SEVENTEENTH DAY.

Hall of the House of Representatives, Austin, Texas,
Saturday, Jan. 28, 1899.

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

Speaker Sherrill in the chair.

Roll called and the following members present:

Adams.
Allen of Colorado.
Allen of Hopkins.
Ayers.
Bailey.
Barbee.
Barrett.
Bean.
Beaty.
Blount.
Bolin.
Bridgers.
Browne.
Caldwell.
Calvin.
Chambers.
Childers.
Childs.
Clements.
Cole.
Collins.
Colony.
Cross.
Culp.
Dean.
Decker.
Derden.
Dies.
Eckols.
Evans of Fannin.
Evans of Grayson.
Frost.
Garner.
Garrett.
Gill.
Goodlett.
Goodman.
Gordon.
Graham.
Greenwood.
Grogan.
Grubbs.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Kennedy.
Kittrell.
Lake.
Lillard.

Pfeuffer.
Staples.

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

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

GRADED LEAVE OF ABSENCE.

Mr. Greenwood until Monday on account of important business, on motion of Mr. Tarver.
Mr. Murray indefinitely on account of sickness, on motion of Mr. Bean.
Mr. Mercer until Tuesday on account of important business, on motion of Mr. Allen of Hopkins.
Mr. Masterson until Tuesday on account of important business, on motion of Mr. Shelburne.

Mr. Parrish until Monday on account of important business, on motion of Mr. Murphy.

Mr. Meitzen for Monday on account of important business, on motion of Mr. Murphy.

Mr. Terrell for today on account of sickness, on motion of Mr. Tate.

Mr. Bennett until Wednesday on account of important business, on motion of Mr. Sutherland.

Mr. Pitts until Monday on account of important business, on motion of Mr. Shropshire.

Mr. Staples until Monday on account of important business, on motion of Mr. Savage.

PETITIONS AND MEMORIALS.

By Mr. Palmer:
A petition from seventy citizens of Erath county, asking for the passage of a law prohibiting any person from hauling Johnson grass across the land of another or along any public highway unless the same is baled.

Read, and referred to Committee on Agricultural Affairs.

By Mr. Morrow:
A petition from two hundred citizens of the city of Terrell, asking that the bill proposed by the convention of city attorneys held at Fort Worth, relating to
charters of cities and towns be enacted into law.

Read, and referred to Committee on

Towns and City Corporations.

By Mr. Murphy:

A memorial from the Eclectic Legisla
tive Committee and the Homeopathic
Legislative Committee of the Liberal
Schools of Medicine in the State of Texas,
asking that the Homeopathic Schools of
Medicine be recognized in the appoint­
ment of the medical boards.

Read, and referred to Committee on


The Speaker, at the request of the Gov­
ernor, laid before the House the follow­
ing petitions:

From F. W. Liedtke and forty-one
other citizens of Collingsworth county, asking
for the passage of a law to exterminate
prairie dogs.

From W. W. Hunter and forty-four
other citizens of Collingsworth county, sam­
ple.

Read, and referred to Committee on

Stock and Stock-raising.

BILLS AND RESOLUTIONS.

By Mr. Looney:

House bill No. 339, A bill to be entitled

"An Act to amend Article 336, of Chap­
ter 3, Title IX, of the Penal Code of the
State of Texas, relating to affrays and
disturbances of the peace, and to fix a
minimum and maximum penalty there­for."

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

By Mr. Kittrell:

House bill No. 340, A bill to be entitled

"An Act to stay and prevent the execu­
tion of any decree of foreclosure or writ
of possession or sale under execution of
any homestead in Texas for the period of
twelve months from and after the pas­sage of this act, where said sale or fore­
closure or writ of possession is made or
sought to be made under any judgment
for taxes due the State or county or any
city or subdivision of the government,
and to declare an emergency."

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

By Mr. Thomas and Mr. Evans of Fan­
nin:

House bill No. 341, A bill to be entitled

"An Act to prevent officials, employes or
agents of the State of Texas from re­
cieving fees, perquisites, gifts or emolu­
ments, not stipulated by law, and pro­
viding a penalty for same."

Read first time, and referred to Com­
mittee on State Affairs.

By Mr. Wooten:

House bill No. 342, A bill to be entitled

"An Act to incorporate the city of Dallas
and to grant it a new charter." (The
bill is accompanied by an affidavit show­ing
that the constitutional requirement
providing that notice of application for
a new charter shall be given had been
complied with.)

Read first time, and referred to Com­
mittee on Towns and City Corporations.

By Mr. Blount:

House bill No. 343, A bill to be entitled

"An Act to provide for service of cita­tion in suits against non-resident owners
or proprietors of any sewer system, water
works, street railway, cotton compress
or any manufacturing establishment, sit­
uated within this State, and fixing a lien
on the property of said owners in the county of suit, and for judgment and
order of sale, and providing that the said
owners be required to file powers of att­
yorney with county clerk naming agents
and authorizing them to accept service,
and providing for penalty for failure to
comply with this act."

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

By Mr. Nolan (by request):

House bill No. 344, A bill to be entitled

"An Act granting the consent of the
State of Texas to the heirs or estate of
General T. J. Chambers, deceased, to sue
the State of Texas for the purpose of
determining any claim they may have
against the State of Texas for land app­
propriated and condemned by the Repub­
lie of Texas for public use, regulating the
proceedings in such suit and making an
appropriation to pay any judgment
which may be rendered against the State
of Texas in such suit."

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

By Mr. McAnally:

House bill No. 345, A bill to be entitled

"An Act to prevent the sale of poisonous
drugs or medicines, except upon specified
conditions, by prescribing a penalty there­for."

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

By Mr. Howard:

House bill No. 346, A bill to be entitled

"An Act to amend Section 6, of Article
3891, Chapter 6, Title LXXXVI, of the
Revised Statutes of the State of Texas,
relating to public free schools, and pro­
viding for the imbursement of the public
school funds."

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

By Mr. Allen of Hopkins:

House bill No. 347, A bill to be entitled

"An Act to amend Title LXVII, Chapter
2, of the Revised Civil Statutes of the
State of Texas, relating to limitations in civil causes of actions, by adding thereto Article 3357a, providing that suits for the correction of the certificates to the acknowledgment or proof of the execution of any written instrument and suits for proving any written instruments for record may be brought at any time."

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

By Mr. Smith of Collin:

House Joint Resolution No. 16, To amend Section 1, of Article 8, of the Constitution of the State of Texas, so as to authorize the exemption from taxation all cotton and woolen mills for a period of twenty years.

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

By Mr. Powell:

Whereas, The Constitution of the State of Texas contemplates that the Attorney-General shall attend to all litigation in which the interest of the State is involved; and,

Whereas, The ex-Attorney-General, and his assistants, did ably represent the State in the late Railway Commission injunction suits, and in as much as it is not apparent that the present Attorney-General, and assistants, are not competent to continue the representation of the State in such suit; therefore, be it

Resolved, That the Attorney-General and Railway Commissioners be and are hereby requested to make an official written statement, showing the necessity, if there be such, for an appropriation for the services of an extra attorney in said suits.

Read second time, and on motion of Mr. Powell, referred to the Committee on Finance.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following bill:

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."

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Jan. 27, 1899.

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

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

House bill No. 49, A bill to be entitled "An Act to legally emancipate married women, and to empower them to manage,

WOOTEN, Chairman.

Committee Room,
Austin, Texas, Jan. 27, 1899.

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

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

House bill No. 147, A bill to be entitled "An Act to create a judicial district in Galveston county additional to the Tenth Judicial District therein; to be the Fifty-sixth Judicial District; to establish a court and provide for a judge and clerk of such new district; to regulate the venue of the courts of said respective districts and the disposition of the business therein, and to define the jurisdiction, the boundaries and the terms thereof."

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

WOOTEN, Chairman.

Committee Room,
Austin, Texas, Jan. 27, 1899.

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

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

House bill No. 213, A bill to be entitled "An Act to prescribe the parties to and venue of suits against railroad corporations and assignees, trustees and receivers operating any railway over whose transportation lines or parts thereof any freight, baggage or other property has been carried during transportation, and to provide upon whom service of process may be had in such suits."

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

WOOTEN, Chairman.

Committee Room,
Austin, Texas, Jan. 27, 1899.

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

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

House bill No. 63, A bill to be entitled "An Act to restore the civil and criminal jurisdiction of the County Court of Bexar county, and to conform the jurisdiction of the District Court thereto."

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

WOOTEN, Chairman.
control and dispose of their personal, real and mixed property, in like manner as single women.”

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.

WOOTEN, Chairman.

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

Sir: Your Judiciary Committee No. 1, to whom was referred House bill No. 62, A bill to be entitled “An Act to amend Chapter 3, Title IV, of the Revised Civil Statutes, in relation to the property rights and liabilities of married persons.”

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.

WOOTEN, Chairman.

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

Sir: Your Judiciary Committee No. 2, to whom was referred House bill No. 91. A bill to be entitled “An Act to prevent the conducting of lotteries; and sale of lottery tickets within the State of Texas, and to provide penalties for the violation thereof.”

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.

WOOTEN, Chairman.

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

Sir: Your Judiciary Committee No. 2, to whom was referred House bill No. 265, A bill to be entitled “An Act to amend Article 488, of Penal Code of Texas, same being Title XII, Chapter 5 thereof, so as to conform to the provisions of Article 3784, Title LXXXII, and Chapter 1, relating to the qualification and practice of medicine.”

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.

PITTS, Acting Chairman.

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

Sir: Your Judiciary Committee No. 2, to whom was referred House bill No. 135, A bill to be entitled “An Act to amend Article 788, Chapter 3, of the Penal Code of the State of Texas, relating to the use of animals without the consent of the owner.”

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.

Add after “hereafter,” in line one of Article 788, the words, “take and use or”
and change “or” to “and,” after the
words “take up.”
PITTS, Acting Chairman.

Committee Room.
Austin, Texas, Jan. 25, 1899.
Hon. J. S. Sherrill, Speaker of the House of
Representatives.

SIR: Your Judiciary Committee No. 2, to whom was referred
House bill No. 127, A bill to be entitled “An Act to amend Article 440, Title XII,
Chapter 4, Penal Code of Texas, relating to penalty for practicing medicine without
out filing for record certificate of qualification, so as to conform to Article 3787,
Title LXXXII, Chapter 1, Revised Civil Statutes of Texas, relating to record of
certificate of qualification for practice of medicine.”

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.
PITTS, Acting Chairman.

Committee Room.
Austin, Texas, Jan. 25, 1899.
Hon. J. S. Sherrill, Speaker of the House of
Representatives.

SIR: Your Judiciary Committee No. 2, to whom was referred
House bill No. 85, A bill to be entitled “An Act to amend Article 338, of Chapter 3, of Title XI, of the Penal Code of the State of Texas, relating to betting on games of any character whatever that can be played with cards, dice or dominos, or at any table, bank or alley.”

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.
PITTS, Acting Chairman.

MAJORITY REPORT.
Committee Room.
Austin, Texas, Jan. 25, 1899.
Hon. J. S. Sherrill, Speaker of the House of
Representatives.

SIR: Your Judiciary Committee No. 2, to whom was referred
House bill No. 115, A bill to be entitled “An Act to tax dealers in cigarettes and to provide a penalty for selling same to minors.”

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.
PITTS, Acting Chairman.

MINORITY REPORT.
Committee Room.
Austin, Texas, Jan. 25, 1899.
Hon. J. S. Sherrill, Speaker of the House of
Representatives.

SIR: We, a minority of your Judici­ary Committee No. 2, to whom was re­ferred
House bill No. 115, A bill to be entitled “An Act to tax dealers in cigarettes and to provide a penalty for selling same to minors,”

Concur in the opinion of the majority that said bill, as originally introduced, should not pass, but do recommend the passage of the accompanying substitute therefor, which substitute was sub­stituted in committee for the original bill.

PALMER;
GARRETT;
CHAMBERS;
JONES.

Committee Room.
Austin, Texas, Jan. 25, 1899.
Hon. J. S. Sherrill, Speaker of the House of
Representatives.

SIR: Your Judiciary Committee No. 2, to whom was referred
House bill No. 82, A bill to be entitled “An Act to amend Articles 4978 (4592),
and 4993 (4606), Chapter 5, Title XII, of the Revised Civil Statutes of the State of Texas, relating to preventing certain animals from running at large.”

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 referred to Judiciary Committee No. 1.
PITTS, Acting Chairman.

Committee Room.
Austin, Texas, Jan. 25, 1899.
Hon. J. S. Sherrill, Speaker of the House of
Representatives.

SIR: Your Judiciary Committee No. 2, to whom was referred
House bill No. 65, A bill to be entitled “An Act to amend Article 2466, of the Revised Statutes of Texas,”

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 referred to the Committee on County Government and County Finances.
PITTS, Acting Chairman.

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

SIR: Your Judiciary Committee No. 2, to whom was referred
January 28, 1899

HOUSE JOURNAL.

Committee Room,
Austin, Texas, Jan. 27, 1899.

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

SIR: Your Judiciary Committee No. 2, to whom was referred House bill No. 150, A bill to be entitled “An Act to amend Title XLII, Chapter 1, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 2462a, relating to exemptions, and providing an exemption of five hundred dollars ($500.00), to all persons, firms or corporations engaged in the mercantile business,”

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 referred to Judiciary Committee No. 1.

BAILEY, Chairman.

MAJORITY REPORT.

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. 10, A bill to be entitled “An Act to amend Articles 3101, 3102, 3103, 3104 and 3105, of the Revised Civil Statutes of the State of Texas, regulating the rate of legal and conventional interest,”

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 amendment:

Amend by inserting “six per cent. legal rate of interest,” and “eight per cent. conventional rate of interest[,]” wherever they appear, and insert in the act the words: “State of Texas,” after the words “Revised Civil Statutes,” in caption, and substitute the word “same” for the word “same,” in Article 3101.

SHELBURNE, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, Jan. 27, 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. 10, A bill to be entitled “An Act to amend Articles 3101, 3102, 3103, 3104 and 3105, of the Revised Civil Statutes of the State of Texas, regulat-
ing the rate of legal and conventional interest,” with the following amendment:
Amend by inserting “six per cent. legal rate of interest,” and “eight per cent. conventional rate of interest,” wherever they appear, and insert in the act, the words, “State of Texas,” after the words, “Revised Civil Statutes,” in caption, and substitute the word “sum” for the word “same,” in Article 3101.
Have had the same under consideration, and beg leave to report it back to the House with the recommendation that it do not pass.

ROCHELLE,
MONROE,
TEAGLE,
WALTON.

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. 93, A bill to be entitled "An Act to abolish the terms ‘legal interest’ and ‘conventional interest,’ and to fix a uniform rate of interest at not exceeding six per cent. per annum, and to repeal all laws in conflict therewith;"
Also House bill No. 319. A bill to be entitled “An Act to amend Articles 3099, 3103, 3104 and 3105, of Title LIX, of the Revised Civil Statutes of the State of Texas, prescribing and fixing the rate of conventional interest;”
Also House bill No. 100, A bill to be entitled “An Act to amend Articles 3099, 3103, 3104. Title LIX, Revised Statutes of Texas;”
Also 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 violations;”
Have had the same under consideration, and I am instructed to report them back to the House with the recommendation that they do not pass, because other bills relating to the same subject have been recommended to pass.

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

Sir: Your Committee on Finance, to whom was referred
House bill No. 293, A bill to be entitled “An Act to make an appropriation to secure a proper defense of the ten suits now pending in the United States Circuit Court for the Western District of Texas, known as the injunction suits against the Railroad Commission of Texas,”
Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

HENDERSON of Lamar, Chairman.

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

Sir: We, the undersigned, a minority of your Committee on Finance, to whom was referred
House bill No. 293, A bill to be entitled “An Act to make an appropriation to secure a proper defense of the ten suits now pending in the United States Circuit Court for the Western District of Texas, known as the injunction suits against the Railroad Commission of Texas,”
Being unable to agree to the majority report beg leave to submit the following as an amendment to said bill, viz:
Stroke out Subdivision 1, of Section 1, of said bill, and insert in lieu thereof the following, viz:
"First. To be used by the Attorney-General in the employ and pay of additional counsel to assist in the defense of said suits the sum of $5,000.00, and for the taking of testimony and the payment of all other expenses that may be necessary and proper until the final determination of said suits the sum of $4,000.00; provided, not more than $2,500.00 shall be paid to any one counsel;"

MORROW.
LOYD.

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

Sir: Your Committee on Engrossed Bills, to whom was referred
House bill No. 118, A bill to be entitled “An Act to amend Article 2801, Chapter 1, Title LIX. Revised Civil Statutes of 1893, relating to the office of Secretary of State, and requiring the Secretary of State to execute a bond,”
Have carefully examined said bill and find the same correctly engrossed.

GRUBBS, Chairman.
An Act to extend the terms of the District Courts of the Thirty-seventh and Forty-fifth Judicial Districts of Texas.

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

GRUBBS, Chairman.

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

SIR: Your Committee on Engrossed Bills, to whom was referred House bill No. 58, A bill to be entitled "An Act to amend Article 3820, Title LXXXVI, of the Revised 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 it back to the House with the recommendation that it do pass.

EVANS of Grayson, Chairman.

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

SIR: Your Committee on Judicial Districts, to whom was referred House bill No. 149, A bill to be entitled "An Act to extend the terms and prescribe the time of holding the terms of the District Courts of the Thirty-seventh and Forty-fifth Judicial Districts of Texas."

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

EVANS of Grayson, Chairman.

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

SIR: Your Committee on Judicial Districts, to whom was referred House bill No. 146, A bill to be entitled "An Act to fix the time for holding the courts in the Forty-sixth Judicial District and to repeal all laws in conflict therewith."

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

EVANS of Grayson, Chairman.

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

SIR: Your Committee on Judicial Districts, to whom was referred House bill No. 133, A bill to be entitled "An Act to amend Article 22, Section 12, of the Revised Civil Statutes of the State of Texas, changing the time of holding the District Court in Trinity county."

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

EVANS of Grayson, Chairman.

FURTHER TIME GRANTED FOR CONSIDERATION OF BILLS.

House Bill No. 37, on request of Mr. Smith of Grayson, Chairman of the Committee on Internal Improvements.

House Bills Nos. 3, 18, 40, 51, 59, 60, 61, 95, 96, 98, 104, 101, 125, 131, 141, 130, 45, 154, 157, 159, 163, 168, 167 and House Concurrent Resolution No. 6, on request of Mr. Wooten, Chairman of Judiciary Committee No. 1.

ADDITION TO COMMITTEE.

Mr. Wheless to Judiciary Committee No. 1, on motion of Mr. Wooten.

SPECIAL ORDER FIXED.

House Bill No. 22, the Abilene Epileptic Insane Asylum bill, for next Tuesday, January 31, at 11 o'clock a. m., on motion of Mr. Grogan.

SPEAKER'S TABLE.

The Speaker laid before the House on its second reading.

House bill No. 140, A bill to be entitled "An Act to transfer Sabine county from the district school system to the community school system, and to authorize and empower the county to organize and conduct all of her public free schools under the community system, as provided by the laws as now in force."

The bill was read second time and was ordered engrossed.

Mr. Hamilton moved to suspend the constitutional rule requiring bills to be read on three several days in each House, and that House bill No. 140 be put on its third reading and final passage.

The motion prevailed by the following vote:

Adams.
Allen of Colorado.
Allen of Hopkins.
Ayers.
Barbee.
Barrett.
Bean.
Beaty.
Bolin.
Bridgers.
Browne.
Caldwell.
Calvin.
Chambers.
Childs.
Clements.

Years—101.

Col.
Collins.
Conoly.
Cross.
Culp.
Dean.
Decker.
Derden.
Dies.
Eckols.
Evans of Fannin.
Evans of Grayson.
Frost.
Garner.
Garrett.
Gill.
Mr. Hamilton moved to reconsider the vote by which House Bill No. 140 was passed and to table the motion to reconsider.
The motion to table prevailed.

The Speaker laid before the House on its final passage, same having been read third time yesterday.

Substitute 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," in reference to working public roads.

Mr. Shropshire offered the following amendments:

Amend caption by inserting after the word "Texas," in line 5 of committee report, the following:

"And to amend Article 491, of Chapter 2, of Title XIII, of the Penal Code of the State of Texas."

Adopted.

Amend Section 1, of committee bill by inserting after the word "repealed," in line 8, the following: "And Article 491, of Chapter 2, Title XIII, of the Penal Code of the State of Texas, be so amended as to hereafter read as follows:

"Article 491. If any person liable under the law to work upon the public roads, shall willfully fail or refuse to attend either in person or by substitute, at the time and place designated by the road overseer, the person summoning, the superintendent, or other person authorized by the commissioners court to discharge the duties of overseer or superintendent, the sum of one dollar per day for each day he may have been notified to work on the road, or having attended, shall fail to perform any duty required of him by law and such overseer or superintendent, he shall be fined in any sum not exceeding ten dollars.

Adopted.

The bill was passed by the following vote:

Yeas—97.

Bridgers. Frost. Lake.
Calvin. Gill. Looney.

Mr. Savage moved to reconsider the vote by which House bill No. 54 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Ratcliff, the regular order of business was suspended, to take up and place on its second reading.

House bill No. 46. A bill to be entitled "An Act to amend Subdivision 19, an act entitled "An Act to amend Article 5049, of the Revised Statutes, relating to general occupation taxes," in reference to nine or ten pin alleys, etc., and proposing
to levy a tax of one thousand dollars on such devices, the committee report being favorable with amendments, recommending that "two hundred and fifty dollars" be inserted in lieu of "one thousand."

The bill was laid before the House, read second time and the committee report was adopted.

Mr. Childs offered the following amendment:

Amend the bill by inserting "one hundred dollars" wherever "two hundred and fifty dollars" occurs.

Mr. Wooten offered the following substitute for the amendment by Mr. Childs:

Amend by adding to Section 1 the following provisos, to wit: "Provided, that the terms of this act shall not apply to any nine or ten pin alley or bowling alley, which is conducted for amusement and healthful exercise, and where no fees are charged except such as are necessary to pay for the operation of the same; provided further, that, unless intoxicating mixtures are sold or used or drunk or permitted to be sold or used or drunk in or near said nine or ten pin alley or bowling alley, the license tax herein named shall not be imposed or collected, but the license tax shall be the sum of $100."

Pending consideration, Mr. Robertson of Bell, by unanimous consent, offered the following resolution:

Resolved. That the invitation hereby extended to Hon. William J. Bryan is still open, and that this House will be pleased to extend him every possible courtesy, at any time he can make it convenient to visit Texas, and will be glad to have him address this House.

Read second time and adopted unanimously.

Mr. Bailey, by unanimous consent, offered the following resolution:

Whereas, The House of Representatives have heard with profound sorrow of the death of Hon. Ed. Linn, ex-Senator and ex-Representative of this State; therefore, be it

Resolved, That we do deplore his death as a public loss and a calamity, and hereby extend to his family our sincere sentiments of sympathy and condolence, in this their hour of sadness and bereavement.

(Signed McFarland.

BAILEY.)

Read second time and adopted unanimously.

On motion of Mr. Grogan, the House, at 12:20 p. m., adjourned until 10 o'clock a. m., next Monday.

EIGHTEENTH DAY.

Hall of the House of Representatives, Austin, Texas, Monday January 30, 1899.

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

Speaker Sherrill in the chair.

Roll called and the following members present:

Adams. Marsh.
Allen of Colorado. Masterson.
Allen of Hopkins. Maxwell.
Ayers. McAnally.
Bailey. McClellan.
Barbee. McDowell.
Barrett. McFarland.
Bean. McKellar.
Beaty. Monroe.
Blount. Morris.
Bolin. Morrow.
Bridgers. Murphy.
Calder. Monroe.
Calvin. Nolan.
Chambers. Palmer.
Childers. Parish.
Childs. Peery.
Clements. Pfeuffer.
Collins. Phillips of Camp.
Crawford. Pitts.
Cross. Powell.
Culp. Ratliff.
Dean. Robertson, Harrison.