your Committee on Towns and City Corporations, to whom was referred House bill No. 113, A bill to be entitled "An Act to establish and create in each of the cities, towns and villages of this State, a State court, to be known as a Corporation Court of said city, town or village, and to prescribe the jurisdiction thereof."

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

McKAMY, Chairman.

Hon. J. S. Sherrill, Speaker.

Your special committee appointed in response to a resolution in regard to the death of the Hon. S. P. Burns of Brown county, Texas, who died during his term of service as an honored member of the Twenty-fifth Legislature beg to submit the following:

Whereas, During the term of the Twenty-fifth Legislature it pleased the Great Architect and Divine Father of the Universe to call to his well earned reward, our friend, brother and co-laborer, Hon. S. P. Burns of Brown county, Texas; and

Whereas, We recognize in his death that the citizens of his district lost an able and worthy representative, the State of Texas a brave soldier who fought her battles on many a bloody field, his family a kind indulgent husband and father, his neighbors a model farmer, the bar of Texas a wise and brilliant lawyer, and the State of Texas a noble citizen; therefore be it

Resolved, That the Twenty-sixth Legislature in recognition of his many virtues and valuable services to the State, set apart a memorial page of its Journal, to spread upon its records the high esteem in which it holds his memory; and in obedience to the purpose of the resolution submitted by the Hon. W. E. McClellan, respectfully submit the foregoing.

Barnett,
Ayers,
Graham,
Committee.

The resolution reported by the committee was read second time and, on motion of Mr. Barrett, adopted unanimously by a rising vote.

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, Jan. 27, 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 bills, to wit:

House bill No. 11, "An Act to diminish the civil and criminal jurisdiction of the County Court of Duval county; to conform the jurisdiction of the District Court of said county thereto, and to repeal all laws in conflict herewith."

Senate Substitute bill No. 19 (by committee), A bill to be entitled "An Act to repeal Subdivision 14, of Article 5049, Chapter 18, Title CIV, of the Acts of the first Called Session of the Twenty-fifth Legislature, relating to occupation taxes on physicians and surgeons."

Substitute Senate bill No. 1 (by committee), A bill to be entitled "An Act to amend Articles 4497 and 4500, of the Revised Civil Statutes of the State of Texas of 1895, as originally enacted in 1887, relating to furnishing cars for the shipment of freight and the time within which the same shall be loaded."

J. P. Pool,
Secretary of the Senate.

BILL ORDERED PRINTED.

House bill No. 99 (with majority adverse and minority favorable report), on motion of Mr. Childs.

BILL RECOMMENDED.

House bill No. 171 (reported adversely), to the Committee on County Govern-
The following bills reported from the Senate today were read first time, and referred as follows:

Substitute Senate bill No. 1, to the Committee on Internal Improvements.
Substitute Senate bill No. 19, to Judiciary Committee No. 2.

**SENATE BILLS ON FIRST READING.**

The following bills reported from the Senate today were read first time, and referred as follows:

Substitute Senate bill No. 1, to the Committee on Internal Improvements.
Substitute Senate bill No. 19, to Judiciary Committee No. 2.

**SPEAKER'S TABLE.**

The Speaker laid before the House the resolution by Mr. Schluter, printed in the Journal January 19th, 1899, memorializing the Texas members in the United States Congress to urge and demand an appropriation by said Congress to make Cypress river navigable, for the purpose of cheapening freight rates in that section of the State, and which resolution was read second time on said date and referred to the Committee on Federal Relations, the committee report being favorable.

The committee report was adopted.

The resolution was again read and Mr. Allen of Hopkins (for Mr. Schluter, who is absent—excused) offered the following amendment:

Amend by inserting the words "House of Representatives of the State of Texas" the following, "the Senate concurring."

Adopted.

Mr. Bailey offered the following amendment:

Amend by adding in the proper places the words "and the Guadalupe river as far as Cuero" and make the resolution conform thereto.

Tabled on motion of Mr. Allen of Hopkins.

Mr. Frost offered the following amendment:

Amend by inserting "Trinity river up to Dallas."

Tabled on motion of Mr. Sutherland.

The resolution as amended was adopted, and by reason of the amendment becomes House Concurrent Resolution No. 16.

On motion of Mr. Kennedy the regular order of business was suspended to take up and place on its second reading, House bill No. 118, A bill to be entitled "An Act to amend Article 2801, Chapter 1, Title 1, Revised Civil Statutes of 1895, relating to the office of Secretary of State and requiring the Secretary of State to execute a bond," which was read second time on January 29, committee report adopted and re-committed to the Committee on State Affairs.

The bill having been reported again favorably, was laid before the House and Mr. Allen of Hopkins offered the following amendment:

Amend the bill by adding after the words "Secretary of State" on line 15, page 1, the following, "and his Chief Clerk," and on the same line and page, insert between the words "shall" and "within" the word "each," and add after the word "State" in line 30, page 1, the following "and his Chief Clerk."

Tabled on motion of Mr. Masterson.

Mr. McKellar offered the following amendment:

Amend by adding after the word "office" in Article 2801, line 28, the following, viz.: "The Secretary of State shall report to the Comptroller of Public Accounts at the end of each calendar month an itemized report of all money received by him by virtue of his office, and on what account and from whom received, and said money so received by him shall be paid to the State Treasurer, and the Secretary shall file with his said monthly report a receipt of the State Treasurer for the amount shown by his monthly report to have been collected by him during the month for which the report was made."

Tabled on motion of Mr. Sansom.

Mr. Phillips of Camp offered the following amendment:

Amend by striking out the word "Governor" on line 26, and insert the word "Attorney-General."

Tabled on motion of Mr. Goodman.

The bill was ordered engrossed.

Mr. Kennedy moved to suspend the rules and on the same line and page, the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 118, be put on its third reading and final passage.

The motion prevailed by the following vote:

**YEAS—102.**

The bill was read third time, and was passed by the following vote:

**Yeas—99.**

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| Mr. Kennedy    | Moved to reconsider the vote by which House Bill No. 118 was passed, and to table the motion to reconsider. The motion to table prevailed. On motion of Mr. Evans of Grayson, the regular order of business was suspended, to take up and place on its second reading. 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 Superinten-
dent of Public Buildings and Grounds.”

The bill was laid before the House, with favorable committee report with amendment, and was read second time.

The committee report was adopted.

Mr. Parish offered the following amendment:

Amend House Bill No. 58 by striking out in line 17, the following words, “and electrician.”

Mr. Evans of Grayson, moved to table the amendment, and the motion was lost.

Mr. Henderson of Lamar, moved the previous question, and the main question was ordered.

The amendment by Mr. Parish was adopted.

The bill was ordered engrossed.

On motion of Mr. Savage, the regular order of business was suspended to take up and place on its second reading, Substitute House bill No. 54, A bill to be entitled “An Act to repeal Article 492, of Chapter 2, Title XIII, of the Penal Code of the State of Texas,” in reference to working public roads, on account of conflict with Article 491.

The bill was laid before the House, with a favorable committee report.

The bill was read second time, and the substitute was adopted.

Mr. Masterson offered the following amendment:

Amend the committee report, so as to further read in the caption, on line 5, as follows: “and declaring an emergency.”

Adopted.

The bill was ordered engrossed.

Mr. Bailey moved to suspend the constitutional rule requiring bills to be read in three several days in each House, and that House Bill No. 54 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—99.

Adams.
Allen of Colorado.
Allen of Hopkins.
Ayres.
Bailey.
Barbee.
Barrett.
Bean.
Beatty.
Blount.
Bolin.
Bridgers.
Brown.
Caldwell.
Calvin.
Chambers.
Bidders.
Childs.
Clements.
Cole.

Nays—1.

Goodlett.
Collins.
Dies.
Eckols.
Greenwood.
Grogan.
Abstent—Excused.

Bennett.
Cocke.
Crawford.
Dorroh.
Ellis.
Lake.
Little.
Pitts.

The bill was laid before the House, and read third time.

Mr. Goodlett moved to recommit the bill to Judiciary Committee No. 2. The motion to recommit was lost.

Pending consideration, Mr. Tarver moved to adjourn until 10 a. m. tomorrow.

Mr. Masterson moved to adjourn until 10 a. m. next Monday. Lost.

The motion of Mr. Tarver prevailed, and the House, at 12:17 p. m., adjourned until 10 o’clock a. m. tomorrow.