February 9, 1899

TWENTY-SEVENTH DAY.

Hall of the House of Representatives, Austin Texas,
Thursday, February 9, 1899.

The House met at 9:30 o’clock a.m., pursuant to adjournment.

Speaker Sherrill in the chair.

Roll called and the following members present:


Weless. Wooten. Wright.

Absent.


A quorum was announced present.

Prayer by Rev. J. W. Morris, Chaplain pro tem.

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

GRANTED LEAVE OF ABSENCE.

Mr. Walton until next Monday on account of important committee work, on motion of Mr. Murphy.

Mr. Bennett until next Monday on account of sickness, on motion of Mr. Cocke.

Mr. Livsey until next Monday on account of special committee work, on motion of Mr. Collins.

Mr. Savage for today on account of important business, on motion of Mr. Staples.

Mr. Ayres until next Monday on account of important business, on motion of Mr. Stewart.

Mr. Rogers for today on account of important business, on motion of Mr. Goodlett.

BILL SIGNED BY THE SPEAKER.

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

House bill No. 22, "An Act to provide for the location and building of a branch asylum for the care and treatment of the epileptic insane of the State, and to make an appropriation therefor."

PENDING BUSINESS.

When the House adjourned yesterday it had under consideration House bill No. 57, relating to statements to be made by banks to tax assessors or their deputies, on its engrossment with amendment by Mr. Lillard pending.

The Speaker laid the same before the House.

On motion of Mr. Browne pending business was suspended to take up and place on its second reading and passage to a third reading, Senate bill No. 79, to amend an act approved May 6, 1897, re-
lating to establishment of a public park on the site of the battle field of San Jo-
cinto.

The Speaker stated that the regular order of business having been suspended, and the pending business being set aside, the morning call would be taken up.

PETITIONS AND MEMORIALS.

By Mr. Teggle:
Petition of twenty-five colored citizens of Orange county, asking for an appropriation for the Prairie View Normal School.
Read, and referred to Committee on Education.

By Mr. Stripling:
Petition of sixteen citizens of Nacogdoches county, asking for a change in the election law.
Read, and referred to Judiciary Committee No. 1.

By Mr. Clements:
Petition of fifty-two voters of San Saba county, asking that the jurisdiction of their county court be reduced.
Read, and referred to Judiciary Committee No. 2.

BILLS AND RESOLUTIONS.

By Mr. McKenny:
House bill No. 484, A bill to be entitled "An Act to authorize the Texas & New Orleans Railroad Company to own and operate or to amend its charter or articles of incorporation so as to authorize it to own and operate a railroad connection between the railroad known as the Sabine & East Texas Railroad, and the railroad known as the Texas Trunk Railroad, and to construct such railroad as may be requisite for the purpose of making such railroad connection; to confirm the purchase by the Texas & New Orleans Railroad Company of said railroad known as the Sabine & East Texas Railroad, its franchises and appurtenances, and to authorize said railroad company to purchase, own and operate the same; to authorize said Texas & New Orleans Railroad Company to purchase, own and operate the railroad known as the Texas Trunk Railroad, with its franchises and appurtenances, and the railroad known as the Louisiana Western Extension Railroad, with its franchises and appurtenances; to authorize the owners of each of said railroads to sell the same, with its franchises and appurtenances, to said Texas & New Orleans Railroad Company and to prescribe the conditions upon which such sales shall be valid; to authorize the Texas & New Orleans Railroad Company to issue additional mortgage bonds to the amount of the value, as the same is or may be fixed by the Railroad Commission of Texas, of such of said railroads and their respective franchises and appurtenances, as may have been so purchased by it, and to the amount of the value, as the same may be so fixed, of the railroad to be constructed as aforesaid, connecting the Sabine & East Texas Railroad with the Texas Trunk Railroad, and to regulate the reports of such properties and the operation thereof."
(The bill is accompanied by affidavits showing that due and legal notice was given by publication, of intention to apply for the passage of this bill.)
Read first time, and referred to Committee on Internal Improvements.

By Mr. Thomas of Fannin:
House bill No. 485, A bill to be entitled "An Act to locate a State normal school in the city of Oak Cliff, and to provide for plans and estimates for constructing the necessary buildings therefor, and to accept and secure the donations offered by said city, and to organize and put the same in operation."
Read first time, and referred to Committee on Education.

By Mr. Ellis:
House bill No. 486, A bill to be entitled "An Act to amend Section 6, Chapter 149, of the General Laws of the Twenty-fifth Legislature, entitled 'An Act to preserve and protect the wild game, birds and wild fowl of the State, and provide adequate penalties for the unlawful taking, slaughter, sale or shipment thereof.'"
(Amends so as to change the time in which the killing of deer is prohibited from the first day of January in each year to the first day of September to, from the first day of January to the first day of August in each year.)
Read first time, and referred to Judiciary Committee No. 2.

By Mr. Wheless:
House bill No. 487, A bill to be entitled "An Act to regulate the sale of fertilizers in the State of Texas, providing a method by which the percentage of the essential ingredients guaranteed in such fertilizers shall be tested and proved, and to provide for issuance of tags to be used in connection with the sale thereof; fixing a penalty for violation of such requirements, and declaring an emergency."
Read first time, and referred to Committee on Agricultural Affairs.

By Mr. Henderson of Brazos:
House bill No. 488, A bill to be entitled "An Act to amend Articles 3862, 3863, and 3866, of the Revised Civil Statutes,
February 9, 1899

HOUSE JOURNAL

relating to the government of the Agricultural and Mechanical College.”

(Provides for a division of the Board of Directors of the Agricultural and Mechanical College into four classes, numbered one, two, three, and four, to hold their office two, four, six, and eight years, respectively, from the date of their appointment.)

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

By Mr. Cole (by request):

House bill No. 489, A bill to be entitled “An Act to amend Article 38, of Chapter 2, of Title I, of the Code of Criminal Procedure of the State of Texas, relating to the appointment of special district and county attorneys.

(Amends by adding, that no justice of the peace shall appoint any attorney to represent the State in any justice court, except during a regular term of such court, and in the absence of district or county attorney.)

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

By Mr. Cole (by request):

House bill No. 490, A bill to be entitled “An Act to amend Article 1132, Chapter 4, Title XV, of the Code of Criminal Procedure of the State of Texas, relating to the fees of county and district attorneys.”

(In justices courts where pleas of guilty are taken between the regular terms of such courts, the bill provides a fee of $2 to be paid to the county attorney of the county in which said court is held.)

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

By Mr. Savage:

House bill No. 491, A bill to be entitled “An Act to amend Article 402, Chapter 6, Title XI, of the Penal Code of the State of Texas, relating to the sale of intoxicating drinks in prohibition districts.”

(The object of the bill is to require persons who have paid the United States internal revenue license to sell spirituous, vinous or malt liquors to post the same.)

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

By Mr. Ellis and Mr. Looney:

House bill No. 492, A bill to be entitled “An Act to amend Article 216, Chapter 1, Title IV, of the Code of Criminal Procedure, relating to prosecutions for the offense of rape.”

(Provides that when the offense of rape is committed upon the person of a female under the age of fifteen years, the indictment may be presented within three years, and not afterwards.)

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

By Mr. Masterson:

House bill No. 493, A bill to be entitled “An Act to appropriate the sum of twenty-five hundred dollars, or so much thereof as may be necessary to purchase the site of the first capital of Texas, at West Columbia, Texas, and providing for the manner of such purchase, and further providing for the preservation and restoration of the original capitol building.”

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

By Mr. Crawford:

House bill No. 494, A bill to be entitled “An Act to amend Section 11, Chapter 56, Acts of the Twenty-fifth Legislature of the State of Texas, relating to the supervision of public roads in Wise county.”

(The object of the bill is to provide a manner whereby the supervisors of the public roads of Wise county can pursue their work to advantage of the county; an emergency is declared.)

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

By Mr. Decker:

House bill No. 495, A bill to be entitled “An Act to validate and quiet titles to public free school, university and asylum lands purchased prior to January 1, 1878, to provide for patents and to prescribe limitation for bringing suits for the recovery of such lands.”

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

By Mr. Powell:

House Joint Resolution No. 24, to amend Section 11, of Article 16, of the Constitution of the State of Texas, so as to reduce the rate of interest by contract to eight per centum per annum and the legal rate to six per centum per annum; and after ten years permitting the Legislature to then further reduce the rate to not less than six per centum per annum by contract, and four per centum legal rate.”

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

By Mr. Wells:

Resolved, That it is the sense of this House that the regular order of business be adhered to, and that bills should not be taken up out of their regular order, except in cases of unquestionable general importance.

Read second time, and Mr. Collins moved to refer to the Committee on Rules.
The motion to refer was lost, and the resolution was adopted.

By Mr. Dies:
Whereas, The Port Arthur Channel and Dock Company in connection with the Kansas City, Pittsburg and Gulf Railroad company, and its connecting line, is seeking the development and perfection of the gulf port of Sabine Pass, but the construction of a large ship channel from the low lands adjacent to the deep waters of the Gulf of Mexico at Sabine Pass to a point near the town of Port Arthur at the terminal of the Kansas City, Pittsburg and Gulf Railroad and the Texarkana and Fort Smith Railway, to a place of security from the devastating effects of tidal waves and storms which frequent the Gulf of Mexico; and

Whereas, The construction of said channel means the greatest benefit not only to Southeast Texas, but to the entire trans-Mississippi country in the shortening of the distance from the great grain-producing section of the northwest to the seaboard, and thereby cheapening the transportation and cost of both imports and exports; and

Whereas, Said channel company has procured its right of way by purchase and condemnation for the full length of its channel, and has already constructed and built a channel for a length of about seven miles, twenty-five feet in depth, and of a minimum width of not less than one hundred and eighty-three feet at an actual cost and outlay of not less than one million dollars; and

Whereas, Said channel company now has only about two miles more of its channel to construct before it completes the same to its connection above mentioned; and

Whereas, Said channel company has never asked for a donation or bonus of any character or description, but has paid in cash for all of its property and for all work done for it, and only asks to be unmolested and let alone in the prosecution of its work and the expenditure of its own money; and

Whereas, Since the completion of said railways and the beginning of the construction of the said channel, the population of Jefferson county, Texas, has almost doubled and the tax values of the property situated therein have likewise doubled; and

Whereas, There is now pending before the Honorable Secretary of War at Washington, D. C., an application by the channel company to be permitted to connect said channel with the deep water of Sabine Pass; and

Whereas, The Secretary of War has temporarily suspended the work on said channel; and

Whereas, Said channel company has been adjudged by the Supreme Court of the State of Texas, as well as the United States Circuit Court of Appeals for the Eastern District of Texas, to connect the channel; and

Whereas, The great benefit that will accrue to the Southeastern portion of this State by the early completion of the said channel cannot be overestimated, now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, that the Senators and Representatives of this State in Congress be and they are hereby urged to do all things in their power to facilitate and expedite the connection of said channel with the waters of the Gulf of Mexico, and that the various heads of departments of the Federal government at Washington who have cognizance of such affairs be and they are hereby respectfully requested to take immediate and all necessary and proper steps to the end that said channel may be early completed.

Resolved, further, that the Chief Clerk of this House do send a copy of this resolution to the Hon. R. A. Alger, Secretary of War, at Washington, forthwith.

Read second time and adopted.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 9, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred
House bill No. 332, A bill to be entitled "An Act to create a commission to frame and report a complete system of laws for the assessment, collection and accounting of taxes and public revenues in the State, to provide the duties and compensation of said commission, the methods of its service and the submission of a report of its labors to the Legislature, and to make an appropriation to defray the expenses of the same."

Have carefully examined said bill and find it correctly engrossed.

GRUBBS, Chairman.
Committee Room, Austin, Texas, Feb. 9, 1899.

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

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

Have carefully examined said bill and find it correctly enrolled, and I have this day, at 10:34 o'clock a. m., presented the same to the Governor.

COLLINS, Chairman.

The morning call having been concluded, the Speaker laid before the House on its second reading and passage to third reading, Senate bill No. 79, pending business having been set aside to take up this bill.

The bill was read second time and passed to a third reading.

Mr. Browne moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 79 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-110.
Adams.
Allen of Colorado.
Allen of Hopkins.
Barbee.
Barrett.
Beady.
Blount.
Bolin.
Bridgers.
Brown.
Caldwell.
Calvin.
Chambers.
Childs.
Clements.
Coke.
Cole.
Collins.
Crawford.
Cross.
Culp.
Dean.
Decker.
Derden.
Dies.
Dorroh.
Eckols.
Ellis.
Evans of Fannin.
Evans of Grayson.
Evans of Hopkins.
Frost.
Garrett.
Gill.
Goodlett.
Gordon.
Greenwood.
Grubbs.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Kennedy.
Kittrell.
Lake.
Lan.u.
Lillard.
Little.
Looney.
Loyd.
Marsh.
Masterson.
Maxwell.
McAnally.
McClellan.
McDowell.
McFarland.
McKamy.
McKeifar.
Seurry.
Shannon.
Shelburne.
Shropshire.
Smith of Grayson.
Smith of Collin.
Staples.
Stewart.
Stripling.
Tarkington.
Tarver.
Tate.
Teagle.
Thomas of Wise.
Thomas of Fannin.
Tompkins.
Tucker.
Vaughan.
Wells.
Wholess.
Willacy.
Willrodt.
Wooten.
Wright.
Bea1n.
Terrell.
Absent.
Bailey.
Grogan.
Conoly.
Prince.
Goodman.
Russell.
Absent—Excused.
Ayers.
Bennett.
Graham.
Savage.
Sutherland.
Livsey.
Walton.
Robertson, Harrison.

Senate bill No. 79, laid before the House on third reading and final passage, read third time and passed by the following vote:

Yeas-103.
Adams.
Allen of Colorado.
Allen of Hopkins.
Barbee.
Barrett.
Beady.
Blount.
Bolin.
Bridgers.
Brown.
Caldwell.
Calvin.
Chambers.
Childs.
Clements.
Coke.
Cole.
Collins.
Crawford.
Cross.
Culp.
Dean.
Decker.
Derden.
Dies.
Dorroh.
Eckols.
Ellis.
Evans of Fannin.
Evans of Grayson.
Evans of Hopkins.
Frost.
Garrett.
Goodlett.
Greenwood.
Grubbs.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Kittrell.
The House resumed consideration of House bill No. 57, with amendment by Mr. Lillard pending.

Mr. Frost offered the following substitute for the amendment:

"Amend the committee's report by striking out all of the same from and including line 15, on page 3, and inserting in lieu thereof as follows: The president, vice-president or cashier of each and every national or private bank in this State, shall render for taxes and pay the tax thereon in bulk, all moneys on deposit by individual depositors, firms, corporations or associations of persons of every kind or nature whatever, in their respective banks on the first day of January of each and every year, and shall pro rata the same and charge the same to each of such depositors' accounts respectively; provided, that if any depositor of moneys in said bank shall wish to withdraw his said deposits before the tax rate for any year shall have been ascertained, said bank shall have the right to retain in its possession, to secure said tax, five per cent. of said deposits, or as much thereof as is necessary to pay said tax."

Mr. McAnally moved to postpone indefinitely, further consideration of the bill, upon which motion yeas and nays were demanded by Mr. Lillard, Mr. Collins and Mr. Kennedy.

The motion to postpone was lost by the following vote:


The House resumed consideration of House bill No. 57, with amendment by Mr. Lillard pending.

Mr. Frost offered the following substitute for the amendment:

"Amend the committee's report by striking out all of the same from and including line 15, on page 3, and inserting in lieu thereof as follows: The president, vice-president or cashier of each and every national or private bank in this State, shall render for taxes and pay the tax thereon in bulk, all moneys on deposit by individual depositors, firms, corporations or associations of persons of every kind or nature whatever, in their respective banks on the first day of January of each and every year, and shall pro rata the same and charge the same to each of such depositors' accounts respectively; provided, that if any depositor of moneys in said bank shall wish to withdraw his said deposits before the tax rate for any year shall have been ascertained, said bank shall have the right to retain in its possession, to secure said tax, five per cent. of said deposits, or as much thereof as is necessary to pay said tax."

Mr. McAnally moved to postpone indefinitely, further consideration of the bill, upon which motion yeas and nays were demanded by Mr. Lillard, Mr. Collins and Mr. Kennedy.

The motion to postpone was lost by the following vote:


Mr. Schluter raised the point of order that the substitute offered by Mr. Frost is not germane to the purpose of the original bill, because the original bill is simply amendatory of Chapter 112, of the Acts of the Twenty-fifth Legislature, which only provides a penalty for the failure or refusal of bank officials to furnish to the assessors of taxes a statement, showing such facts as would enable the assessor to properly assess certain character of property; and the bill under consideration likewise only contemplates and provides for a like penalty for like failure of such bank officials to make such statement to the assessors of taxes, and does not attempt to regulate in any manner the mode of rendering property for taxation, which is clearly the sole purpose of the substitute.

The Speaker did not sustain the point of order raised by Mr. Schluter and stated that the members, having the printed bill before them, were in a better position to determine the consistency of an amendment than the Chair, and stated furthermore that it would be dangerous to lodge such power in the Chair.

On motion of Mr. Kennedy the substitute by Mr. Frost was tabled.

Mr. Garner offered the following substitute for the amendment:

"Add at the end of line 7, 'every officer of any national or private bank, when requested to do so by any county assessor, shall exhibit for inspection and examination any and all books kept by said bank, which in any manner indicate the sum of money held by such bank to the credit of any person or persons.'"

Mr. Murphy moved the previous question and it was not seconded.

Mr. Lane moved to table the substitute and the motion was lost.

On the substitute yeas and nays were demanded by Mr. Garner, Mr. Scully and Mr. Schluter.

Adopted by the following vote:

Yeas—71.

Absents—37.

Beaty.
Blount.
Bolin.
Caldwell.
Calvin.
Chambers.
Childs.
Clements.
Crawford.
Culp.
Dean.
Decker.
Derden.
Evans of Fannin.
Evans of Grayson.
Frost.
Garner.
Grubbs.
Hamilton.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Lake.
Lane.
Lillard.
Looney.

Absent.

Bailey.
Barrett.
Browne.
Cooke.
Conolly.
Goodman.
Grogan.

Absent—Excused.

Ayers.
Bennett.
Graham.
Livsey.

Loyd.
Marsh.
McDowell.
McKamy.
McKellar.
Meitzen.
Morris.
Oliver.
Palmer.
Phillips, Lampasas.
Phillips of Camp.
Poole.
Savage.
Scherter.
Scurry.
Shelburne.
Smith of Grayson.
Smith of Collin.
Staples.
Stewart.
Tarkington.
Terrell.
Wise.
Willsod.

Adams.
Allen of Hopkins.
Barbee.
Barrett.
Bean.
Beaty.
Blount.
Browne.
Caldwell.
Calvin.
Chambers.
Childers.
Clements.
Coke.
Cole.
Crawford.
Cross.
Culp.
Dean.
Decker.
Derden.
Doroh.
Evans of Fannin.
Garner.
Gill.
Grubbs.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Kittrell.
Lake.
Lillard.
Little.
Looney.
Loyd.

Feburary 9, 1899

HOUSE JOURNAL.

Beatty.
Blunt.
Bolin.
Caldwell.
Calvin.
Chambers.
Childs.
Clements.
Crawford.
Culp.
Dean.
Decker.
Derden.
Evans of Fannin.
Evans of Grayson.
Frost.
Garner.
Grubbs.
Hamilton.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Lake.
Lane.
Lillard.
Looney.

Yeas—71.

Absents—37.

Allen of Colorado.
Bolin.
Bridgers.
Childs.
Connors.
Dix.
Lockels.
Ellls.
"I vote 'no' on the substitute offered by the gentleman from Uvalde, because the effect thereof will be to give national banks a monopoly in the way of deposits over private banks.

"SCHLUTER."

Question next recurred on the amendment as substituted, and Mr. Kennedy moved to recommit the bill to the Committee on Revenue and Taxation.

On the motion to recommit yeas and nays were demanded by Mr. Lillard, Mr. Cole and Mr. Calvin.

The motion to recommit prevailed by the following vote:

Yeas—55.

Allen of Colorado. Hamiton. HAMILTON.
Barrett. Kennedy. LANE.
Bolin. Lane. MASTERS.
Bridgers. Masterson. MCLAUGHLIN.
Brown. McClaran. MCLARREN.
Brown. McElroy. MCCLARREN.
Collins. Monroe. MCNALLY.
Crawford. Murphy. MURPHY.
Cross. Nolan. MURRAY.
Culp. Nolan. NOLAN.
Decker. Parish. PARISH.
Diers. Pfeffer. PHILLIPS, LAMPASAS.
Dorrough. Phillips, Lampasas. PHILLIPS, LAMPASAS.
Eckols. Pitts. PITT.
Ellis. Prince. PRINCE.
Frost. Ratcliff. RACULT.
Garrett. Robertson of Bell. ROBERTSON OF BELL.
Goodlett. Russell. RUSSELL.
Gordon. Sansom. SANSOM.
Greenwood. Schluter. SCHLUTER.
Scurry. Thomas of Fannin. THOMAS OF FANNIN.
Shropshire. Vaughan. VAUGHAN.
Smith of Grayson. Wells. WELLS.
Staples. Willacy. WILLACY.
Tarver. Willacy. WILLACY.
Tate. Wooten. WOOTEN.
Tuggle. Wright. WRIGHT.
Thomas of Wise. WISE.

Nays—51.

Adams. Looney. LOONEY.
Allen of Hopkins. Loyd. LOYD.
Barbee. Marsh. MARSH.
Bean. McDowell. McDOWELL.
Beaty. McKamy. McKAMY.
Bisman. Mercur. MERCR.
Caldwell. Meitzen. MEITZ.
Calvin. Morris. MORRIS.
Chambers. Morrow. MORROW.
Childers. Neff. NEFF.
Childs. Oliver. OLIVER.
Clemens. Palmer. PALMER.
Cole. Phillips of Camp. PHILLIPS OF CAMP.
Dean. Poole. POOLE.
Derden. Rochelle. ROCHELLE.
Evans of Fannin. Savage. SAVAGE.
Garner. Shannon. SHANNON.
Gill. Smith of Collin. SMITH OF COLLIN.
Grubs. Stewart. STEWART.
Henderson, LAMAR. Stripling. STRIPLING.
Howard. Tarkington. TARKINGTON.
Harley. Terrell. TERRELL.
Jones. Tompkins. TOMPKINS.
Lake. Tucker. TUCKER.
Lillard. Willrodt. WILLRODT.
Little. "OLIVER "ALLEN OF HOPKINS."

Absent.

Bailey. Maxwell. MAXWELL.
Evans of Grayson. McFarland. MCFARLAND.
Goodman. Mercer. MERCER.
Grogan. Peery. PEERY.
Grogan. Stripling. STRIPLING.
Henderson, Brazos. Powell. POWELL.
Kittrell. Shelburne. SHELBURNE.

Absent—Excused.

Ayers. Robertson, Harrison. ROBERTSON, HARRISON.
Bennett. Rogers. ROGERS.
Graham. Sutherland. SUTHERLAND.
Livsey. Walton. WALTON.

"We vote 'no' on the motion to recommit the bill, because we believe it would delay any final action on the bill, and defeat any legislation looking to an honest and equitable rendition of taxes at this session of the Legislature, and thereby deprive the government of its revenues on forty-five millions of property that has not been paying its pro rata of the taxes.

"OLIVER, "ALLEN OF HOPKINS."

SPEAKER'S TABLE.

The Speaker laid before the House the
report of the Committee on Contingent Expenses, printed in the Journal of February 4, with reference to the salaries of certain employes of the House.

On motion of Mr. Willacy, the regular order of business was suspended to take up and place on its second reading House bill No. 190, relating to the destruction of the "Mexican boll weevil."

The bill was laid before the House on its second reading, the committee report being favorable with amendment.

On motion of Mr. Willacy, 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.

The bill was read second time and the committee report was adopted.

Mr. Collins offered the following amendment:

"Amend by adding after the word 'weevil,' in line 19, the following: 'boll worm, caterpillar, sharp-shooter, chinch bug.'"

Adopted.

Mr. Adams offered the following amendment:

"Amend Article 2, page 1, line 22, by adding after the words 'five thousand dollars,' the words 'or so much thereof as is necessary.'"

Mr. Murray offered the following substitute for the amendment:

"Amend by inserting in line 22, '(1) ten thousand dollars (2) or so much thereof as may be necessary,' in lieu of the words 'five thousand dollars.'"

The substitute was accepted.

Mr. Schluter in the Chair, pending consideration of the bill.)

After further consideration, Mr. Neff moved the previous question and the main question was ordered.

Question first recurred on the amendment, and Mr. Henderson of Lamar called for a division of the question.

The vote was taken on division, (1) and (2) of the amendment, and both were lost.

Th bill was ordered engrossed.

Mr. Willacy moved to suspend the constitutional rule requiring bills to be read on three several days in each house and that House bill No. 190 be put on its third reading and final passage.

The motion prevailed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>100</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adams</td>
<td></td>
</tr>
<tr>
<td>Allen of Colorado</td>
<td></td>
</tr>
<tr>
<td>Barrett</td>
<td></td>
</tr>
<tr>
<td>Bean</td>
<td></td>
</tr>
<tr>
<td>Beatty</td>
<td></td>
</tr>
<tr>
<td>Blount</td>
<td></td>
</tr>
<tr>
<td>Chambers</td>
<td></td>
</tr>
<tr>
<td>Childers</td>
<td></td>
</tr>
<tr>
<td>Cocke</td>
<td></td>
</tr>
<tr>
<td>Collins</td>
<td></td>
</tr>
<tr>
<td>Cross</td>
<td></td>
</tr>
<tr>
<td>Culp</td>
<td></td>
</tr>
<tr>
<td>Dean</td>
<td></td>
</tr>
<tr>
<td>Derden</td>
<td></td>
</tr>
<tr>
<td>Dorroh</td>
<td></td>
</tr>
<tr>
<td>Eckols</td>
<td></td>
</tr>
<tr>
<td>Evans of Fannin</td>
<td></td>
</tr>
<tr>
<td>Evans of Grayson</td>
<td></td>
</tr>
<tr>
<td>Frost</td>
<td></td>
</tr>
<tr>
<td>Garner</td>
<td></td>
</tr>
<tr>
<td>Garrett</td>
<td></td>
</tr>
<tr>
<td>Gill</td>
<td></td>
</tr>
<tr>
<td>Goodlett</td>
<td></td>
</tr>
<tr>
<td>Gordon</td>
<td></td>
</tr>
<tr>
<td>Greenwood</td>
<td></td>
</tr>
<tr>
<td>Grubbs</td>
<td></td>
</tr>
<tr>
<td>Hamilton</td>
<td></td>
</tr>
<tr>
<td>Henderson, Brazos</td>
<td></td>
</tr>
<tr>
<td>Henderson, Lamar</td>
<td></td>
</tr>
<tr>
<td>Howard</td>
<td></td>
</tr>
<tr>
<td>Hurley</td>
<td></td>
</tr>
<tr>
<td>Jones</td>
<td></td>
</tr>
<tr>
<td>Kennedy</td>
<td></td>
</tr>
<tr>
<td>Kittrell</td>
<td></td>
</tr>
<tr>
<td>Lake</td>
<td></td>
</tr>
<tr>
<td>Lane</td>
<td></td>
</tr>
<tr>
<td>Lillard</td>
<td></td>
</tr>
<tr>
<td>Little</td>
<td></td>
</tr>
<tr>
<td>Loyd</td>
<td></td>
</tr>
<tr>
<td>Marsh</td>
<td></td>
</tr>
<tr>
<td>Maxwell</td>
<td></td>
</tr>
<tr>
<td>McClellan</td>
<td></td>
</tr>
<tr>
<td>McDowell</td>
<td></td>
</tr>
<tr>
<td>McFarland</td>
<td></td>
</tr>
<tr>
<td>McKamy</td>
<td></td>
</tr>
<tr>
<td>McKellar</td>
<td></td>
</tr>
<tr>
<td>Meitzen</td>
<td></td>
</tr>
<tr>
<td>Mercer</td>
<td></td>
</tr>
<tr>
<td>Monroe</td>
<td></td>
</tr>
<tr>
<td>Morris</td>
<td></td>
</tr>
<tr>
<td>Murphy</td>
<td></td>
</tr>
<tr>
<td>Murray</td>
<td></td>
</tr>
<tr>
<td>Neff</td>
<td></td>
</tr>
<tr>
<td>Nolan</td>
<td></td>
</tr>
<tr>
<td>Palmer</td>
<td></td>
</tr>
<tr>
<td>Parish</td>
<td></td>
</tr>
<tr>
<td>Pfeuffer</td>
<td></td>
</tr>
<tr>
<td>Phillips, Lampasas</td>
<td></td>
</tr>
<tr>
<td>Phillips of Camp, Pitts.</td>
<td></td>
</tr>
<tr>
<td>Poole</td>
<td></td>
</tr>
<tr>
<td>Powell</td>
<td></td>
</tr>
<tr>
<td>Prince</td>
<td></td>
</tr>
<tr>
<td>Ratcliff</td>
<td></td>
</tr>
<tr>
<td>Robertson of Bell</td>
<td></td>
</tr>
<tr>
<td>Rochelle</td>
<td></td>
</tr>
<tr>
<td>Russell</td>
<td></td>
</tr>
<tr>
<td>Sansom</td>
<td></td>
</tr>
<tr>
<td>Savage</td>
<td></td>
</tr>
<tr>
<td>Scurry</td>
<td></td>
</tr>
<tr>
<td>Shelburne</td>
<td></td>
</tr>
<tr>
<td>Shropshire</td>
<td></td>
</tr>
<tr>
<td>Smith of Grayson</td>
<td></td>
</tr>
<tr>
<td>Smith of Collin</td>
<td></td>
</tr>
<tr>
<td>Staples</td>
<td></td>
</tr>
<tr>
<td>Stewart</td>
<td></td>
</tr>
<tr>
<td>Stripling</td>
<td></td>
</tr>
<tr>
<td>Tarkington</td>
<td></td>
</tr>
<tr>
<td>Tarver</td>
<td></td>
</tr>
<tr>
<td>Tate</td>
<td></td>
</tr>
<tr>
<td>Teagl</td>
<td></td>
</tr>
<tr>
<td>Terrell</td>
<td></td>
</tr>
<tr>
<td>Thomas of Wise</td>
<td></td>
</tr>
<tr>
<td>Thomas of Fannin</td>
<td></td>
</tr>
<tr>
<td>Tompkins</td>
<td></td>
</tr>
<tr>
<td>Tucker</td>
<td></td>
</tr>
<tr>
<td>Vaughan</td>
<td></td>
</tr>
<tr>
<td>Wells</td>
<td></td>
</tr>
<tr>
<td>Wheless</td>
<td></td>
</tr>
<tr>
<td>Willacy</td>
<td></td>
</tr>
<tr>
<td>Willford</td>
<td></td>
</tr>
<tr>
<td>Wooten</td>
<td></td>
</tr>
<tr>
<td>Wright</td>
<td></td>
</tr>
<tr>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Allen of Hopkins</td>
<td></td>
</tr>
<tr>
<td>Bolin</td>
<td></td>
</tr>
<tr>
<td>Crawford</td>
<td></td>
</tr>
<tr>
<td>Ellis</td>
<td></td>
</tr>
<tr>
<td>Looney</td>
<td></td>
</tr>
<tr>
<td>McNally</td>
<td></td>
</tr>
<tr>
<td>Morrow</td>
<td></td>
</tr>
<tr>
<td>Oliver</td>
<td></td>
</tr>
<tr>
<td>Schluter</td>
<td></td>
</tr>
<tr>
<td>Absent—Excused</td>
<td></td>
</tr>
<tr>
<td>Bailey</td>
<td></td>
</tr>
<tr>
<td>Barbee</td>
<td></td>
</tr>
<tr>
<td>Becker</td>
<td></td>
</tr>
<tr>
<td>Dies</td>
<td></td>
</tr>
<tr>
<td>Goodman</td>
<td></td>
</tr>
<tr>
<td>Grogan</td>
<td></td>
</tr>
<tr>
<td>Masterson</td>
<td></td>
</tr>
<tr>
<td>Peery</td>
<td></td>
</tr>
<tr>
<td>Shannon</td>
<td></td>
</tr>
<tr>
<td>Absent</td>
<td></td>
</tr>
<tr>
<td>Ayers</td>
<td></td>
</tr>
<tr>
<td>Bennett</td>
<td></td>
</tr>
<tr>
<td>Conoly</td>
<td></td>
</tr>
<tr>
<td>Graham</td>
<td></td>
</tr>
<tr>
<td>Livesay</td>
<td></td>
</tr>
<tr>
<td>Robertson, Harrison</td>
<td></td>
</tr>
<tr>
<td>Rogers</td>
<td></td>
</tr>
<tr>
<td>Sutherland</td>
<td></td>
</tr>
<tr>
<td>Walton</td>
<td></td>
</tr>
</tbody>
</table>

House bill No. 190 was laid before the
Mr. Terrell offered the following amendment:

"Amend line 19, in Article 1, by adding after the word 'boll weevil' the words 'peach worm.'"

Mr. Adams moved to table the amendment, and the motion was lost.

Pending consideration, on motion of Mr. Childers the House, at 1:07 p. m., adjourned until 9:30 o'clock a. m. tomorrow.

TWENTY-EIGHTH DAY.

Hall of the House of Representatives, Austin, Texas, Friday, February 10, 1899.

The House met at 9:30 o'clock a. m., pursuant to adjournment.

Speaker Sherrill in the Chair.

Roll called, and the following members present.


PRAYED BY REV. J. W. MORRIS, CHAPLAIN PRO TERN.

PENDING BUSINESS.

When the House adjourned yesterday it had under consideration House bill No. 190, relating to the destruction of the "Mexican boll weevil," on its third reading and final passage, with amendment by Mr. Terrell pending.

The Speaker laid the bill before the House.

Mr. Terrell withdrew the amendment. Mr. Savage offered the following amendment:

"Amend by adding after 'effect,' in line 24, the following: 'Provided, that no entomologist shall receive more than $1200 per year.'"

Tabled on motion of Mr. Rochelle.

Mr. Rochelle moved the previous question, and the main question was ordered.