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

Roll called, and the following members present:

Allen of Colorado.  McKamy.
Allen of Hopkins.  McKellar.
Bailey.  Meitzen.
Barbee.  Mercer.
Bean.  Monroe.
Bolton.  Monroe.
Bridgers.  Murphy.
Browne.  Murray.
Caldwell.  Neff.
Chambers.  Oliver.
Childs.  Palmer.
Cocke.  Peery.
Collins.  Pfeiffer.
Culp.  Pitts.
Dean.  Poole.
Decker.  Ratliff.
Dies.  Robertson of Bell.
Eckols.  Rochelle.
Ellis.  Russell.
Evans of Fannin.  Savage.
Evans of Grayson.  Schulte.
Frost.  Scurry.
Gill.  Shammon.
Goodlett.  Smith of Grayson.
Gordon.  Staples.
Greenwood.  Stewart.
Grogan.  Stripling.
Grubbs.  Tarkington.
Henderson, Brazos.  Terar.
Henderson, Lamin.  Tate.
Howard.  Terrell.
Hurley.  Thomas of Wise.
Jones.  Thomas of Fannin.
Kennedy.  Tucker.
Kittrell.  Vaughan.
Lake.  Walton.
Lane.  Wells.
Lillard.  Wheeler.
Little.  Willacoe.
Livsey.  Willrodt.
Masterson.  Wooten.
Maxwell.  Wright.
McAnally.  Sutherland.

McClennan.  Shropshire.

A quorum was announced present.

Prayer by Rev. J. W. Morris.

Pending reading of the Journal of yesterday.

On motion of Mr. Blount, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Sansom for yesterday and today, on motion of Mr. Smith of Grayson.
Mr. Robertson of Bell for yesterday and today, on motion of Mr. Barbee.
Mr. Willrodt for yesterday, on motion of Mr. Lane.
Mr. McClellan for today, on motion of Mr. Adams.
Mr. Sutherland until Monday, on account of having to accompany Rev. W. J. Gattlin. Chaplain, home, he being sick, on motion of Mr. Terrell.
Mr. Shropshire for today, on motion of Mr. Savage.

On account of sickness:
Mr. Thomas of Fannin for yesterday, on motion of Mr. Evans of Fannin.
Mr. Mercer indefinitely, on motion of Mr. McClellan.

PETITIONS AND MEMORIALS.

By Mr. Grubbs:
Petition of 300 citizens of Fort Worth and other points in Texas favoring the bill for the establishment of an industrial college or institute for the education of white girls.

Read, and referred to Committee on Education.

By Mr. Blount:
Petition from thirty-five citizens of Anderson county asking that Anderson county be exempt from the operations of the stock laws.

Read and referred to Committee on Stock and Stock-raising.

BILLS AND RESOLUTIONS.

By Mr. Scurry:
House bill No. 462. A bill to be entitled "An Act to amend Chapter 2. of Title LX. of the Revised Statutes of Texas, re-
February 7, 1899

HOUSE JOURNAL.

...waters of the State, and providing that this act shall be in force as of the date of its incorporation.

Provided that any person who shall fail to pay the said bond shall be deemed guilty of a felony and shall be punished as provided by law.

First read and referred to Committee on Finance.

By Mr. Allen of Hopkins:

A bill to be entitled "An Act to amend Title V, Chapter 1, of the Penal Code of the State of Texas, relating to the offenses of receiving or offering a bribe, and providing a penalty for any violation of this act." Read first time, and referred to Committee on Finance.

By Mr. Allen of Colorado:

A bill to be entitled "An Act to prohibit the commissioners of the State of Texas from transferring monies belonging to one fund of the county to that of any other fund of said county, and providing a penalty for any violation of this act." Read first time, and referred to Committee on Finance.

By Mr. Willacy:

A bill to be entitled "An Act to amend Articles 2500, 2510, 2514, 2516, 2517, 2518c, 2518h, 2518k, 2518l, 2518m, 2518n, of Chapter 4, Title XLVIII, of the Revised Civil Statutes of the State of Texas of 1895, relating to fish, oysters, etc., and repealing all laws in conflict therewith." Read first time, and referred to Judiciary Committee No. 2.

By Mr. Wells:

A bill to be entitled "An Act to appropriate seven thousand and fifty-five dollars to pay back to the peddlers the occupation taxes collected from them under the occupation tax law of the Twenty-fifth Legislature." Read first time, and referred to Committee on Finance.

By Mr. Smith of Grayson:

A bill to be entitled "An Act to amend Article 617, Chapter 12, Title XXIII, of the Revised Civil Statutes of Texas, relating to the abolishment of municipal corporations." (Provides that when seventy-five of the property tax-payers who are qualified voters of such city or town, desire the abolishment of such corporation, they may petition the county judge to that effect, who shall thereupon order an election to be held in such city or town, as in the case of its incorporation.) Read first time, and referred to Committee on Finance.

By Mr. Calvin (by request):

A bill to be entitled "An Act to amend Article 760, Title XXIII, Chapter 3, of the Revised Civil Statutes of the State of Texas, by adding thereto a clause providing that this article shall not apply to suits in garnishment against counties." Read first time, and referred to Judiciary Committee No. 1.

By Mr. Smith of Grayson:

A bill to be entitled "An Act to amend Articles 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, of Title LIV, of the Revised Civil Statutes of the State of Texas, in relation to the House of Correction and Reformatory, and provide for..."
abolishing the offices of trustees and superintendent of the same, and placing the same under the control and management of the Board of Commissioners for the penitentiaries, and assistant superintendent of the penitentiary, to extend the duties of the inspectors and Financial Agent of the penitentiaries to the same, and to conform the provisions of said Title LIV to such changes, and declaring an emergency."

Read first time, and referred to Committee on Penitentiaries.

By Mr. Savage:
House Joint Resolution No. 23, to amend Article 17, of the Constitution of the State of Texas, requiring a short, concise statement of the object of constitutional amendments to be printed on the tickets in connection with publication of said amendments in newspapers, and fixing time for election."

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

By Mr. Masterson:
Whereas, Our worthy Chaplain, Rev. Gatlin, has been for the past few days confined to his bed on account of sickness, and acting upon advice of wise counsel has left for his home to be with his family during his illness; therefore, be it
Resolved, That we extend to him our deepest sympathy, and be it further
Resolved, That this House elect a Chaplain pro tem, to serve during the absence of the regular Chaplain, said Chaplain pro tem to receive the same salary as the regular Chaplain is now receiving.

Read second time and adopted unanimously.

ELECTION OF CHAPLAIN PRO TEM.

In accordance with the above resolution, the Speaker announced nominations for Chaplain in order:

Mr. Kittrell nominated Rev. J. W. Morris of Brazoria county.

Mr. Wootten seconded the nomination of Rev. Mr. Morris.

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

To take up the ballots—Messrs. Livsey, Neff, Blount and Wells.

To count the ballots—Messrs. Allen of Hopkins, Schluter and Kittrell.

The tellers announced the result as follows:

Rev. Mr. Morris received 87 votes.
Scattering, two votes.
Rev. Mr. Morris having received a majority of all the votes cast was declared legally and constitutionally elected Chaplain pro tem of the House of Representatives of the Twenty-sixth Legislature.

By Mr. Tarver:
Whereas, There are now more than one hundred bills on the desks of the members for consideration, and

Whereas, There are hundreds of bills still before the different committees awaiting action, and

Whereas, No evening session is practicable while so much work is before the committees; therefore, be it
Resolved, That it is the sense of a majority of the members of the House of Representatives of the Twenty-sixth Legislature that the House convene in session at 9:15 a. m. each morning and remain in session until 1 p. m., in order that the large number of bills may be disposed of, and an early adjournment sine die be made possible.

Read second time, and Mr. Childs offered the following substitute:

"Substitute by making the hour of meeting '10 o’clock a. m.,' and the hour of adjournment 1 p. m."

Mr. Crawford moved to table the substitute, and the motion was lost.
The substitute was lost.
The resolution was adopted.

By Mr. Cole:
Whereas, The report of the Regents of the State University is voluminous, and that it is expedient that the members have an acquaintance with the contents of said report; therefore, be it
Resolved by the House of Representatives, That five hundred copies of the report be printed and distributed among the members of the Senate and House of Representatives and the departments.
Read second time, and adopted.

By Mr. Wootten:
Resolved, That Rev. Homer T. Wilson, of Fort Worth, be tendered the use of the Hall of Representatives for the purpose of delivering his famous lecture, "America’s Uncrowned Queen," the date of such lecture to be fixed by Mr. Wilson, and the lecture to be at night.

Read second time, and adopted.

By Mr. Savage:
Whereas, A resolution introduced by the Hon. Mr. Kittrell on the 20th day of January is now on the table subject to call; and

Whereas, Said resolution involves questions of great interest to the people of Texas, and will consume considerable time in its discussion; therefore, be it
Resolved, That this resolution be made a special order for next Friday night at 7:30 p. m.
Read second time, and adopted.

Mr. N. A. Cravens, 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 Representa-
tives.

I beg to submit to the Legislature the
following suggestions in reference to the
pending legislation for granting aid to
indigent and disabled Confederate sol-
diers and sailors:

1. The constitutional amendment by
which such legislation is authorized lim-
its aid to those who are indigent and dis-
abled and are over sixty years of age, or
being under such age, whose disability is
the proximate result of actual service in
the Confederate army for a period of at
least three months. In either contin-
gency they must have come to the State
prior to January 1, 1880. The amend-
ment is silent as to the necessity of con-
tinual residence within the State since
the date of their coming. This, however,
in my judgment, does not preclude the
Legislature from making such require-
ment as one of the prerequisites to ob-
taining a pension.

As to their widows, who will consti-
tute another class, in order to entitle
them to pensions, the amendment re-
quires that they must show that they are
in indigent circumstances; that they
have been bona fide residents of the State
since March 1, 1860; that they were mar-
rried to such soldiers or sailors prior to
March 1, 1860; and have not remarried.
Of course, no widow would be entitled to
a pension should her husband, if living,
be debarred by reason of his inability to
comply with the requisites prescribed by
the Constitution and the law. The amend-
ment also limits the aid to be given any
pensioner to an amount not exceeding
$8.00 per month, and the aggregate ap-
propriation for such purpose during any
one year not to exceed $250,000.00.

Present the number of those who would
be entitled to pensions under the amend-
ment cannot be accurately given. Be-
sides, there was a broad distinction be-
 tween those who enlisted in the Confed-
erate and those who enlisted in the State
service. The character and term of the
two services were greatly different, and
the amendment does not authorize the
granting of aid to any except those serv-
ing in the Confederate army proper.

At first glance, it would appear to
be an easy matter to provide for the en-
forcement of the amendment under con-
sideration. A somewhat lengthy and ex-
tensive experience, however, justifies me
in the opinion that the administration of
any law upon the subject will be attended
with many difficulties. All legislation
should be predicated upon the idea that
the roll that is to be established should
be one of honor, and no name should be
put upon it unless its bearer should have
shown himself or herself fully entitled
to its benefits. In this all good citizens,
and especially these whose records as
Confederate soldiers are beyond reproach,
will most heartily concur. Therefore, re-
spect for the cause which they represent
and duty to the public interests demand
that all proper safeguards should be cre-
at ed in order to preserve the purity and
integrity of the roll. I heartily sympa-
thize with the proposed amendment, but
at the same time, I must be permitted to
earnestly urge that no precaution be
spared in order to prevent the unworthy
from enjoying the contemplated bounty
of an appreciative and a grateful people.
I do not concur in the suggestion of my
predecessor for the appointment of a
board to administer such fund as may be
appropriated, to consist of the Governor,
Attorney-General and Comptroller. These
officials, with the duties already imposed
upon them, would not have the time to
give the matter the careful attention
which it will deserve. The administra-
tion of such a law will be both delicate
and difficult, and will necessarily involve
much of detail work. Blank applications
and affidavits, accompanied by circular
letters of information, should be pre-
pared and distributed, and a strict uni-
formity of procedure is necessary in order
to secure proper action and to prevent
fraud. A limitation as to remuneration
to attorneys and agents for procuring
pension certificates, if employed, should
be imposed, and no one except the pen-
sioner should be permitted to receive his
certificate and monthly allowance. Both
should go direct to the pensioner from
the State, not through an intermedi-
ate agency, and should be exempt from
all legal process of whatever kind. The
practice of fraud and also false swear-
ing at every stage of the proceedings for
procuring a pension by any one whomsoever
should be denounced and punished as a
felony. If proof is to be established in
the county court of the county in which
the applicant resides, a certified copy of
all the proceedings should be sent to the
official who is to order the allowance of
the pension, and such proceedings should
not be conclusive upon him. An oppor-
tunity should remain to inquire into all
the facts that have been sought to be es-
 tablished in order that the integrity and
purity of the roll may be maintained.

In any contemplated legislation upon
the subject, it should be borne in mind
that if an aggregate sum is to be appro-
priated, then a date should be fixed at
which the fund is to be distributed. If this be not done, it may and probably will happen that the same will exclude many who are as equally deserving, but have been slower in making the requisite proof. Ample time should be given in which to establish claims before the order of distribution shall be made, and each claimant should be allowed his definite share of the annual appropriation, every one receiving the same allowance. When this board that is finally established and to the Comptroller, should he allowed by the Comptroller to act under his authority and jurisdiction, and subject to the direction of the force allowed him by law. This board should be invested with power to make all rules and regulations that may be needful and proper to enforce the law, subject, however, to the authority of the Comptroller.

PUBLIC LANDS.

I am requested by the Commissioner of the General Land Office to invite the attention of the Legislature to the present condition of the public lands as respects their lease or sale. Copies of communications from him and from the Attorney-General's office are herewith submitted, upon which appropriate action is recommended.

LANDS BELONGING TO THE PERMANENT FREE SCHOOL FUND.

I have also to recommend the favorable consideration of a policy in reference to the lease and sale of the lands belonging to the permanent public free school fund, similar to that adopted by the Regents of the State University in reference to the lands of that institution, and which has been attended with such satisfactory results. It is to be noted that the force of the General Land Office might be so arranged without any additional expense, except for traveling, as to keep four of its employees constantly in the field, whose duty it shall be to maintain constant watch over such lands, and to see that they are not trespassed upon, and that they are made to yield prompt and uninterrupted revenue, either through sale or lease, for the maintenance of the public free schools. By this means it is more than probable that both the permanent and available funds can be rapidly and considerably increased, resulting in the lengthening of the terms of the schools and the better payment of the teachers. The number of pupils in attendance is growing larger year by year, increasing the demand upon the available fund. It is estimated by the Commissioner of the General Land Office that there are about 7,908,938 acres of the fund that now yield no revenue whatever, a considerable portion of which, it is believed, is being occupied and used by parties who pay no rent therefor. This should not be. Every part of the permanent fund should be made and constantly kept revenue-producing. No branch of the public service is more worthy careful attention than that which pertains to this fund. It is one of the necessary means by which to insure a more efficient free school system.

JOSEPH D. SAYERS, Governor.

GENERAL LAND OFFICE,
STATE OF TEXAS.

Geo. W. Finger, Commissioner.
John J. Terrell, Chief Clerk.
Austin, Texas, Jan. 28, 1899.

Hon. Joseph D. Sayers, Governor, Austin, Texas.

DEAR SIR: From the enclosed opinion from the Attorney-General's office to this department you will see that he holds that none of the lands, known as the public lands, can be sold or leased.

The Act of 1895, under which this department sells and leases the school lands, only provides for the sale of such lands as have been surveyed or may hereafter be surveyed and set apart for the benefit of the school fund and the lease of such lands and the public lands of the State. The Hogue case deciding that all of the public lands belong to the school fund, therefore these lands cannot be sold or leased until some legislation is had thereon.

There are about 3,000,000 of these
lands, the most of which is unleased.

These lands having never been surveyed and set apart to the use and benefit of the school fund, cannot under the provisions of the present law relating to the sale and disposition of school lands. By calling the attention of the Legislature to this matter, these lands may be made to bring in some revenue to the school fund. I am,

Very truly yours,

(Signed) Geo. W. Finger,
Commissioner General Land Office.

ATTORNEY-GENERAL'S OFFICE.


R. A. Joun, Assistant Attorney-General.

Attends Court of Appeals.

R. H. Ward.

N. B. Agris.

T. S. Johnson.

Office Assistants.

Austin, Texas, Jan. 27, 1899.


DEAR SIR: You submit to this department the following inquiry: "Have I the power or right to lease under the Act of 1895 any of what is described in said act as the 'public lands of the State,' the Supreme Court of this State having decided, in what is known as the 'Hogue case,' that the public domain was exhausted, and that what was supposed to be public domain was in fact owned by the school fund."

In reply, I have to state that the Act of 1895, the caption of which is as follows: "An Act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools and the several asylums, and the lease of such lands, and of the public lands of the State, and the patenting of any parts of said lands for church, county or school house sites: and to prevent the free use, occupancy, unlawful inclosure or unlawful appropriation of such lands and to prescribe and provide penalties therefor," Acts Twenty-fourth Legislature 63, seems to contemplate, as did previous laws, that the State was still possessed of vacant unappropriated public domain, or public lands, in contradistinction to the lands belonging to the various funds, such as the free schools, asylums, etc. And in legislating upon this theory, provision was made for the lease of these public lands. The Supreme Court having held, practically, that what the Legislature considered public lands, was in fact a part of the permanent school fund, I am of the opinion that the Hogue case would render the further lease of the public lands, under the present laws, ineffective and improper. See Hogue vs. Baker, Com., Etc., 45 S. W., 1004.

The above Act of 1895 does not make any provision disposing of the money received from the lease of the public lands, although I am informed at the Treasury Department that such money has all been carried to the available free school fund. I am of the opinion that as the Legislature only authorized the lease of this particular land upon the supposition that it was public land, and being mistaken in that, according to the Hogue case, that no further lease should be made of the public lands until the Legislature, now in session, shall pass the necessary legislation in regard to the same. I am,

Very truly yours,

(Signed) R. H. Ward.

Office Assistant Attorney-General.

The message was read in full, and on motion of Mr. Henderson of Lamar the several subjects mentioned therein were referred to appropriate committees.

SENATE MESSAGE.

Senate Chamber.

Austine Texas, Feb. 7, 1899.

To 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:

Substitute House bill No. 54, "An Act to repeal Article 492, of Chapter 2, of Title XIII, of the Penal Code and to amend Article 491, of Chapter 2, of Title XIII, of the Penal Code of the State of Texas, and declaring an emergency."

Senate bill No. 67, A bill to be entitled "An Act to amend Article 3058, of the Revised Civil Statutes of 1895, of the State of Texas, as passed in 1891, relating to the duties of revenue agents;" and

Senate bill No. 38, A bill to be entitled "An Act to punish all offenses of the State who are charged by law with the enforcement of the criminal laws of Texas, who agree to accept or receive any plea of guilty from any person charged with crime or any person who is, or may be engaged in any occupation, calling, profession or business in violation of the criminal laws of Texas, or who agree to receive or accept any money from any person charged with crime, or who is or may be engaged in any occupation, profession or business in violation of the criminal laws of Texas, in consideration that such person so charged with crime or engaged in any profession, calling, occupation or business, shall be permitted to commit other offenses against the laws of this State or shall be permitted
for any period of time to engage in any occupation, calling, profession or business in violation of the criminal laws of Texas."

J. P. Pool,
Secretary of the Senate.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 6, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 125, A bill to be entitled
"An Act to authorize private corporations created, or that may be created, under the laws of Texas, to extend or renew their corporate existence where the same has expired or may be about to expire by lapse of time, and prescribing the conditions and mode of renewal."

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 of the original bill.

POWELL, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 311, A bill to be entitled
"An Act to allow affidavits to be made and recorded on questions of heirship, family history, and tradition of deceased person, and providing for their introduction in evidence in suits, and the effect to be given to such evidence."

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, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 366, A bill to be entitled
"An Act to amend Article 1781, of the Revised Civil Statutes of the State of Texas, relating to suffrage."

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

POWELL, Acting Chairman.
Committee Room, Austin, Texas, Feb. 6, 1899.

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

SIR: Your Judiciary Committee No. 2, to whom was referred House bill No. 310, A bill to be entitled "An Act to amend Title XLII, Revised Civil Statutes of Texas, relating to executions and sales of real estate, by adding thereto Article 2369a."

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.

BAILEY, Chairman.

Committee Room, Austin, Texas, Feb. 6, 1899.

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

SIR: Your Judiciary Committee No. 2, to whom was referred House bill No. 314, A bill to be entitled "An Act to provide for the issuance of a subpoena or a subpoena duces tecum to any county in this State when a witness shall evade answering or refuses to answer interrogatories or refuses to produce papers or copies thereof, and providing penalties in such cases."

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.

Committee Room, Austin, Texas, Feb. 6, 1899.

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

SIR: Your Judiciary Committee No. 2, to whom was referred House bill No. 317, A bill to be entitled "An Act to amend Article 492, Chapter 6, Revised Statutes of the State of Texas, prescribing penalty for unlawfully selling intoxicating liquors in prohibited districts."

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 with the following amendment:

"Strike out in the caption and the bill wherever they occur the words 'Revised Statutes' and insert in lieu thereof the words 'Penal Code.'"

BAILEY, Chairman.
House bill No. 310, A bill to be entitled
"An Act to amend Title XIV, of the Re­
vised Penal Code of 1895, by adding
Chapter 8, defining and punishing
the offense of usury."
Do not concur with the majority, but
recommend that it do not pass.

P ALMER.
Committee Room,
Austin, Texas, Feb. 6, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

SIR: Your Judiciary Committee No.
2, to whom was referred
House bill No. 306, A bill to be entitled
"An Act defining and punishing va­
grancy."
Have had the same under considera­
tion, and I am instructed to report it
back to the House with the recommenda­
tion that it do not pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

SIR: Your Judiciary Committee No.
2, to whom was referred
House bill No. 303, A bill to be entitled
"An Act to protect the public health and
prevent the sale of so-called patent or
proprietary medicines, without notice to
the public of what they are taking."
Have had the same under considera­
tion, and I am instructed to report it
back to the House with the recommenda­
tion that it do not pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

SIR: Your Judiciary Committee No.
2, to whom was referred
House bill No. 302, A bill to be entitled
"An Act to amend Title XIII, of the Penal
Code of 1895, by adding
"An Act to amend Chapter 9, of the Re­
vised Penal Code of the State of Texas,
relating to the working of public roads."
Have had the same under considera­
tion, and I am instructed to report it
back to the House with the recommenda­
tion that it do not pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

SIR: Your Judiciary Committee No.
2, to whom was referred
House bill No. 288, A bill to be entitled
"An Act relating to the surveying of
lands in the State of Texas, and to reg­
ulate the fees therefor and to provide
proper penalties for its violation."
Have had the same under considera­
tion, and I am instructed to report it
back to the House with the recommenda­
tion that it do not pass.

BAILEY, Chairman.
Committee Room, Austin, Texas, Feb. 6, 1899.

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

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

House bill No. 252, A bill to be entitled "An Act to amend Title VII, Chapter 3, of the Code of Criminal Procedure, by adding thereto Article 454a, relating to allegation in indictments for bigamy."

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

BAILEY, Chairman.

Committee Room, Austin, Texas, Feb. 6, 1899.

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

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

House bill No. 75, A bill to be entitled "An Act to protect discharged railroad employees against blacklisting, prescribing penalties therefor, and to repeal all conflicting laws."

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

BAILEY, Chairman.

Committee Room, Austin, Texas, Feb. 6, 1899.

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

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

House bill No. 270, A bill to be entitled "An Act to make it penal for any railroad company, or any transportation company, or any telegraph company, or any receiver of any one of said companies or other transportation company, or any public employee of any one ofsaid companies or common carriers, or any officer, agent or employe of same, to grant, issue or deliver any free pass or ticket, or frank or any pass or ticket at a discount other than is sold to the public generally to any person whatsoever, not in the employment of the company, common carrier, or telegraph company, or any receiver, in whose name or by whose authority or permission said ticket, pass or frank is issued, and to prescribe a punishment therefor."

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.

BAILEY, Chairman.

Committee Room, Austin, Texas, Feb. 7, 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. 279, A bill to be entitled "An Act to make it penal for any railroad, or any transportation company, or any kind of common carrier, or any telegraph company, or any receiver of any one of said companies or common carriers, or any telegraph company, or any receiver of any one of said companies or common carriers, or any officer, agent or employee of same, to grant, issue or deliver any free pass or ticket at a discount other than is sold to the
Committee Room,
Austin, Texas, Feb. 7, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.
Sir:
Your Committee on Engrossed Bills, to whom was referred
House bill No. 125, A bill to be entitled
"An Act to authorize the Southern Kansas Railway Company of Texas to purchase the Panhandle Railway and to operate the same under the charter of the Southern Kansas Railway Company of Texas, as a part of its own line, with the right to extend the same, and to construct branches therefrom, by amendment of its charter under the general laws of the State of Texas,"
Have carefully examined said bill and find the same correctly engrossed.
GRUBBS, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.
Sir:
The following bills, to whom was referred
House bill No. 304, A bill to be entitled
"An Act to authorize the Southern Kansas Railway Company of Texas to purchase the Panhandle Railway and to operate the same under the charter of the Southern Kansas Railway Company of Texas, as a part of its own line, with the right to extend the same, and to construct branches therefrom, by amendment of its charter under the general laws of the State of Texas,"
Have carefully examined said bill and find the same correctly engrossed.
GRUBBS, Chairman.
Committee Room, Austin, Texas, Feb. 6, 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. 412, A bill to be entitled "An Act to amend Article 4900, Title CII, of the Revised Statutes of 1895, relating to the prevention of hogs, sheep and goats running at large in counties and subdivisions of counties in the State, and to authorize lessees of lands for not less than five years, and owners of lands adjoining to lands on which the running at large of hogs, sheep and goats have been prohibited from running at large and subject the same to the operation of said law."

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.

PEERY, Chairman.

Committee Room, Austin, Texas, Feb. 6, 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. 406, A bill to be entitled "An Act to amend Article 4900, Title CII, of the Revised Statutes of 1895, relating to the prevention of hogs, sheep and goats running at large in counties and subdivisions of counties in the State, and to authorize lessees of lands for not less than five years, and owners of lands adjoining to lands on which the running at large of hogs, sheep and goats have been duly prohibited, to attach such land leased or owned as aforesaid to such lands on which sheep, hogs or goats have been prohibited from running at large and subject the same to the operation of said law."

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.

PEERY, Chairman.

Committee Room, Austin, Texas, Feb. 6, 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. 439, A bill to be entitled "An Act to amend Section 6, of Chapter 149, of the General Laws passed by the Twenty-fifth Legislature, approved May 27, 1887, relating to the game law, and to repeal all laws and parts of 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 be returned to the calendar and referred to Judiciary Committee No. 2.

PEERY, Chairman.

MAJORITY REPORT.

Committee Room, Austin, Texas, Feb. 6, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

SIR: Your Committee on Stock and Stock-raising, to whom was referred Senate bill No. 23, A bill to be entitled "An Act to promote stock-raising, and to prohibit the hunting with fire-arms and dogs upon enclosed marsh lands of another, and prescribing penalties therefor, and to define marsh lands."

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.

PEERY, Chairman.

MINORITY REPORT.

Committee Room, Austin, Texas, Jan. 31, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

SIR: We, a minority of your Committee on Stock and Stock-raising, to whom was referred Senate bill No. 23, A bill to be entitled "An Act to promote stock-raising, and to prohibit the hunting with fire-arms and dogs upon enclosed marsh lands of another, and prescribing penalties therefor, and to define marsh lands."

Do not concur with the majority, but recommend that it do not pass.

CHILDERS, HURLEY.
SENATE MESSAGE.

Senate Chamber.
Austin, Texas, Feb. 7, 1899.

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

Mr. Speaker: I am directed by the Senate to request the House to return to the Senate Substitute House bill No. 54, as a motion to reconsider the vote by which the bill finally passed has been spread on the Journal.

J. P. Pool,
Secretary of the Senate.

The Speaker laid the above request of the Senate for return of House bill No. 54 before the House, and there being no objection, the Clerk was directed to return the bill.

FURTHER TIME GRANTED FOR CONSIDERATION.

House Joint Resolutions Nos. 10, 7, 6, 9, 16, 15, 12, 5, 2, 13, 11 and 8, on request of Mr. Powell, Chairman of the Committee on Constitutional Amendments.

SPECIAL ORDER FIXED.

House bill No. 352, relating to a commission on assessment and collection of taxes, for tomorrow at 11 o'clock a.m., on motion of Mr. Wooten.

SPEAKER'S TABLE.

The Speaker laid before the House, on its third reading and final passage House bill No. 149, relating to time of holding terms of district court in the Thirty-seventh and Forty-fifth Judicial Districts.

Read third time and passed.

The Speaker laid before the House, on its third reading and final passage, House bill No. 283, relating to placing Mason county in the Third Supreme Judicial District and Comal county in the Fourth Supreme Judicial District.

Read third time and passed.

The Speaker laid before the House, on its third reading and final passage, House bill No. 46, the ten-pin alley bill.

The bill was read third time.

Mr. Childs raised the point of order that the bill was not properly before the House for the reason that it was not framed in accordance with the Constitution inasmuch as the bill sought to amend a "subdivision" of an act of the Twenty-fifth Legislature, and that the Constitution did not recognize subdivisions, but provided that the section amended must be re-enacted in full, and moved to recommit the bill to the Committee on Revenue and Taxation.

The Speaker in ruling stated that he would not pass upon the constitutionality of the bill, but would leave that for the House to do, and would submit the motion to recommit.

On the motion to recommit yeas and nays were demanded by Mr. Murphy, Mr. Pitts and Mr. Phillips of Lampasas.

Recommitted to the Committee on Revenue and Taxation by the following vote:

Yea— 51.


Nay— 42.


Absent.

February 7, 1899

HOUSE JOURNAL.

Absent—Excused.

Ayers.
Barrett.
Bennett.
Bolin.
Caldwell.
Conoly.
Dorroh.
Garner.
Garrett.
Goodman.
Graham.
Hamilton.
Looney.
Loyd.

Mr. Smith of Grayson called up the motion to reconsider the vote by which House bill No. 364 was passed on yesterday, and which motion to reconsider was spread upon the Journal.

The motion to reconsider prevailed.

The Speaker then laid before the House on its final passage, House bill No. 364.

The bill was passed by the following vote:

Yeas—91.

Adams.
Allen of Colorado.
Allen of Hopkins.
Bailey.
Barbee.
Bean.
Beaty.
Blount.
Bridgers.
Brown.
Calvin.
Chambers.
Childs.
Clements.
Coke.
Cole.
Collins.
Crawford.
Cross.
Culp.
Dean.
Decker.
Derden.
Eckols.
Ells.
Evans of Fannin.
Evans of Grayson.
Frost.
Gill.
Goodlett.
Gordon.
Greenwood.
Grogan.
Grubbs.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Jones.
Kennedy.

Nays—3.

Hurley.
Tarkington.
Robertson, Harrison.

Mr. Smith of Grayson moved to reconsider the vote by which House bill No. 364 was passed and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Henderson of Lamar the regular order of business was suspended to take up and place on its second reading, House bill No. 265, relating to the office of Assistant Attorney-General.

House bill No. 265 was then laid before the House on second reading, with substitute reported by the committee.

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

Mr. Calvin offered the following amendment:

"Amend by striking out 'three thousand dollars' wherever it occurs and insert in lieu thereof 'twenty-five hundred dollars,' and by striking out 'twenty-five hundred dollars' wherever it occurs and insert in lieu thereof 'two thousand dollars.'"

On the amendment by Mr. Calvin, yeas and nays were demanded by Mr. Dies, Mr. Stewart and Mr. Blount.

Adopted by the following vote:

Yeas—81.

Adams.
Allen of Colorado.
Allen of Hopkins.
Bailey.
Barbee.
Bean.
Beaty.
Mr. Powell offered the following amendment:

"Amend by adding on page 4 line 11, Article 2905a, as follows, to wit:

"Article 2905a. The Governor may at any time appoint if he deems necessary, by and with the advice of the Attorney-General, an officer to be styled 'Court Trial Assistant Attorney-General,' whose term of office shall expire with that of the Attorney-General and whose special duty shall be to prepare, attend and conduct causes in the courts in which the State is interested; to investigate and attend such matters that involve the State's interests, which are not otherwise especially provided for, under the direction of the Attorney-General, and the appointment to this office shall be with the reference to the fitness for the office. The salary of such officer shall be and is here fixed at three thousand dollars per annum.

"Amend the caption of committee bill by inserting in line 3, after 2904b, the words 'Article 2903 and Article 2905a,' and insert in line 8, after 'Third Assistant Attorney-General,' the words 'and a Court Trial Assistant Attorney-General.'"

Tabled on motion of Mr. Livsey.

Mr. Clements offered the following amendment:

"Amend committee substitute bill by adding after the word 'appoint' in line 20, page 3, the following words 'by and with the advice of the Senate.'"

Adopted.

Mr. Bailey offered the following amendment:

"Amend by adding the following Article:

"Article 2904a. Each of the said officers provided for in this act shall before entering upon the duties of his office, take the oath of office prescribed by the Constitution, and execute a good and sufficient bond in the sum of five thousand dollars payable to the Governor of Texas, for the use and benefit of the State is interested; to investigate and conduct causes in the courts in which the State is interested; to make the bill and caption conform thereto.'"

Adopted.

Mr. Tucker offered the following amendment:

"Amend Article 2904a, line 29, after the word 'duties,' 'provided, that there shall be elected at the next general election one first Assistant Attorney-General, one second Assistant Attorney-General, and one third Assistant Attorney-General.'"

Tabled on motion of Mr. Thomas of Wise.

Mr. Henderson moved the previous

\hspace{1cm} Absent—Excused.

Ayers, \hspace{1cm} Barrett, \hspace{1cm} Bennett, \hspace{1cm} Bolin, \hspace{1cm} Caldwell, \hspace{1cm} Conoly, \hspace{1cm} Dorroh, \hspace{1cm} Garner, \hspace{1cm} Garrett, \hspace{1cm} Goodman, \hspace{1cm} Graham, \hspace{1cm} Hamilton, \hspace{1cm} Looney.

Mr. Powell offered the following amendment:

"Amend by adding on page 4 line 11, Article 2905a, as follows, to wit:

"Article 2905a. The Governor may at any time appoint if he deems necessary, by and with the advice of the Attorney-General, an officer to be styled 'Court Trial Assistant Attorney-General,' whose term of office shall expire with that of the Attorney-General and whose special duty shall be to prepare, attend and conduct causes in the courts in which the State is interested; to investigate and attend such matters that involve the State's interests, which are not otherwise especially provided for, under the direction of the Attorney-General, and the appointment to this office shall be with the reference to the fitness for the office. The salary of such officer shall be and is here fixed at three thousand dollars per annum.

"Amend the caption of committee bill by inserting in line 3, after 2904b, the words 'Article 2903 and Article 2905a,' and insert in line 8, after 'Third Assistant Attorney-General,' the words 'and a Court Trial Assistant Attorney-General.'"

Tabled on motion of Mr. Livsey.

Mr. Clements offered the following amendment:

"Amend committee substitute bill by adding after the word 'appoint' in line 20, page 3, the following words 'by and with the advice of the Senate.'"

Adopted.

Mr. Bailey offered the following amendment:

"Amend by adding the following Article:

"Article 2904a. Each of the said officers provided for in this act shall before entering upon the duties of his office, take the oath of office prescribed by the Constitution, and execute a good and sufficient bond in the sum of five thousand dollars payable to the Governor of Texas, for the use and benefit of the State is interested; to investigate and conduct causes in the courts in which the State is interested; to make the bill and caption conform thereto.'"

Adopted.

Mr. Tucker offered the following amendment:

"Amend Article 2904a, line 29, after the word 'duties,' 'provided, that there shall be elected at the next general election one first Assistant Attorney-General, one second Assistant Attorney-General, and one third Assistant Attorney-General.'"

Tabled on motion of Mr. Thomas of Wise.

Mr. Henderson moved the previous
question and the main question was ordered. The bill was ordered engrossed.

Mr. Henderson of Lamar moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Substitute House bill No. 265 be put on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas-95.**

Allen of Colorado. McKamy. 
Allen of Hopkins. McKellar. 
Bailey. Meitzen. 
Barbee. Monroe. 
Bean. Morris. 
Beaty. Morrow. 
Blount. Murphy. 
Bridgers. Murray. 
Browne. Neff. 
Calvin. Nolan. 
Chambers. 
Childers. 
Childs. 
Clements. 
Cocke. 
Cole. 
Collins. 
Crawford. 
Cross. 
Culp. 
Dean. 
Decker. 
Derdin. 
Eckols. 
Ellis. 
Evans of Fannin. 
Evans of Grayson. 
Gill. 
Goodlett. 
Gordon. 
Greenwood. 
Grogan. 
Grubbs. 
Henderson, Brazos. 
Henderson, Lamar. 
Howard. 
Hurley. 
Jones. 
Kennedy. 
Lake. 
Lane. 
Lillard. 
Little. 
Livesey. 
Willrodt. 
Masterson. 
Maxwell. 
McAnally. 

**Nays-1.**

Frost. 
Dies. 
Kittrell. 
Pitts. 

**Absent—Excused.**

Ayers. Loyd. 
Barrett. Marsh. 
Bennett. McClellan. 
Bolin. McDowell. 
Caldwell. Mercer. 
Conoly. Prince. 
Dorrough. Rogers. 
Garner. Shelbyburne. 
Garrett. Shropshire. 
Goodman. Smith of Collin. 
Graham. Sutherland. 
Hamilton. Teagle. 
Looney. Tompkins. 

Substitute House bill No. 265 laid before the House, read third time and Mr. Henderson of Lamar offered the following amendment: "Amend by striking out the word 'appoint,' in line 20 of the printed bill, and insert in lieu thereof 'nominate.'"

Adopted.

Mr. Tarver moved to adjourn until 9:15 a.m. tomorrow, and the motion was lost.

The bill was passed by the following vote:

**Yeas-93.**

Adams. Kennedy. 
Allen of Colorado. Lake. 
Allen of Hopkins. Lane. 
Bailey. Lillard. 
Barbee. Little. 
Bean. Livsey. 
Beaty. Masterson. 
Blount. Maxwell. 
Bridgers. McAnally. 
Browne. McFarland. 
Calvin. McKamy. 
Childers. McKellar. 
Childs. Meitzen. 
Clements. Monroe. 
Cocke. Morris. 
Cole. Morrow. 
Collins. Murphy. 
Crawford. Murray. 
Cross. Neff. 
Culp. Nolan. 
Dean. Oliver. 
Decker. Palmer. 
Derdin. Parish. 
Eckols. Peery. 
Ellis. Pfeuffer. 
Gill. Poole. 
Goodlett. Powell. 
Gordon. Ratcliff. 
Greenwood. Roberston, Harrison 
Grogan. Rochelle. 
Grubbs. Russell. 
Henderson, Brazos. Savage. 
Henderson, Lamar. Schluter. 
Howard. Scoury. 
Jones. Shannon. 

Mr. Henderson of Lamar moved to reconsider the vote by which Substitute House bill No. 265 was passed and to table the motion to reconsider.

The motion to table prevailed.

SPECIAL COMMITTEE ANNOUNCED.

In accordance with a resolution by Mr. Grogan, adopted February 3, relating to examining into the condition of the Southwestern Insane Asylum at San Antonio, the Speaker announced the following appointments:

Messrs. Grogan, Walton and Robertson of Harrison.

Mr. Vaughan moved to adjourn until 9:30 a.m. tomorrow: Mr. Tarver until 9:15 tomorrow, and Mr. Greenwood until 10 a.m. tomorrow.

Question being on the longest time first, the motion was lost.

The House then, at 1:05 p.m., adjourned until 9:30 a.m. tomorrow.

FROST.

Mr. Henderson of Lamar moved to reconsider the vote by which Substitute House bill No. 265 was passed and to table the motion to reconsider.

The motion to table prevailed.

I vote 'no' because I don't think that a legal opinion should be rendered by more than one man in the Attorney-General's office, as contemplated by this bill. It will cause confusion. I have no other objection to the bill.

Mr. Frost.