February 3, 1899

HOUSE JOURNAL.

BILLS WITHDRAWN.

House bill No. 348, on request of Mr. Adams.
House bill No. 368, on request of Mr. Smith of Grayson.
On motion of Mr. Powell, the House, at 1:07 p. m., adjourned until 10 o'clock a. m. tomorrow.

TWENTY-SECOND DAY.

Hall of the House of Representatives, Austin, Texas, Friday, February 3, 1899.
The House met at 10 o'clock 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
- Beatty
- Bennett
- Blount
- Bolin
- Bridgers
- Browne
- Caldwell
- Calvin
- Chambers
- Childers
- Childs
- Clements
- Cocke
- Cole
- Collins
- Conoly
- Crawford
- Cross
- Culp
- Dean
- Decker
- Derden
- Dies
- Dorroh
- Dobols
- Ellis
- Evans of Fannin
- Garner
- Garrett
- Goodlett
- Goodman
- Greenwood
- Grogan
- Grubbs
- Henderson, Brazos
- Henderson, Lamar
- Howard
- Hurley

- Jones
- Kittrell
- Lake
- Lillard
- Livsey
- Looney
- Loyd
- Masterson
- Maxwell
- McAnally
- McClellan
- McDowell
- McFarland
- McKamy
- McKellar
- Meitzen
- Mercer
- Monroe
- Morris
- Morrow
- Murphy
- Neff
- Nolan
- Palmer
- Parish
- Peery
- Pfeuffer
- Phillips, Lampasas
- Phillips, Camp
- Pitts
- Poole
- Powell
- Ratcliff
- Robertson, Harrison
- Robertson of Bell
- Rochelle
- Rogers
- Russell
- Sansom
- Savage
- Schluter
- Sherrill
- Shannon
- Shropshire

A quorum was announced present.
Prayer by Rev. W. J. Gatlin, Chaplain.
Pending reading of the Journal of yesterday, on motion of Mr. Blount, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

- Mr. Graham indefinitely on account of sickness, on motion of Mr. Blount.
- Mr. Evans of Grayson for today on account of sickness, on motion of Mr. Smith of Grayson.
- Mr. Little until Monday on account of sickness, on motion of Mr. McAnally.
- Mr. Parish for yesterday on account of urgent business, on motion of Mr. Murphy.
- Mr. Wheless for today on account of important business, on motion of Mr. Robertson of Bell.

PETITIONS AND MEMORIALS.

By Mr. Decker:
A petition of forty-two citizens of Deaf Smith county, asking that there be no change made in the land laws.
Also a petition from forty-eight citizens of Carson county, same as above.
Also a petition of one hundred and eighty citizens of Potter county, same as above.
Also a petition of fifty citizens of Hall county, same as above.
Also a petition of one hundred citizens of Randall county, same as above.
Also a petition of fifty-four citizens of Briscoe county, same as above.
Also a petition of two hundred citizens of Wilbarger county, same as above.
By Mr. Smith of Grayson:
House bill No. 398, A bill to be entitled “An Act to amend Sections 17, 27, 98, and 116, of an act incorporating the city of Sherman, known as ‘An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,’ passed by the Twenty-fourth Legislature, being Chapter 6, of the Special Acts of said Legislature, and to add Sections 79a, 116a, 116b, 116c, 116d, 116e, 179a, and 179b thereto.”

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

By Mr. Barbee (by request):
House bill No. 399, A bill to be entitled “An Act to amend Article 96a, of the Revised Civil Statutes of 1893, of the State of Texas, relating to the sale of the Appellate Court Reports.”

(Amends the law so as to avoid confusion and sometimes loss to the State and to the purchasers in the sale of said reports, and to expedite their sale, and declares an emergency.)

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

By Mr. Phillips of Lampasas:
House bill No. 400, A bill to be entitled “An Act granting permission to B. F. Gohlson and J. W. Benson, or their assigns, to bring suit against the State of Texas, in the District Court of Lampasas county, to ascertain the amount, if any, due them for services rendered the State as rangers or soldiers.”

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

By Mr. Robertson of Bell:
House bill No. 401, A bill to be entitled “An Act to amend Articles 3094 and 3095, Chapter 3, of Title 68, of the Revised Statutes of the State of Texas, making any person or persons, company, copartnership or corporation, who shall make or cause to be made, write or cause to be written, either for himself or for another, any contract or policy of insurance in any insurance company not authorized to do business in this State, liable to the State for the same taxes and penalties, general and special, State, county and municipal, as insurance companies, that have been legally qualified and admitted to do business in this State by agents or otherwise, and prescribing method of collecting such tax, and fixing penalty for non-compliance with terms and conditions of this act.”

Read first time, and referred to Committee on Insurance, Statistics and Education.
By Mr. Maxwell and Mr. Caldwell:  
House bill No. 402, A bill to be entitled  
"An act granting to the city of Austin a  
block of land within said city for public  
free school purposes."  
Read first time, and referred to Com-  
mmittee on Towns and City Corporations.

By Mr. Pfeuffer:  
House bill No. 403, A bill to be entitled  
"An Act quieting land titles in Texas,  
and prescribing a period in which actions  
for the recovery of the titles or possession  
of land may be maintained."  
Read first time, and referred to Judi-  
cracy Committee No. 1.

By Mr. Masterson:  
House bill No. 404, A bill to be entitled  
"An Act to amend Article 5166, Chapter  
4, Title XIV, of the Revised Civil Statu-  
es of the State of Texas of 1895, relating  
to collection of taxes and the form of  
tax receipts, and providing that said re-  
ceipts shall show the personal property  
for which said tax was levied, etc."  
Read first time, and referred to Judi-  
cracy Committee No. 1.

By Mr. Terrell:  
House bill No. 405, A bill to be entitled  
"An Act to appropriate seventy-five  
thousand dollars ($75,000) to build and  
maintain a furniture factory, an engine  
and boiler factory, and such other indus-  	ries within the walls of the Rusk peni-  
tentiary as may be agreed upon by the  
Penitentiary Board, and to purchase nec-  
essary machinery therefor."  
Read first time, and referred to Com-  
mmittee on Penitentiaries.

By Mr. Cocke:  
House bill No. 406, A bill to be entitled  
"An Act to amend Article 4990, Title XII,  
Chapter 5, of the Revised Civil Statu-  
es of Texas, 1895, relating to the prevent-  
ion of hogs, sheep and goats from running at  
large in counties and subdivisions of  
counties in the State, and to authorize  
lessors of lands for not less than five  
years and owners of lands adjoining to  
lands in which the running at large of  
hogs, sheep and goats have been duly pro-  
hibited, to attach such land, leased or  
owned, as aforesaid, to such lands on  
which sheep, hogs or goats have been pro-  
hibited from running at large, and sub-  
ject the same to the operation of said  
law."  
Read first time, and referred to Com-  
mmittee on Stock and Stock-raising.

By Mr. Phillips of Lampasas:  
House bill No. 407, A bill to be entitled  
"An Act for the relief of B. F. Gohlson  
and J. W. Benson of Lampasas county,  
providing for the payment of said B. F.  
Gohlson and J. W. Benson for services  
rendered to the State of Texas as rangers  
on the frontier."  
Read first time, and referred to Com-  
mmittee on Claims and Accounts.

By Mr. Tarkington:  
House bill No. 408, A bill to be entitled  
"An Act to amend Article 310, Chapter  
5, Title XIII, of the Revised Civil Statu-  
es of Texas, relating to taking fish from  
the streams of this State by means of  
fish nets, seine, etc., so as to exempt  
Lavaca county from the provisions of the  
law."  
Read first time, and referred to Com-  
mmittee on State Affairs.

By Mr. Blount:  
House bill No. 409, A bill to be entitled  
"An Act to repeal Sections 6, 12, 13 and  
14, of the General Laws of Texas, relat-  
ing to occupation taxes."  
(Repeals the law placing an occupa-  
tion tax on photographers, lawyers, phy-  
sicians, surveyors, veterinary surgeons,  
oculists, specialists and dentists.)  
Read first time, and referred to Com-  
mmittee on Revenue and Taxation.

By Mr. Kittrell:  
House bill No. 410, A bill to be entitled  
"An Act to amend Chapter 6a, Title XI,  
for,"  
is sold, and providing a penalty there-  
remain in places of business where liquor  
of the Penal Code, by adding Article 411j,  
relative to allowing minors to enter or  
(Pe·vides a fine of not less than $25  
nor more than $200 for any person en-  
gaged in the sale of spirituous, vinous  
or malt liquors permitting any person  
under 21 years of age to enter or remain  
in his place of business or any person  
who shall persuade or in any manner  
induce any person under the age of 21  
years to enter any such place of busi-  
ess.)  
Read first time, and referred to Judi-  
cracy Committee No. 2.

By Mr. McAnally:  
House bill No. 411, A bill to be entitled  
"An Act to levy an annual occupation  
tax on every person, firm or association  
of persons, with place of business out-  
side of this State, and who, through  
traveling agents, sell farming imple-  
ments, etc., in this State."  
Read first time, and referred to Com-  
mmittee on Revenue and Taxation.

By Mr. Decker:  
House bill No. 412, A bill to be entitled  
"An Act to amend Article 5043, Chapter  
6, Title XII, of the Revised Civil Statu-  
es of Texas, relating to inspection of  
live stock, so as to place Randall county  
under the operation of said law."
Read first time, and referred to Committee on Stock and Stock-raising:

By Mr. Adams:
House bill No. 413, A bill to be entitled "An Act to require manufacturers and dealers in fertilizers to place a certificate on each sack or parcel of fertilizer, setting forth the per centum of ingredients in the composition of fertilizing and providing penalty for a violation of this act and declaring an emergency."

(Makes the offense a misdemeanor, and provides a fine of not less than $100 nor more than $500.)

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

By Mr. Woolen:
House bill No. 414, A bill to be entitled "An Act to amend Title XCVI, Revised Civil Statutes of the State of Texas, 1895, by adding thereto Chapter 15, providing for forfeiting the charter of railroad and express companies violating the provisions of Chapter 13, of said title, and the rules and rates of the State Railroad Commission."

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

By Mr. Powell:
House bill No. 415, A bill to be entitled "An Act to amend Section 5, of Article 4574, Chapter 13, Title XCVI, of the Revised Civil Statutes of Texas, relating to issuance of free passes by railroads to certain persons, free freights and rebates."

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

By Mr. Smith of Grayson:
House bill No. 416, A bill to be entitled "An Act to appropriate $200.00 to refund occupation tax illegally collected by the State."

(Provides for the refunding of said amount to Willis Brothers of Grayson county, which was paid by them to the tax collector of that county as an occupation tax on retail liquor dealers, they being druggists in a local option precinct.)

Read first time, and referred to Committee on Claims and Accounts.

By Mr. McNally:
House bill No. 417, A bill to be entitled "An Act to amend Section 10, Chapter 103, of the Acts of the Twenty-fifth Legislature, relating to delinquent taxes, and providing the manner of collecting same."

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

By Mr. Robertson of Bell:
House bill No. 418, A bill to be entitled "An Act granting to Hardy W. B. Price, a San Jacinto veteran, a pension."

(Provides for the appropriation of the sum of $1300 per annum as a pension to the said Price.)

Read first time, and referred to Committee on Finance.

By Mr. Beazy:
House bill No. 419, A bill to be entitled "An Act to secure the rendition and assessment of vendors land lien notes in the county in which the land which the note refers to is situated."

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

By Mr. Woolen:
House bill No. 420, A bill to be entitled "An Act to amend Title XIV, of the Penal Code of the State of Texas, by adding thereto Chapter 8, of said title, defining and punishing unjust discriminations in freight rates by railroad and express companies, and other violators of Title XCVI, Chapter 15, of the Revised Civil Statutes of the State of Texas, declaring such offenses to constitute felonies and providing for the investigation and prosecution of same."

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

By Mr. Kittrell:
House bill No. 421, A bill to be entitled "An Act to amend Article 186, Chapter 4, Title VI, of the Penal Code of the State of Texas, relating to the sale of liquors by drug stores on election days."

(Provides among other things that if any physician should give a prescription to be used in obtaining intoxicating liquor to any one, who is not actually sick, he shall be punished by a fine of not less than $50 nor more than $200.)

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

By Mr. Schlater:
House bill No. 422, A bill to be entitled "An Act to amend Article 3098, Title XIV, Chapter 3, of the Revised Civil Statutes of the State of Texas, as amended by Chapter 142, General Laws, Regular Session of the Twenty-fifth Legislature, relating to the assessment of taxes."

Prescribes the form of oath to be taken by persons rendering property for taxation, and provides that said oath shall set forth a true and complete list of all real and personal property, including both tangible and intangible personal property of every description.

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

By Mr. Powell (by request):
House bill No. 423, A bill to be entitled "An Act to amend Articles 5075, 5076, 5077, 5098, 5100, of the Revised Civil Statutes of the State of Texas, relating
to the assessment of property for taxation, and to provide for the assessment of property not heretofore reached.

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

By Mr. Kittrell:

House bill No. 424. A bill to be entitled "An Act to amend Article 350 of the Penal Code, relating to gaming in public places, and providing a penalty therefor."

(Provides that none of the games enumerated in Article 358 of this chapter shall be permitted or played in a house used for retailing spirituous liquors, or rooms attached thereto, whether any money or other thing of value is bet or wagered thereon or not, and provides a fine of from $25 to $100.)

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

By Mr. Kittrell:

House bill No. 425. A bill to be entitled "An Act to amend Title V, Chapter 1, of the Penal Code of Texas, by adding thereto Articles 252a; relating to the duties of sheriffs and other peace officers, and providing a penalty for wilfully failing or refusing to properly discharge them."

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

By Mr. Cocke:

House bill No. 426. A bill to be entitled "An Act amending Article 879, Title XXV, Chapter 2, of the Revised Civil Statutes of Texas of 1895, and to reduce the maximum rate of interest on county bonds from 6 per cent. to 5 per cent."

Read first time, and referred to Committee on County Government and County Finances.

By Mr. Henderson of Lamar:

House bill No. 427. A bill to be entitled "An Act to extend the time within which railroad corporations, chartered under the laws of Texas since the first day of January, 1897, or the charters of which has been amended since that date, is required to begin the construction of its road, and construct and put in good running order, as provided in Article 4538, of the Revised Civil Statutes of Texas, and to so amend said article as to grant further time for said compliance with said statute."

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

By Mr. Kittrell:

House bill No. 428. A bill to be entitled "An Act to amend Article 247, of Criminal Procedure, relating to making arrests without warrant."

(Provides that if the offense is one classed as a felony or as an "offense against the public peace," any other person than a peace officer may arrest the offender, where the offense is committed in his time or within his view.)

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

By Mr. Peery:

House bill No. 429. A bill to be entitled "An Act to add Article 3 of the Constitution of the State of Texas, governing the judicial department, by substituting therefor a complete article bearing the same number and title, but providing for the judicial system to be composed of one supreme court, and such other inferior courts, as the Legislature may from time to time ordain and establish."

Read first time, and referred to Committee on Finance.

By Mr. Bailey:

House Joint Resolution No. 18, authorizing the purchase from H. A. Mc Ardle of the portrait of ex-Governor Charles A. Culberson.

(Provides for an appropriation of $250 for the purchase of said portrait.)

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

By Mr. Wooten:

House Joint Resolution No. 19, to amend Article 5, of the Constitution of the State of Texas, and to provide for the appointment of a committee to prepare and report measures designed to correct, cheapen and simplify the same.

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

By Mr. Wooten:

House Joint Resolution No. 20, relating to the present judicial system of this State, and the various laws governing practice and procedure in the several courts of the State having jurisdiction in civil cases, and to provide for the appointment of a committee to prepare and report measures designed to correct, cheapen and simplify the same.

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

By Mr. Shelburne:

House Joint Resolution No. 21, to amend Section 4, of Article 7, of the Constitution of the State of Texas, and to provide for the investment of the permanent school fund in agricultural lands for the use of the State penitentiaries, the title to be vested in the State for the benefit of its public free schools under such restrictions as may be prescribed by law, and the State to be responsible for all such investments, and for interest on same, said interest to be not less than 5 per cent. per annum.

Read first time, and referred to Committee on Constitutional Amendments.
By Mr. Grogan:
Whereas, There exists a necessity for immediate examination into the condition of the Insane Asylum at San Antonio, and the annex thereto: therefore be it,

Resolved, That the Speaker be and he is hereby authorized to appoint a committee of three to act with a like committee already appointed by the Senate to make all necessary investigations and report to the House.

Resolved further. That this committee shall be empowered to summon witnesses and take testimony relative to the contract under which said annex was built, and that said committee be allowed the services of a stenographer and shall be allowed the mileage and per diem of members of the Legislature.

Read second time, and Mr. Henderson of Lamar offered the following amendment:

"Strike out the word 'mileage' and insert 'actual traveling expenses.'"

The amendment was accepted and the resolution as amended was adopted.

By Mr. Culp:
Resolved. That we increase the salary of the Reading Clerk to $5.00 per day.

Read and, on motion of Mr. Henderson of Lamar, referred to the Committee on Contingent Expenses.

By Mr. Lane:
Resolved. That all stenographers now in the employ of this House shall receive for their services the sum of $4.00 per day for each day they are actually engaged in the work of this House, instead of $3.00 per day as heretofore provided.

Read and, on motion of Mr. Henderson of Lamar, referred to the Committee on Contingent Expenses.

By Mr. Goodlett:
Resolved. That by reason of the great amount of work the various committee clerks have to perform, and the constant and efficient services rendered by them, while in attendance upon the House, whether in session or not, and in attendance upon the different standing committees, the committee clerks of this House shall receive the sum of four dollars per day for their services from the date of their employment.

Read and, on motion of Mr. Henderson of Lamar, referred to the Committee on Contingent Expenses.

By Mr. Lane:
Resolved. That whereas, there are one or two professional loafers and dead beats who daily hang around the legislative hall, and when they find a member of this House absent they take possession of his seat and use his paper and envelopes and other stationery and beg stamps from other members; therefore be it,

Resolved. That said professional dead beats and loafers be requested to get out and cease their annoyance.

[Signed]

LANE, MERCER, MEITZEN.

Read second time and Mr. Bailey moved to refer to the Committee on Rules. Mr. Phillips of Lampasas moved to table the resolution and the motion was lost.

The motion to refer to the Committee on Rules prevailed.

By Mr. Kittrell:
Resolved. That the Committee on Claims and Accounts be instructed to have printed in the Journal a stenographic report of all testimony taken before said committee upon a hearing before the same, of House bill No. 391, to the end that such testimony may be laid upon the desks of the members for their information and guidance.

Read second time and, on motion of Mr. Henderson of Lamar, further consideration was postponed until 10 o'clock a. m. tomorrow.

COMMITTEE REPORTS.

Committee Room, Austin, Texas, Feb. 3, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred House bill No. 101, A bill to be entitled "An Act to amend Article 1490, Chapter 21, Title XXX, of the Revised Civil Statutes of 1895, and to create a preference lien upon corporate property for claims for labor and material prior to liens created by mortgage."

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, Feb. 3, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred House bill No. 270, A bill to be entitled "An Act to authorize and regulate the practice of law in the courts of the State of Texas."

Have had the same under considera-
MAJORITY REPORT.

Committee Room,
Austin, Texas, Feb. 3, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred House bill No. 59, A bill to be entitled "An Act to repeal Articles 255, 256, 257, 258 and 259, Title XI, of the Revised Civil Statutes of the State of Texas, entitled 'Attorney at Law,' and to enact the following regulating the applications for license to practice law, and providing for a State Board of Law Examiners."

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.

MINORITY REPORT (1).

Committee Room,
Austin, Texas, Feb. 3, 1899.

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

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred House bill No. 59, A bill to be entitled "An Act to repeal Articles 255, 256, 257, 258 and 259, Title XI, of the Revised Civil Statutes of the State of Texas, entitled 'Attorney at Law,' and to enact the following regulating the applications for license to practice law, and providing for a State Board of Law Examiners."

Do not concur with the majority report, but beg to recommend that the accompanying substitute prepared by the minority be adopted in lieu of the original bill.

NEFF, ALLEN of Hopkins, WRIGHT.

MINORITY REPORT (2).

Committee Room,
Austin, Texas, Feb. 3, 1899.

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

Sir: The minority of Judiciary Committee No. 1, to whom was referred House bill No. 59, A bill to be entitled "An Act to repeal Articles 255, 256, 257, 258 and 259, Title XI, of the Revised Civil Statutes of the State of Texas, entitled 'Attorneys at Law,' and to enact the following, regulating applications for license to practice law, and providing for a State Board of Law Examiners."

Do not concur in the report of the majority, but beg to recommend that the accompanying substitute bill, prepared by the undersigned minority of the committee, do pass.

POWELL, CHAIRMAN.

Committee Room,
Austin, Texas, Feb. 1, 1899.

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

Sir: Your Committee on Constitutional Amendments, to whom was referred House Concurrent Resolution No. 2, A resolution to appoint a committee of the House and Senate of the Twenty-sixth Legislature to prepare amendments to the Constitution of the State 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 not pass.

POWELL, CHAIRMAN.

Committee Room,
Austin, Texas, Feb. 1, 1899.

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

Sir: Your Committee on Constitutional Amendments, to whom was referred House bill No. 35, A bill to be entitled "An Act providing for an election to determine whether or not a constitutional convention shall be called; to provide for electing delegates to said convention; to provide for the submission of the proposed constitution to a vote of the people and making an appropriation to enable the Governor to carry out the provisions of this act."

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.

POWELL, CHAIRMAN.
tion, and I am instructed to report it back to the House with the recommendation that it do not pass.

POWELL, Chairman.

Committee Room.

Austin, Texas, Feb. 2, 1899.

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

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 198, A bill to be entitled "An Act to require railway companies entering a city of 10,000 inhabitants or over to erect and maintain a union depot in such city for all of said companies in all cases where said companies have not heretofore erected separate depots of the value of over five thousand dollars, and to provide penalties for the failure of said companies to erect, maintain and use such union depot.

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.

SMITH of Grayson, Chairman.

Committee Room.

Austin, Texas, Feb. 2, 1899.

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

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 284, A bill to be entitled "An Act to compel street railway companies of this State to so arrange their cars that the motorman, gripman or driver shall not be exposed to the weather.

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.

SMITH of Grayson, Chairman.

Committee Room.

Austin, Texas, Feb. 2, 1899.

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

Sir: Your Committee on Internal Improvements, to whom was referred

Resolution in regard to an alleged coffee combine and trust, by Phillips of Lampasas.

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.

SMITH of Grayson, Chairman.

Committee Room.

Austin, Texas, Feb. 2, 1899.

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

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 173, A bill to be entitled "An Act to create a more efficient road system for Parker county, Texas, and making the 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 road overseers, and defining their duties, and for the working of county convicts upon the roads of said county, and providing for officers' fees, and rewards for the capture of escaped convicts, and authorizing the working of county convicts partly upon the convict farm as well as upon the public roads, or partly upon both, in the discretion of the commissioners court, and making provision of act applicable, as far as practicable, to convicts when worked on county farms, and to provide for the summoning of teams for road work, and for allowance of time of road service for same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict with this act as to Parker county, and to authorize the commissioners court of Parker county to create the office of superintendent of public roads and highways for Parker county, and to provide for the election of said superintendent, and defining his duties, and providing for compensation for said superintendent, when elected, and prescribing bond to be given by said officer; providing that delinquent poll tax payers shall be subject to three days' road duty; providing for the condemnation of any land needed for the widening, straightening, changing or draining of roads; providing for the taking of timber, gravel, earth, stone or other necessary material for the improvement of roads, and giving persons summoned to work upon roads the right to be relieved from the discharge of such duty on the payment of specific sums of money herein stipulated.

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 by striking out Section 17 of the bill.

Amend by striking out of caption the words, "providing, that delinquent poll tax payers shall be subject to three days' road duty."

Amend by arranging the numbers of all sections of the bill after Section 16, so as the same will read in numerical order.

BAHRBEE, Chairman.
Committee Room, Austin, Texas, Feby. 3, 1899.

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

Sir: Your Committee on Engrossed Bills, 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 carefully examined said bill and find the same correctly engrossed.

GRUBBS, Chairman.

Committee Room, Austin, Texas, Feby. 3, 1899.

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

Sir: Your Committee on Rules, to whom was referred Resolution by Wooten to amend Rule 24 of House Rules, printed in the Journal January 26.

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

"24. A bill or resolution may be introduced without motion for leave to bring in a bill. After the opening of the sessions of the House, bills and resolutions may be filed with the Chief Clerk, and when that order of business is reached, shall be taken up in the order filed and disposed of before the Speaker shall admit members to present bills and resolutions from the House."

POWELL, Acting Chairman.

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

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

Sir: Your Committee on Rules, to whom was referred Resolution by Mr. Powell to amend Rule 44 of the rules adopted by this House, printed in the Journal January 26.

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

AYERS, Chairman.

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

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

Sir: Your Committee on Rules, to whom was referred Amendment by Mr. Neff to Rule 55, to strike out the words: "Barclay's or Smith's Digest of Parliamentary Law," and insert in lieu thereof "Robert's Rules."

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.

AYERS, Chairman.

Committee Room, Austin, Texas, Feby. 3, 1899.

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

Sir: Your Committee on Insurance, Statistics and History, to whom was referred House bill No. 204, a bill to be entitled "An Act authorizing mutual insurance companies to insure against burglary and robbery and against the loss of money and securities in transportation, when shipped by mail."

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 caption so as to read "A bill to be entitled "An Act to permit" instead of the words "A bill permitting."

KITTRELL, Chairman.

Committee Room, Austin, Texas, Feb. 2, 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. 223, a bill to be entitled "An Act to incorporate the city of Austin, Texas, to grant it a new charter, and to fix its boundaries."

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 committee amendments:

"Amend Section 71, by striking out same and inserting in lieu thereof the following:

"CITY OFFICERS."

"Section 71. There shall be a mayor of the said city, a city marshal, a city clerk, a city attorney, a city assessor and collector, a city physician, a city treasurer, a city street commissioner, who shall be superintendent of streets, and a city engineer, each of whom shall have resided in the State of Texas twelve months, and within the city of Austin six months, next preceding his election, and shall be a qualified elector of the..."
sought under the laws of the State. Each of them shall hold his office for a term of two years and until his successor has been elected and qualified. They shall each, together with the aldermen of the said city, be elected at a regular city election to be held on the first Monday in April of each alternate year, the first election to be held hereunder on the first Monday in April, 1899. No person holding any lucrative office or position under the authority of the United States or any State shall be qualified to hold any of the offices aforesaid. Each of the said officers shall take the oath of office prescribed by the Constitution of the State of Texas.

"Amend Section 71 by adding after the word 'city,' in line 3, 'engineer and ex-officio street commissioner.'

"Amend Section 52 by striking out the same and inserting in lieu thereof the following:

'Section 52. All levies of ad valorem taxes by the city of Austin, and all assessments heretofore made and all assessment rolls heretofore made and placed in the hands of the city assessor and collector for collection are hereby validated, and the same shall be legal and binding regardless of any irregularity that may exist in the manner of making such levies and the making and returning of such assessment rolls, provided that this section shall not be construed as an attempt to validate any penalty heretofore imposed or tax levied in excess of the amount which said city could levy under the Constitution; and provided further, that all the provisions of this section shall not be so construed as to affect the result of any suit filed by the city of Austin prior to the passage of this act.

"Amend paragraph six, Section 3, by striking out same and inserting in lieu thereof the following:

"The Fifth Ward shall embrace the following territory: Beginning at a point in the center of Congress Avenue at the intersection of Twelfth street; thence east with a line in the center of said Twelfth street to the center of East Avenue; thence south with a line in the center of East Avenue to a point in the center of Congress Avenue, thence west with a line in the center of Nineteenth street,
of the Special Session of the Twenty-fifth Legislature, approved June 16, 1897, relating to sheriff's fees.

Substitute Senate bill No. 45. A bill to be entitled "An Act to amend Article 4471, of Chapter 8, Title XCIV, of the Revised Civil Statutes of 1893, so as to permit railroad and other corporations, having the right of eminent domain to enter upon and take possession of property sought to be condemned, pending litigation, upon the payment of the award of the commissioners appointed to appraise and costs, and the deposit of money sufficient to cover future costs and any additional damages that may be adjudged; and to repeal all laws in conflict herewith."

Substitute Senate bill No. 41. A bill to be entitled "An Act making appropriations for deficiencies in the appropriations hitherto made for payment of expenses in support of the State Government from March 1, 1897, to February 28, 1899, and for previous years, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and for other deficiencies."

Senate Joint Resolution No. 2. Empowering the Governor of the State of Texas, together with the Commissioner of the General Land Office of said State, to employ four additional clerks, or so many thereof as may be necessary, to tabulate the account in the General Land Office between the State of Texas and the permanent school fund, and providing for the ascertainment of the amount of public domain of the State of Texas at the time of the adoption of the Constitution of 1876, and what has been done with same, and showing the present condition of the account between the State of Texas and the permanent school fund growing out of their joint landed interests, and making an appropriation therefor.

J. P. Pool, Secretary of the Senate.

BILL ORDERED PRINTED.

House bill No. 59 (with majority adverse report and two minority reports [1 and 2] reporting substitutes), on motion of Mr. Wootten.

Mr. N. A. Craven's, Private Secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following

MESSAGE FROM THE GOVERNOR.

To the Senate and House of Representatives:

I have the honor to herewith transmit the Eighth Annual Report of the Regents of the University of Texas.

JOSEPH D. SAYERS,
Governor.

The message with accompanying documents was referred to the Committee on Education.

SPEAKER'S TABLE.

The Speaker laid before the House, with Senate amendments, House bill No. 118, relating to the office of Secretary of State.

The amendments were read and Mr. Ellis moved that the House concur.

The Clerk was directed to call the roll and the House concurred by the following vote:

Years—109.

Adams—Lane.
Allen of Colorado—Lillard.
Allen of Hopkins—Livsey.
Ayers—Looney.
Bailey—Loyd.
Barbee—Marsh.
Barrett—Masterson.
Bean—McAnally.
Beaty—McChlan.
Bennett—McDowell.
Blount—McFarland.
Bolin—McKamy.
Bridgers—McKellar.
Brown—Meitzer.
Caldwell—Mercer.
Calvin—Morris.
Chambers—Morrow.
Childs—Murphy.
Childers—Neff.
Clements—Nolan.
Cole—Palmer.
Collins—Parish.
Conoly—Peery.
Cross—Pfleuffer.
Culp—Phillips, Lampasas.
Dean—Phillips of Camp.
Decker—Pitts.
Derden—Poole.
Dorroh—Powell.
Fekols—Ratcliff.
Ellis—Robertson, Harrison.
Evans of Fannin—Robertson of Bell.
Garner—Rochelle.
Garrett—Rogers.
Goodlett—Russell.
Goodman—Sanson.
Greenwood—Savage.
Grogan—Schulte.
Grubbs—Scarry.
Henderson, Brazos—Shannon.
Henderson, Lamar—Shelburne.
Howard—Shropshire.
Hurley—Smith of Grayson.
Jones—Smith of Collin.
Kittrell—Staples.
Lake—Stewart.
Mr. Ayers called up the report of the Committee on Rules, to whom was referred the resolution by Mr. Powell, printed in the Journal January 26, proposing to amend Rule 44 of the House, and which resolution was on said date referred to said committee, the committee report being favorable.

The Speaker laid the report before the House, and on motion of Mr. Ayers it was adopted.

The resolution was adopted.

Mr. Wooten called up the report of the Committee on Rules, to whom was referred the resolution by him printed in the Journal January 26, proposing to amend Rule 24 of the House, and which resolution was on said date referred to the Committee on Rules, the committee having reported a substitute.

The Speaker laid the report before the House, and on motion of Mr. Wooten it was adopted.

The substitute was adopted, and the resolution as substituted was adopted.

The Speaker laid before the House on its third reading and final passage House bill No. 22, the Abilene Epileptic Insane Asylum bill.

The bill was read third time.

On motion of Mr. Bailey, Rule No. 73, requiring the House to go into a committee of the whole House to consider measures carrying appropriations was suspended for the purpose of considering this bill.

Mr. Garner offered the following amendment:

"Amend Section 4, by adding after State lunatic asylum, line 25, ‘Provided, however, that the Attorney-General shall first approve the title to the land selected by said committee.’"

Adopted.

Mr. Jones offered the following amendment:

"Amend the bill by striking out the word ‘Comptroller,’ in line 7, page 2, and insert in lieu of it the words, ‘Superintendent of Public Buildings and Grounds.’"

Lost.

Mr. Morrow offered the following amendment:

"Amend by adding to Section 10 the following: ‘provided, that if it shall appear that said land, considering the climatic conditions of the country, is not suited to agriculture, then that said colony may, with the approval of the Governor, be located elsewhere.’"

Lost.

The bill was passed by the following vote:

Yeas—105.


Ayers. Kittrell.

Bayley. Lake.

Barbee. Lane.

Barrett. Livsey.

Bean. Looney.

Beaty. Loyd.

Bennett. Marsh.

Blount. Masterson.

Bolin. Maxwell.

Bridgers. McAnally.

Brown. McClellan.

Caldwell. McFarland.

Calvin. McKamy.

Chambers. McKellar.

Childers. Meitzner.

Childs. Mercer.

Clements. Monroe.

Coker. Morrow.

Cole. Murphy.

Collins. Neff.

Conoly. Nolan.

Cross. Parish.

Culp. Peery.

Dean. Pfeiffer.


Dries. Pitts.

Dorroh. Poole.

Ekols. Powell.

Ellis. Ratliff.

Evans of Paninn. Robertson, Harris.

Garner. Robertson of Bell.

Garrett. Rochelle.

Goodlett. Russell.

Goodman. Sansom.

Grogan. Savage.

Grubbs. Schluter.

Henderson, Brazos. Seury.

Howard. Shannon.
The Speaker laid before the House, on its third reading and final passage, House bill No. 46, relating to general occupation taxes, known as the “ten-pin alley bill.”

On motion of Mr. Smith of Grayson, the regular order of business was suspended to take up on its third reading and final passage House bill No. 293, relating to injunction suits against the Railroad Commission of Texas.

The bill was laid before the House and read third time. Mr. Pfeuffer offered the following amendments:

Amend by striking out on first page, lines 28 and 29, the words “twelve thou-

sand” and inserting in lieu thereof “8000.” Adopted.

Amend by striking out, on first page, all of subdivision 2, Section 1, lines 21, 22 and 23; and by striking out, on first page, Section 2, in line 27, all after the word “State.” of lines 27, 28, 29, 30 and 31.

Tabled on motion of Mr. Woolen.

Mr. Thomas of Fannin offered the following amendment:

Amend Section 1, line 16, of bill by adding after the word “Texas,” “provided, that none of this appropriation shall be available if said suits are compromised within ten days from February 3, 1899.”

Adopted.

House bill No. 293 was passed by the following vote:

Yeas-94.


Mr. Bailey moved to reconsider the vote by which House bill No. 22 was passed, and to table the motion to reconsider.

The motion to table prevailed.

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Nays-6.


Absent.


Absent—Excused.


“We vote ‘no’ against the final passage of House bill No. 22 because we believe the commission should not be restricted to any one place, but should be allowed to locate this institute at the town offering the greatest inducements, thereby availing itself of the opportunity of making the inmates as near as possible self-supporting.

McDowell, "MORRIS, "PALMER."

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Adopted.

House bill No. 293 was passed by the following vote:

Yeas—94.

incompetent to judge correctly of this necessity they are unfit for their positions, and ought to be retired to private life. Had they asked for $25,000 to resist the attempt of the railroads to over throw their authority and impose discriminatory rates upon the commerce of Texas, I should have voted for its allowance, and let the people of the State hold them to a strict account for its judicious expenditure. As it is, should the injunction suits be successfully prosecuted and the Commission be hereby shown of its power to protect the people against extortionate rates and unjust discriminations, the Twenty-sixth Legislature will be held responsible for the far-reaching results.

"GRUBBS."

"Being in doubt as to the necessity for the appropriation in this bill, I give the benefit of the doubt to the Commission, which I am willing at all times to sustain and therefore vote for its final passage."

"ALLEN of Hopkins."

"In view of the fact that McCormick's decision cost the citizens of this State upwards of $3,000,000, (three millions of dollars), and the further fact that railroad attorneys from all parts of this and other States have gathered in Austin since this bill was put before the House, and also the further fact that I have implicit confidence in the judgment and patriotism of Governor Sayers, Attorney-General Smith and the Commission I vote 'aye' on the final passage of this bill although it is not exactly what I wish. I am in favor of appropriating a larger sum, for the life and usefulness of the Commission should be sustained if it takes an appropriation of fifty thousand dollars, for it would be economy and redound to the benefit of the people of Texas."

"SMITH of Collin."

"My reasons for voting against the $10,500 appropriation for attorneys' fees and taking evidence in suits pending in courts between the State of Texas and the railroads is as follows:

1. I think that $10,500 is too much.

2. I think $5,000 would get as good attorney as we need.

3. One thousand five hundred dollars is all that was asked for in the bill for the purpose of taking evidence and other expenses.

4. I am opposed to so much appropriation when I look back at other appropriations, and think of the poor taxpayers there in the State of Texas."

"CHILDERS."
"We vote 'no' on final passage of House bill No. 293, because it is an extravagant expenditure of public funds, and an injustice to the tax-burdened masses of our State. We believe we have an efficient Attorney-General, who has three assistants, which ought to be sufficient to take care of the State's interests, and we think could be done for the admitted incompetency of the Railroad Commissioners. We are opposed to voting so many large fees to retiring and ex-State officials for information obtained while in public service, and while drawing official salaries.

"Bennett.
"Hurley.
"Phillips of Camp."

"I vote 'no' because I am opposed on principle to the policy of employing special counsel in the affairs of the State, and am further opposed incidentally to this policy as being the fruitful and ever recurring source of protracted and acrimonious debate in this House. If an increasing volume of business taxes too severely the resources of the law office of the State, the proper remedy is to increase the force in this office, this I doubt not the Legislature would, upon proper showing, do. Every appropriation carried by this bill, other than that for special counsel fees, meets my hearty approval.

"Garrett."

Mr. Smith of Grayson moved to reconsider the vote by which House bill No. 293 was passed and to table the motion to reconsider.

The motion to table prevailed.

SENATE BILLS ON FIRST READING.

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

Substitute Senate bill No. 43, to Judiciary Committee No. 1.
Substitute Senate bill No. 41, and Senate bill No. 97, to the Committee on Finance.
Senate Joint Resolution No. 2, to the Committee on Public Lands and Land Office.

SPECIAL ORDER FIXED.

Mr. Decker moved that House bill No. 123, relating to the purchase of the Panhandle Railway by the Southern Kansas Railway Company of Texas, be made a special order for next Monday, February 6, at 11 o'clock a.m.

The motion prevailed.

Mr. Tarver moved to adjourn until 9 o'clock a.m. tomorrow, Mr. Tarkington

until 10 a.m. tomorrow, and Mr. Dies

until 2 p.m. today.

Question being on the longest time first, the motion prevailed, and the House, at 12:35 p.m., adjourned until 10 a.m. tomorrow.

TWENTY-THIRD DAY.

Hall of the House of Representatives.
Austin, Texas, Saturday, Feb. 4, 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. Loyd.
Allen of Colorado. Marsh.
Allen of Hopkins. Masterson.
Ayers. Maxwell.
Bailey. McCannally.
Barrett. McFarland.
Bean. McKamy.
Beaty. McKellar.
Bennett. Meitzen.
Blount. Mercer.
Bolin. Monroe.
Bridgers. Morris.
Browne. Morrow.
Caldwell. Murphy.
Calvin. Neff.
Chambers. Palmer.
Childs. Parish.
Clements. Peery.
Cocke. Phillips of Camp.
Cole. Pitts.
Collins. Poole.
Conoly. Ratliff.
Cross. Robertson, Harrison.
Dean. Robertson of Bell.
Decker. Rochelle.
Derden. Rogers.
Dies. Russell.
Dorvoth. Sansom.
Eckols. Savage.
Ellis. Schuler.
Evans of Fannin. Seurry.
Garner. Shannon.
Garrett. Shropshire.
Goodlett. Smith of Grayson.
Goodman. Smith of Collin.
Grogan. Staples.
Grubbs. Stewart.
Henderson, Lamar. Striping.
Howard. Sutherland.
Hurley. Tarkington.
Jones. Teagle.
Kittrell. Terrell.
Lane. Thomas of Wise.
Lillard. Thomas of Fannin.
Lively. Tucker.
Looney. Vaughan.