House on third reading and final passage, and was read third time.

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.

Adams.
Allen of Colorado.
Allen of Hopkins.
Bailey.
Barbee.
Barrett.
Bean.
Beaty.
Blount.
Bolin.
Bridgers.
Browne.
Caldwell.
Calvin.
Chambers.
Childers.
Childs.
Clements.
Cocke.
Cole.
Collins.
Conoly.
Crawford.
Cross.
Culp.
Dean.
Decker.
Derden.
Dies.
Dorvoh.
Eckols.
Ellis.
Evans of Fannin.
Evans of Grayson.
Frost.
Garner.
Garrett.
Gill.
Goodlett.
Goodman.
Gordon.
Phillips, Lampasas.
Phillips of Camp.
Pitts.
Poole.
Powell.
Prince.
Robertson of Bell.
Rochelle.
Rogers.
Russell.
Sansom.
Savage.
Sclater.
Scurry.
Shannon.
Shelburne.
Shropshire.
Smith of Grayson.
Smith of Collin.
Staples.
Phillips of Camp.
Stripling.
Tarkington.
Tarrer.
Tate.
Teagle.
Terrell.
Thomas of Wise.
Thomas of Fannin.
Tomkins.
Tucker.
Vaughan.
Wells.
Wheelss.
Willyac.
Willrodt.
Wooten.
Wright.

Absent—Excused.

Prayer 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.
The bill was passed by the following vote:

**Yeas—102.**

Adams.  Marsh.
Bailey.  McDowell.
Barrett.  McKamy.
Bean.  McKellar.
Beaty.  Meitzen.
Bolin.  Mercer.
Bridgers.  Monroe.
Browne.  Murphy.
Caldwell.  Murray.
Calvin.  Neff.
Childs.  Nolan.
Childs.  Oliver.
Clements.  Palmer.
Cocke.  Parish.
Cole.  Peery.
Culp.  Poole.
Dean.  Powell.
Decker.  Prince.
Derden.  Robertson of Bell.
Conoly.  Rochele.
Eckols.  Rogers.
Evans of Fannin.  Russell.
Evans of Grayson.  Sansom.
Garrett.  Scarry.
Goodlett.  Sheburne.
Goodman.  Smith of Grayson.
Gordon.  Smith of Collin.
Greenwood.  Staples.
Grogan.  Stewart.
Grubbs.  Tarkington.
Hamilton.  Teague.
Henderson, Brazos.  Terrell.
Howard.  Thomas of Fannin.
Hurley.  Tompkins.
Jones.  Tucker.
Kittrell.  Tye.
Lake.  Vaughan.
Lane.  Wells.
Lillard.  Willacy.
Little.  Willrodt.
Livsey.  Wooten.
Looney.  Wright.
Loyd.  Wyatt.

**Nays—9.**

Barbee.  McNally.
Blount.  Morrow.
Crawford.  Savage.
Ellis.  Shropshire.
Kennedy.  Absent.

**Absent—Excused.**

Ayers.  Rate.liff.
Bennett.  Robertson, Harrison.
Conoly.  Shannon.
Graham.  Walton.
Masterson.

"I vote 'no' on bill No. 190, because no limit is placed on the amount that may be paid for services of the entomologist."

"MORROW."

Mr. Willacy moved to reconsider the vote by which House bill No. 190 was passed, and to table the motion to reconsider.

The motion to table prevailed.

**PETITIONS AND MEMORIALS.**

By Mr. Dean:
Petition from the Van Zandt County Teachers' Institute, protesting against the apportionment of any part of the public school fund for the support of summer normals.

Read, and referred to the Committee on Education.

By Mr. Frost (by request):
Petition of J. G. Davis and 150 citizens of Scurry county, settlers on Block 97, asking the Legislature to validate their titles to the land upon which their homes are situated.

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

By Mr. Loyd:
Petition from fifty-four citizens of Ellis county, asking for a law to prevent certain animals from running at large.

Read, and referred to the Committee on Agricultural Affairs.

By Mr. Decker:
Petition from fifty citizens of Wheeler county, asking for donation of taxes for year 1899 for repairing court house and jail destroyed by cyclone;

And a petition of thirty-four citizens of Hutchinson county, asking that that county be attached to Carson county for judicial purposes.

Both read, and referred to the Committee on State Affairs.

Also petitions of sixty-four citizens of Hardeman county, 100 citizens of Armstrong county and sixty citizens of Cottle county, protesting against any change in the land laws;

Also a petition of citizens of Hartley county, asking for the passage of a law authorizing patents to homestead donations.

All read, and referred to the Committee on Public Lands and Land Office.
BILLS AND RESOLUTIONS.

By Mr. Adams:
House bill No. 496, A bill to be entitled
"An Act to make the giving of a rebate by any employe of a railway company a felony, or the receiving of the same by any person, firm or agent of any person or firm a misdemeanor, and fixing penalty for same, and declaring an emergency."

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

By Mr. Robertson of Bell:
House bill No. 497, A bill to be entitled
"An Act to amend Article 3066, Chapter 3, Title 58, of the Revised Statutes of Texas, relating to fraternal beneficiary associations."

(The bill provides the manner of the organization and incorporation of such associations.)

Read first time, and referred to Committee on Insurance, Statistics and History.

By Mr. Robertson of Bell:
House bill No. 498, A bill to be entitled
"An Act to amend Article 2284, Title 20, Subdivision 27, Title IV, of the Revised Statutes of Texas."

(Amends so as to provide that in the county of Bell the district court may continue in session nine weeks.)

Read first time, and referred to Committee on Judicial Districts.

By Mr. Shropshire:
House bill No. 499, A bill to be entitled
"An Act to extend the time until the first day of January, 1902, in which the affairs of the Franco-Texan Land Company, a defunct private corporation, may be administered and wound up by the District Court of Parker county, Texas, in cause No. 3065, now pending in said court."

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

By Mr. Looney:
House bill No. 500, A bill to be entitled
"An Act to amend Article 1069, Chapter 1, Title XXVIII, of the Revised Civil Statutes of the State of Texas, relating to district judges."

(Provides that where a special judge is appointed by the Governor to act in cases where the district judge or special judge chosen is disqualified to act, such special judge shall receive the same compensation as district judges.)

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

By Mr. Adams:
House bill No. 501, A bill to be entitled
"An Act to fix the modus operandi for applying for pensions for ex-Confederate soldiers and sailors and rules governing the disbursement of all moneys appropriated for such purpose."

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

By Mr. Wooten:
House bill No. 502, A bill to be entitled
"An Act to create a commission to be known as 'The Texas State Historical Commission,' and to define the duties and powers of said commission, and to provide an appropriation therefor, and for a historical clerk, and to declare an emergency."

(The bill provides for the appropriation for the two years ending February 28, 1901, of the sum of $2500 per annum for the purpose of carrying into effect its provisions.)

Read first time, and referred to Committee on Insurance, Statistics and History.

By Mr. Stewart (by request):
House bill No. 503, A bill to be entitled
"An Act defining certain privileges and prescribing certain duties on private corporations."

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

By Mr. Shelburne:
House bill No. 504, A bill to be entitled
"An Act to provide for the establishment, maintenance and government of a State normal school to be located at Denton, Texas, and to be known as the North Texas Normal School."

Read first time, and referred to Committee on Education.

By Mr. Allen of Hopkins:
House bill No. 505, A bill to be entitled
"An Act to regulate the charging of toll by owners, operators or lessees of public mills in the State of Texas."

(The bill limits the amount of toll that may be charged by persons operating public mills in this State, and makes violations of the provisions of the bill a misdemeanor fineable in any sum not less than $25 nor more than $100.)
By Mr. Crawford:
House bill No. 507, A bill to be entitled "An Act to amend Article 8335, Chapter 5, of the Revised Civil Statutes of the State of Texas, relative to liens on live stock."

(Amends said article so as to provide a preference lien upon the mother of the progeny.)

By Mr. Shelburne:
House bill No. 508, A bill to be entitled "An Act to amend Section 22, of 'An Act to fix certain civil fees to be charged by certain county and precinct officers and to county and district attorneys, county attorneys, sheriffs and constables in felony cases to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and regulate the compensation of the sheriff, clerk of the county court, county judge, district and county attorney, clerk of the district court, assessor and collector of taxes, justices of the peace and constables, and to prescribe penalties for violations of this act and to repeal all laws in conflict herewith,' approved June 16, 1897, so as to fix and limit the compensation of clerks of the district courts for certain services."

By Mr. Murray:
House bill No. 509, A bill to be entitled "An Act to amend Article 3335, Chapter 6, Title XVII, of the Penal Code of the State of Texas, as amended by Chapter 62, General Laws of the Regular Session of the Twenty-fifth Legislature, relating to and defining the crime of burglary."

By Mr. McKellar:
House bill No. 510, A bill to be entitled "An Act to amend Article 510, Chapter 6, Title XVII, of the Penal Code of the State of Texas, as amended by Chapter 62, as amended by Chapter 62, General Laws of the Regular Session of the Twenty-fifth Legislature, relating to and defining the crime of burglary."

By Mr. Shelburne:
House Concurrent Resolution No. 20: Whereas, The battleship "Texas" will be at Galveston from February 12th to 16th, and it is learned that there is a possibility of inducing the gallant commander and officers of that vessel to visit Austin and accept a public reception at the hands of the Legislature; therefore Resolved by the House of Representatives, the Senate concurring, that the Legislature of Texas, in the name of the people of this State and as a fitting tribute to the heroic service of the warship that bears her name, hereby extends to Commodore Phillip and the officers, non-commissioned officers and men of the "Texas," a cordial invitation to visit the capital and to accept such reception and courtesies as we can tender them in expression of our admiration for their illustrious valor.

Resolved further, That a committee of five from the House be appointed by the Speaker, to co-operate with a like committee from the Senate, for the purpose of conveying this invitation and taking the necessary steps and arrangements to secure its acceptance.

Read second time and adopted.

By Mr. Shelburne:
Whereas, That the committee chairmen of the different House committees met and agreed upon a stated time of meeting of each committee, and Whereas, Different committees are calling meetings irregularly by reason of which quorums cannot be secured to attend to the business sent to the committees, and the business is thereby accumulating to the detriment of the best interests of the House and the State; therefore be it Resolved, That hereafter no committees shall be called together except at regular stated meeting; provided, however, that the chairman of each committee may call his committee together at any time when it will not conflict with the stated time of meeting of any other committee.

[Signed, Shelburne, chairman Committee on State Affairs; Poole, Cocke, Thomas of Wise, Monroe, Gill, Staples, Dorroh, Teagle, Rochelle.]
By Mr. Teagle:
Resolved, That the Speaker be and he is hereby authorized to appoint one additional porter, who shall serve subject to the order of the Speaker, and may be discharged by him at any time, and shall receive during said time two dollars ($2.00) per day for his services.

Read second time and Mr. Frost offered the following amendment:

"Amend by striking out the word 'appoint.'"

On motion of Mr. Calvin the amendment was tabled and the resolution was tabled.

By Mr. Pitts:

Whereas, The better care of the property on the floor of this House, and the ventilation and comfort of this Hall will be subserved by the presence of the Sergeant-at-Arms or his assistant here at nights; and
Whereas, The Assistant Sergeant-at-Arms has volunteered his services for said duty without further cost or charge, therefore be it

Resolved, That the Speaker of the House by authorized to designate a suitable room of the unused committee rooms upon the gallery floor of the House to be used as a night office for said Assistant Sergeant-at-Arms.

Read second time and adopted.

COMMITTEE REPORTS.

MAJORITY REPORT.

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

Sir: Your Judiciary Committee No. 1, to whom was referred
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 the State of Texas of 1895, 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 payment or security of the award of the commissioners appointed to appraise, and costs, and the deposit of money sufficient to cover additional damages that may be adjudged, and the giving of bond for future costs and to repeal all laws in conflict herewith."

Do not concur with the majority, but beg leave to recommend that it do pass, with the following amendment:

"Provided, that this act shall be construed to apply only in cases where the right to condemn actually exists."

WRIGHT, DIES.

MINORITY REPORT.

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

Sir: We, the undersigned minority of your Judiciary Committee No. 1, to whom was referred
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 the State of Texas of 1895, 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 payment or security of the award of the commissioners appointed to appraise, and costs, and the deposit of money sufficient to cover additional damages that may be adjudged, and the giving of bond for future costs and to repeal all laws in conflict herewith."

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

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

MAJORITY REPORT.

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

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

SIR: Your Committee on Constitutional Amendments, to whom was referred

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

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 in Section 1, line 1, by striking out ‘twenty years’ and inserting ‘ten years.’"

POWELL, Chairman.

MINORITY REPORT.

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

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

SIR: We, a minority of the Committee on Constitutional Amendments, to whom was referred

House Joint Resolution No. 16,

Do not concur in the report of the majority, and ask leave to recommend that it do not pass.

POWELL, WRIGHT, WOOTEN, TUCKER, CLEMENTS.

MINORITY REPORT.

Committee Room,
Austin, Texas, Feb. 8, 1899.

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

SIR: Your Committee on Finance to whom was referred

House bill No. 249, A bill to be entitled "An Act to provide for the payment of tax assessors for taking agricultural statistics in the several counties, where they were taken for the year 1895, and appropriating money therefor;"

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

"Amend in Section 1, line 1, by striking out ‘eleven thousand five hundred’ and insert in lieu thereof ‘fourteen thousand,’ and after the word ‘file,’ Section 1, line 3, insert ‘or which may be placed on file, within three months from the date of the passage of this bill.’"

HENDERSON of Lamar, Chairman.

MAJORITY REPORT.

Committee Room,
Austin, Texas, Feb. 8, 1899.

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

SIR: Your Committee, having heretofore disposed of the subject matter,

Have given the same due consideration, and I am instructed to report it back to the House with the recommendation that it do pass, with the following amendments:

"Amend in Section 1, line 1, by striking out ‘twenty years’ and inserting ‘ten years.’"

POWELL, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, Feb. 8, 1899.

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

SIR: We, a minority of the Finance Committee, to whom was referred

House bill No. 286, A bill to be entitled "An Act to provide for the payment of tax assessors for taking agricultural statistics in the several counties, where they were taken for the year 1895, and appropriating money therefor;"

Do not concur with the majority, but recommend that the bill do not pass, for the reason that there was no law to require the assessors to do the work for which they claim pay, and no law granting them pay for such work.

VAUGHAN, LOYD, LAKE.

MINORITY REPORT.

Committee Room,
Austin, Texas, Feb. 8, 1899.

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

SIR: Your Committee on Finance, to whom was referred

House bill No. 286, A bill to be entitled "An Act to provide for the payment of tax assessors for taking agricultural statistics in the several counties, where they were taken for the year 1895, and appropriating money therefor;"

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

"Amend in Section 1, line 1, by striking out the word ‘typewriter’ and insert in lieu thereof ‘stenographer,’ and after the word ‘file,’ Section 1, line 3, insert ‘or which may be placed on file, within three months from the date of the passage of this bill.’"

HENDERSON of Lamar, Chairman.
MAJORITY REPORT.

Committee Room.
Austin, Texas, Feb. 10, 1899.

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

Sir: Your Committee on Finance, to whom was referred
House bill No. 43, A bill to be entitled
"An Act making appropriations for deficiencies in the appropriations here­
fore made for payment of expenses in support of the State Government for the
years beginning March 1, 1897, and ending February 28, 1899, registred in the
Comptroller's office, and for other deficiencies."

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

HENDERSON of Lamar, Chairman.

MINORITY REPORT.

Committee Room.
Austin, Texas, Feb. 10, 1899.

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

Sir: We a minority of the Finance Committee, who have had under consider­
ation House bill No. 43, by committee, a bill entitled "An Act making appropriations for deficiencies in the appropriation heretofore 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 deficiencies; do not concur with the majority, but recommend that it do pass with the following amendment:

"Strike out the words 'pay for sten­
graphers of the various Courts of Civil
Appeals under Article 1012, of the Re­
vised Civil Statutes of 1895, being the
differences of salaries provided for by
law and the appropriation actually made
for two years previous to February 28, 1897, $4300.00 - $4500.00.'"

We oppose this item in the bill for the
following reasons:

First.—Because, the Twenty-fourth
Legislature appropriated the sum of six
hundred ($600.00) dollars per annum
for the payment of the several steno­
graphers, and it was evidently the legisla­
tive intent to fix the salaries of those
employed, at that sum.

The office, if indeed it may be called an
office, of court stenographer is not a con­
stitutional office, but the creature of statute. Being a creature of statute only, the Legislature had power to abolish the office, or to increase or decrease the salary at its will. This was the intent of the Legislature when the appro­
priation of six hundred ($600.00) dollars was made for the payment of said steno­
graphers. They had notice of the action of the Legislature and should have acted
upon it, and not in opposition thereto.

The stenographers of the Fourth Court of Civil Appeals acted upon the will of
the Legislature of Texas, and there is no claim from that court, but those who are
claiming did not regard the action of the
Legislature and should not be paid in
violation of the law.

Second.—Because the holders of those
claims saw fit to resort to the highest
court in this State for redress, and fail­
ing there, they should have no standing
with the Legislature.

Third.—Because these claims should
be presented to the Committee on
Claims and Accounts. The Finance Com­
mittee has no jurisdiction of those
claims.

Fourth.—Because there is no question
of innocent purchaser of these claims, the
appropriation made by the Twenty-fourth
Legislature was notice to all speculators
that the salaries of the several steno­
graphers had been limited to six hundred ($600.00) dollars and no more.

Fifth.—Because there are many other claims of like merit, amounting to sev­
eral thousand dollars, and will have to be paid in violation of the legislative intent
and authority.

PEUFEFFER,
LAKE,
VAUGHAN,
LOYD,
TARKINGTON.

Committee Room.
Austin, Texas, Feb. 8, 1899.

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

Six: Your Committee on Agricultural
Affairs, to whom was referred
A petition from citizens of Collings­
worth county, relating to prairie dogs,
Have given the same due considera­
tion, and I am instructed to report the
same back to the House with the recom­
mandation that it be returned to the cal­
endar and referred to Committee on Stock
and Stock-raising.

WILLACY, Chairman.

Committee Room.
Austin, Texas, Feb. 8, 1899.

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

Six: Your Committee on Agricultural
Affairs, to whom was referred
A petition from seventy citizens of Erath county, asking for the passage of a law prohibiting any person from hauling Johnson grass across the lands of another, have given the same due consideration, and I am instructed to report it back to the House and to say that a bill has already been reported favorably embracing the subject matter therein.

WILLACY, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1899.

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

Sir: Your Committee on Agricultural Affairs, to whom was referred House bill No. 129, a bill to be entitled "An Act to amend Article 4997, Chapter 5, Title CII, of the Revised Civil Statutes of the State of Texas, relating to the mode of preventing animals from running at large, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

WILLACY, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1899.

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

Sir: Your Committee on Agricultural Affairs, to whom was referred House bill No. 215, a bill to be entitled "An Act to amend Article 805, Title XVII, Chapter 3, page 146, Penal Code, relating to the 'posting' of pastures, allowing pastures of 3000 acres to be posted," 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.

WILLACY, Chairman.

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

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

Sir: Your Committee on Agricultural Affairs, to whom was referred House bill No. 470, a bill to be entitled "An Act to amend Article 617b, Chapter 12, Title XXIII, Revised Civil Statutes of Texas, relating to the abolishment of municipal corporations," have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass with the following amendment: "Amend by striking out '75,' in the bill and insert in lieu thereof '100,' and add, 'Provided, that in towns having less than two hundred property tax-payers, who are qualified voters within its corporate limits, such election may be ordered upon the petition of a majority of the property tax-payers who are qualified voters in such town.'"

McKAMY, Chairman.

Committee Room, Austin, Texas, Feb. 9, 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. 492, 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," 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 Committee on Public Lands and Land Office.

McKAMY, Chairman.

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

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

Sir: Your Committee on Public Buildings and Grounds, to whom was referred House bills Nos. 13 and 436, being bills to be entitled "An Act to improve and beautify the capitol grounds of the State of Texas, and to create a board for the purpose of adopting plans and specifications and making the necessary contract or contracts for the purpose of carrying out the object of this act, and make the necessary appropriations for such purpose and to declare an emergency," have had the same under consideration, and have prepared the accompanying substitute, and I am instructed to report it back to the House with the recommendation that the substitute do pass in lieu thereof.

CALDWELL, Chairman.

SENATE MESSAGE.

Senate Chamber, Austin, Texas, Feb. 10, 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:

Senate bill No. 39, being a bill to be entitled "An Act to provide for the payment of tax assessors for taking agri-
Senate bill No. 94, being a bill to be entitled "An Act to extend the time within which lands heretofore sold or which may be hereafter sold to the State for taxes, under decree of court, under the provisions of Chapter 42, Laws of 1895, and Chapter 105, Laws of 1897, may be redeemed, providing the manner of such redemption, and repealing all laws and parts of laws in conflict herewith."

Senate bill No. 29, being a bill to be entitled "An Act to set apart and appropriate to the permanent school fund of the State of Texas, all of the lands heretofore or hereafter recovered from railway companies or other persons, firms or corporations; and to provide for the disposition of the same."

Substitute Senate bill No. 55, being a bill to be entitled "An Act to establish and create in each of the cities, towns and villages of this State, a State court, to be known as the corporation court in such city, town or village, and to prescribe the jurisdiction and organization thereof, and to abolish municipal courts."

House bill No. 321, being a bill to be entitled "An Act to fix the time for holding the courts in the Thirty-fifth Judicial District, and to repeal all laws in conflict therewith."

And House Concurrent Resolution No. 20, Inviting Commodore Phillip and his men to visit the Legislature, and that Senators Dibrell, Odell, Atlee, Turney and Terrell have been appointed as the committee on the part of the Senate as provided by said resolution.

J. P. Pool, Secretary of the Senate.

PRESENTATION OF BILLS, ETC.

The bill was ordered engrossed.

Mr. Derden moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 157, be put on its third reading and final passage. The motion prevailed by the following vote:

Yeas—104.
Eckols.  Pitts.  Evans of Fannin.  Poole.
Lane.  Tate.  Lillard.  Teagle.

The bill was ordered engrossed.

Mr. Derden moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 157, be put on its third reading and final passage. The motion prevailed by the following vote:

Yeas—104.
Eckols.  Pitts.  Evans of Fannin.  Poole.
Lane.  Tate.  Lillard.  Teagle.
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Terrell.  Wells.  
Thomas of Wise.  Willacy.  
Tompkins.  Wilkodt.  
Tucker.  Wooten.  
Vaughan.  Wright.  

Nays—2.  

Kennedy.  Murray.  

Absent.  

Beaty.  McFarland.  
Childers.  Murphy.  
Cocke.  Powell.  
Dies.  Russell.  
Ellis.  Thomas of Fannin.  
Evans of Grayson.  Weless.  

Absent—Excused.  

Ayers.  Ralcliff.  
Bennett.  Robertson, Harrison.  
Conoly.  Shannon.  
Graham.  Walton.  
Masterson.  

House bill No. 157, laid before the House on third reading, read third time and passed by the following vote:  

Yeas—106.  

Adams.  Hamilton.  
Allen of Colorado.  Henderson, Brazos.  
Barrett.  Howard.  
Bean.  Hurley.  
Beaty.  Jones.  
Blount.  Kittrell.  
Bolin.  Lake.  
Bridgers.  Lillard.  
Brown.  Little.  
Caldwell.  Livsey.  
Calvin.  Looney.  
Chambers.  Loyd.  
Childers.  Marsh.  
Childs.  Maxwell.  
Clements.  McAnally.  
Cole.  McClellan.  
Collins.  AedDowell.  
Crawford.  McKamy.  
Cross.  McKellar.  
Culp.  Meitzen.  
Dean.  Mercer.  
Decker.  Monroe.  
Derden.  Morris.  
Dorroh.  Morrow.  
Eckols.  Murray.  
Ellis.  Neff.  
Evans of Fannin.  Nolan.  
Evans of Grayson.  Oliver.  
Frost.  Palmer.  
Garner.  Parish.  
Garrett.  Peery.  
Gill.  Pfeuffer.  
Gordon.  Pitts.  
Greenwood.  Poole.  
Grogan.  Prince.  
Grubbs.  Robertson of Bell.  

Rochelle.  Tarkington.  
Rogers.  Tarver.  
Russell.  Tate.  
Sansom.  Teagle.  
Savage.  Terrell.  
Schulter.  Thomas of Wise.  
Scurry.  Tompkins.  
Shelburne.  Tucker.  
Shropshire.  Vaughn.  
Smith of Grayson.  Wells.  
Smith of Collin.  Willacy.  
Staples.  Willrült.  
Stewart.  Wooten.  
Sutherland.  Wright.  

Nays—2.  

Barbee.  Kennedy.  

Absent.  

Bailey.  Murphy.  
Cocke.  Powell.  
Dies.  Striping.  
Lane.  Thomas of Fannin.  
McFarland.  Walton.  

Absent—Excused.  

Ayers.  Ratclif.  
Bennett.  Robertson, Harrison.  
Conoly.  Shannon.  
Graham.  Weless.  
Masterson.  

“I vote 'aye' on the final passage of this bill, because the repeal of the law transferring one per cent. of the permanent to the available school fund was demanded by the platform adopted by the late Democratic convention at Galveston. Had I been there I should have opposed the incorporation of that plank in the platform, because I believe in the education of the present generation of our people with the funds we have on hand for educational purposes. I believe that one dollar expended in the education of the boys and girls of today, who are to become the fathers and mothers of the next generation, will be worth at least five dollars expended in their training. Besides fitting and qualifying those who are now ready to enjoy the benefits of the school funds for usefulness in the various departments of life it will qualify them for contributing largely to the education of their offspring, and thereby supplement the fund provided by the State for that purpose. I therefore vote for the repeal of the Jester law in deference to the authoritative demand of the Democratic party, and of the aggregate wisdom of the late Galveston Convention. “GRUBBS.”  

Mr. Savage moved to reconsider the vote by which House bill No. 157 was passed, and to table the motion to reconsider.  
The motion to table prevailed.
Mr. Savage called up the report of the Committee on Contingent Expenses, relating to the salaries of certain employees of the House, which report was printed in the Journal of February 4.

The report was laid before the House, a majority reporting a substitute for all the resolutions referred to the committee on the subject, and a minority recommending that the substitute be not adopted.

Both reports were read, and Mr. Henderson of Lamar raised the point that the resolution reported by the committee was not in order and should not be entertained until a resolution, relating to organization of the House, adopted January 19, is rescinded.

The Speaker sustained the point of order.

Mr. Palmer moved to suspend the regular order of business to take up and place on its second reading House bill No. 59, relating to attorneys at law, and the motion was lost.

Mr. Shropshire moved to suspend the regular order of business to take up and place on its second reading House bill No. 9, relating to marriage in cases of seduction, and the motion was lost.

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

The bill was laid before the House, and was read second time, the committee report being favorable, having reported a substitute for the original bill.

The committee report was adopted.

Mr. Shropshire offered the following amendment:

'Amend by striking out the words 'twelve months,' in lines 17 and 18, on page 1, and insert 'four years.'"

Tabled, on motion of Mr. Tarver.

Mr. Wheless offered the following amendment:

'Amend by adding after the word 'extension,' in line 22, page 2, the following, 'or be held to confer upon such corporation any powers not authorized under the present laws of this State.'"

Adopted.

Mr. McKellar offered the following amendment:

'Amend by striking out all of lines 23, 24 and 25, page 2, Section 4, of the bill, and insert in lieu thereof the following: 'That all private corporations whose charters have been forfeited for non-payment of the annual corporation taxes may be renewed and extended by the payment of all taxes, penalty and cost, due the State and a penalty of five dollars in addition thereto.'"

Adopted.

The bill was ordered engrossed.

Mr. Kittrell moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Substitute House bill No. 125 be put on its third reading and final passage.

The motion prevailed by the following vote:

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Substitute House bill No. 125 laid before the House on third read, read third time and passed by the following vote:

**Yeas—103.**

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**Absent—Excused.**

| Ayers      | Ratcliff               |
| Bennett    | Robertson, Harrison    |
| Conoly     | Shannon                |
| Graham     | Walton                 |
| Masterson  |                        |

Mr. Kittrell moved to reconsider the vote by which Substitute House bill No. 125 was passed, and to table the motion to reconsider.

The motion to reconsider the vote by which Substitute House bill No. 125 was passed, and to table the motion to reconsider.

The motion to table the motion prevailed.

Mr. Wright moved to suspend the regular order of business to take up and place on its second reading House bill No. 213, relating to suits against railroad corporations, and the motion was lost.

The Speaker laid before the House on its second reading, as the regular order of business, House bill No. 3, relating to redemption of real estate.

On motion of Mr. Crawford, the regular order of business was suspended to take up and place on its second reading House bill No. 70, A bill to be entitled "An Act to require owners or lessee of coal mines within this State to provide for the safety and health of their employees, and requiring them to construct sufficient means of egress and ingress, and providing a penalty for the failure to do so."
The bill was laid before the House, and was read second time, with favorable committee report with amendment.

The committee report was adopted.

Mr. Crawford offered the following amendment:

"Amend the caption. Amend line 1, page 1, after the word 'the,' insert "owner.""

Adopted.

Mr. Adams offered the following amendment:

"Amend committee report, page 2, by striking out the words "$30.00" and inserting therein "$100.00.""

(Mr. Prince in the chair.)

On motion of Mr. Savage, the amendment was tabled.

Mr. Allen of Hopkins offered the following amendment:

"In line 7, on page 2, after the word 'dollars,' amend by striking out the word 'and,' and insert in lieu thereof the word 'or,' and amend in line 8, page 2, after the word 'by,' by striking out the word 'either' and insert the word 'both.'"

(Speaker in the chair.)

The amendment was lost.

Mr. Culp moved to postpone further consideration of the bill until next Monday at 10:30 a.m., and the motion was lost.

Mr. Phillips of Lampasas moved the previous question, and it was not seconded.

Mr. Garner offered the following amendment:

"Amend by striking out Section 3 and inserting in lieu thereof the following: "Any owner, owners or lessee of any coal mine or colliery who shall neglect or refuse to comply with the foregoing sections shall be deemed guilty of negligence per se in favor of any person or persons so damaged."

Mr. Bailey moved the previous question, and the main question was ordered, and was read on three several days in each house.

The motion was lost by the following vote (not receiving the necessary constitutional four-fifths majority):

Yea—77.

Adams. Alcorn.
Barbee. Bridgers.
Barrett. Browne.
Bean. Caldwell.
Bettie. Calvin.

Yeas—77.

Childers.
Childs.
Clements.
Cole.
Collins.
Crawford.
Cross.
Culp.
Derden.
Dorrob.
Eckols.
Frost.
Gill.
Goodlett.
Goodman.
Gordon.
Grubbs.
Hamilton.
Henderson.
Lamar.
Howard.
Jones.
Kennedy.
Kittrell.
Lane.
Lillard.
Little.
Lively.
Looney.
Loyd.
Marsh.
Maxwell.
McAnally.
Murphy.

Nays—30.

Bailey. Mercer.
Cocke. Morris.
Dean. Morrow.
Decker. Murray.
Dies. Pfeuffer.
Evans of Fannin. Russell.
Garner. Scurry.
Greenwood. Tarkington.
Hurley. Tate.
Lake. Wells.
McClellan. Willacy.
McDowell. Williford.
McKamy. Wright.
Meitzen.

Absent.

Chambers. McKellar.
Ellis. Monroe.
Evans of Grayson. Pitts.
Garrett. Powell.
Gregan. Shropshire.

Absent—Excused.

Ayers. Ratliff.
Bennett. Robertson, Harrison.
Conoly. Shannon.
Graham. Walton.
Masterson.

The Speaker laid before the House, on its second reading, House bill No. 3, A
bill to be entitled "An Act to provide for the redemption of real estate sold for debt," with majority favorable report and minority adverse report thereon.

The bill was read second time.

Mr. Wooten moved to substitute the minority report for the majority report.

After further consideration, Mr. Wheless moved to postpone further action on the bill until next Tuesday, 10:30 o'clock a.m.

Mr. McKamy moved as a substitute for the motion of Mr. Wheless to postpone further action on the bill until next Friday, 10 o'clock a.m.

SENATE BILLS ON FIRST READING.

Pending consideration of the motion to postpone, the Speaker laid before the House, on first reading, the following bills, received from the Senate, which were read first time and referred to appropriate committees, viz:

Senate bill No. 20, to the Committee on Public Lands and Land Office.
Substitute Senate bill No. 53, to the Committee on Towns and City Corporations.
Senate bill No. 94, to the Committee on State Affairs.
Senate bill No. 39, to the Committee on Finance.

The Speaker also announced the appointment of the following special committee in accordance with House Concurrent Resolution No. 29, adopted today: Messrs. Wooten, Bailey, Prince, Childs and Dorroh.

By unanimous consent, Mr. Wheless sent up to the Clerk's desk and had read the following invitation:

To the House of Representatives of the State of Texas:

We beg to advise you that under recent orders of the War Department of the United States government the battleship Texas will be in the port of Galveston from Sunday, 12th, to and including Thursday, 16th, of the present month. On Wednesday, the 15th inst., the Bible and sword purchased by the Sunday school children of Texas will be presented to Commodore Phillip, with appropriate ceremony.

The citizens of Galveston beg to extend to the House of Representatives and such officers, agents and employes thereof, as they may designate, a cordial invitation to visit the port during said time, and to advise them that a special program for their entertainment has been arranged for Thursday, the 16th inst., which will embrace a trip to the jetties, to the battleship and through the harbor; a visit to the fortifications with privilege of examining the guns, torpedo caissons, etc. An oyster roast and a hearty welcome by all the citizens of Galveston.

Should the House accept this invitation, which is earnestly requested, and decide Thursday an inconvenient day, then the program for their entertainment will be arranged to suit their convenience.

THOS. H. NOLAN,
J. S. WHELESS,
Representatives from Galveston county.

Whereupon Mr. Kittrell offered the following resolution:

Resolved. That this House do, when it adjourns Tuesday, February 14, adjourn to Friday morning, February 17, so that the members of this body may avail themselves of the invitation extended by the citizens of Galveston, leaving here at 7:30 a.m., of February 15, on the special free train, which will be provided by the citizens of Galveston.

The resolution was read second time, and Mr. Childs offered the following substitute:

That whereas, we have now been in session thirty days and the "general appropriation bill" is not yet in sight, and it is the will of this assembly that we push forward the business of this session so as to complete, if possible, its business within the constitutional period of sixty days, and then adjourn and go back home to a trusting constituency, who can say to members of the Twenty-sixth Legislature: "Well done, good and faithful servants."

And for this reason we are emphatically opposed to this House adjourning its business at this time to go off on a "junketing tour" at the expense of the State.

And while the members of this House, as well as the people of our entire State, have heard with a just sense of pride that the noble battleship "Texas" is now approaching our coast, and will in a few days be anchored at the great city of Galveston, be it, therefore:

Resolved, That a committee of five members of this House be appointed by the Speaker to arrange for the reception of the gallant Captain Phillip and his brave and heroic officers and men, should they accept the invitation which the Legislature by resolution has extended them to visit the Capital City of Texas, and that they be invited to the Hall of the House and be given seats on this floor, and that services befitting their gallant and heroic deeds be held in the House of Representatives, and that the Senate and Governor, and all officers of the State government, and all citizens of Texas be
invited to attend.

And be it further resolved, That all those members, officers, and employes of this House, who desire to show their patriotism by going on a “junketing trip” to Galveston to see the battleship “Texas,” be allowed to go, and they be excused for that purpose, but it is also the will of this House that such “junketing” party further show their patriotism by donating to the State their pay during such absence, and that they be not excused to go on such “junketing” trip unless they forfeit their pay or per diem during such absence from the business of this House.

(Pending consideration, Mr. Henderson of Lamar was called to the Chair.)

While the above was under consideration, Mr. Garner raised the point that the resolution was not in order for the reason that unanimous consent had been granted Mr. Wheless to have an invitation read to the House, and that when the same was read the House should have returned to consideration of pending business, which is the motion of Mr. McRamy, to postpone further action on House bill No. 3 until next Friday at 10 o'clock a.m.

Whereupon, on motion of Mr. Childers, the House, at 1:20 p.m., adjourned until 7:30 p.m. today.

EVENING SESSION.

The House met at 7:30 p.m. pursuant to adjournment.

Speaker Sherrill in the chair.

Roll called and a quorum was announced present.

Mr. Savage called up the following resolution offered by Mr. Kittrell on Friday, January 30, and which was read and laid on the table, subject to call:

Resolved, That the Committee on State Affairs be and is hereby directed to ascertain and report to this House the number of saloons in Texas, and the amount of revenue derived by the State therefrom; also to ascertain, if practicable, whether there are any houses or places in Texas wherein gambling at games is forbidden by the statute is carried on; and if so, what is the number of such places or houses, and where the same are situated? Also, to ascertain and report what relation or connection there is between such saloons and such gambling houses. Also, to report whether the laws regulating the conduct of saloons are or are not violated, habitually and continually, and if gambling houses are in operation in Texas, to report what officers are responsible for the existence and continuance of such violations of the laws; and what legislation, if any, is necessary to compel the performance by such officers of their sworn duties, and in event of their failure or refusal to perform their duties, what legislation is necessary to secure the punishment of such officers and their removal from office.

Also, to report what the effect of saloons and gambling houses, if the latter be found to exist, is upon the political, social, moral and economic interests of the State, and whether, in the judgment of the said committee, it is desirable or practicable to suppress such saloons and gambling houses in the interest of good government, good morals, and social order.

Resolved further, That such committee be authorized to send for persons and papers, and to administer oaths, and be and is hereby empowered to punish persons for contempt of its authority, and that the sum of five hundred ($500.00) dollars, or so much thereof as may be necessary, be and is hereby appropriated out of the contingent fund of this House to pay the expenses of such investigation and report.

The resolution was laid before the House and was read second time.

Mr. Tarver moved to reconsider the vote by which House Concurrent Resolution No. 20, by Mr. Wooten, relating to appointment of a committee to co-operate with a like committee from the Senate, to invite Captain Philip, his officers and crew of the battleship “Texas” to visit the capital, was adopted this morning.

Whereupon Mr. Bailey moved a call of the House.

The call was seconded and the Clerk was directed to call the roll, which showed the following members present:

Adams.  
Allen of Hopkins.  
Bailey.  
Barbee.  
Barrett.  
Bean.  
Bolin.  
Brigders.  
Browne.  
Calvin.  
Childers.  
Childs.  
Clements.  
Cocke.  
Cole.  
Crawford.  
Cross.  
Culp.  
Decker.  
Derden.  
Diers.  
Eckols.  
Ellis.  
Evans of Fannin.  
Evans of Grayson.  
Frost.  
Garner.  
Garrett.  
Gill.  
Goodlett.  
Goodman.  
Gordon.  
Greenwood.  
Grubbs.  
Hamilton.  
Henderson, Brazos.  
Henderson, Lamar.  
Howard.  
Hurley.  
Jones.
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Kennedy.  Phillips of Camp.
Kittrell.  Pitts.
Lake.  Poole.
Lane.  Powell.
Lillard.  Prince.
Livsey.  Robertson of Bell.
Looney.  Rochelle.
Loyd.  Russell.
Marsh.  Sansom.
Maxwell.  Savage.
McAñally.  Schluter.
McClaran.  Scurry.
McDowell.  Shelburne.
McFarland.  Shropshire.
McKamy.  Smith of Collin.
McKellar.  Stewart.
Meitzner.  Tarkington.
Mercer.  Tarver.
Monroe.  Tate.
Morris.  Teagle.
Morrow.  Terrell.
Morgan.  Thomas of Wise.
Oliver.  Vaughan.
Palmer.  Wells.
Parish.  Wheless.
Peery.  Willacy.
Pfeuffer.  Willrodt.
Phillips, Lampasas.

Absent.
Allen of Colorado.  Murphy.
Beaty.  Rogers.
Blount.  Smith of Grayson.
Caldwell.  Staples.
Chambers.  Stripling.
Collins.  Sutherland.
Dean.  Tompkins.
Dorroh.  Woolen.
Grogan.  Wright.
Little.  Absent—Excused.

Ayers.  Ratcliff.
Bennett.  Robertson, Harrison.
Comolly.  Shannon.
Graham.  Walton.
Masterson.

The roll showed a quorum.

Question then recurring on the motion of Mr. Tarver to reconsider the vote by which House Concurrence Resolution No. 20 was adopted, yeas and nays were demanded by Mr. Tarver, Mr. Vaughan and Mr. Greenwood.

As the Clerk was proceeding to call the roll, Mr. Cole raised the point of order that

The resolution being a concurrent resolution and having been sent to the Senate and having been already adopted by that body, and the House having been duly informed of said action, as is shown by the Journal, it would be a discourtesy to the Senate for the House to entertain a motion to reconsider without first informing the Senate that such a motion is pending in the House, and returning the same to the Senate with request that action therein be reconsidered and the resolution returned to the House.

The Speaker sustained the point of order.

The House then returned to consideration of the resolution by Mr. Kittrell, upon which he addressed the House and said:

Mr. Speaker and Gentlemen of the House.

The resolution which has just been read, and to which I propose to address such remarks as I shall now submit, has not been offered without due reflection and consideration.

If I desired to, or was capable of the purpose of using my position in this body to promote my selfish personal aims and ambitions, I scarcely think it would be considered that I had made with the resolution offered, a prudent or politic beginning.

Standing before you profoundly believing that I must in the last great day account for all my actions, and recognizing my accountability to the Searcher of all hearts, as He is my witness, I have no purpose or design in offering the resolution, or in discussing the same before you, save and except to “do my State some service” and promote the social, moral, political and material welfare of a people whose interests have, in some degree, however small, been committed to my keeping.

Holding myself not worthier than the humblest and most unpertentious member of this body, recognizing my limitations and infirmities, and conscious of my inability to deal with the great question involved as it should be dealt with, yet, acting under a profound sense of public duty, inspired by a love of my State and a sincere desire to see her glory increase and to have her move in the forefront of the advancing cohorts of a higher and grander civilization and morality, I come to discuss, with the help of God, a question fraught with issues which concern and affect the temporal and material interests of Texas, and issues which involve for many a score of her citizenship, the awful interests of eternity.

I have said I have not offered this resolution without due reflection, but I sincerely trust that such statement will not be misunderstood or misinterpreted. I do not mean thereby that I have, for a moment, considered how what I shall
say may affect my personal interests, or, if any I have, my political purposes or ambitions, for if I had done this, I should hold myself in utterable loathing and contempt, for if, when the voice of duty to his fellow man calls man to action, he pauses while self sings her siren song, and is by that song lulled to silence and inaction, that silence is cowardice and that inaction is dishonor.

No question of the policy or impolicy of my action has ever for a moment lodged in my mind. I am no politician, because I chance to hold a position commonly and, perhaps, properly, termed a political one. It does not follow because a man is a member of the Legislature or of Congress that he is a politician, because a politician in the popular, if it be not the accurate meaning of the term, is one who is controlled wholly by policy as it may affect his selfish interests and ambition, one who watches every veering of the political wind, every turn of the tide of public sentiment, that he may be carried by the one or ride upon the other, and devoid of honest convictions or intellectual integrity, he becomes that most despicable and dangerous object that ever cumbered the ground or moved in mortal shape—a Demagogue.

I should be guilty of unpardonable falsehood and conceit if I claimed to be a statesman because I have no experience in statecraft, and have never before been a member of a deliberative body, nor have I been able under the conditions which from my youth up, have environed me to give that profound study to great economic and social problems, which is necessary to the thorough understanding thereof, without which understanding no man can justly be called a statesman, hence I am neither a politician nor a statesman, but I hope I may without any real or seeming immodesty claim to be what in a sense is more than either, a man who owns himself, whose convictions are not for sale for votes, and who has at least sufficient capacity to see glaring wrongs, crimes and violations of moral and statute law, and possessed of at least enough courage to denounce them and strive to abate and suppress them in the interest of the people whose servant he is, and from whom he holds his commission, a commission devolving upon him solemn duties and responsibilities, to discharge which he has pledged himself by as solemn an invocation as ever linked the soul of man to God's eternal throne—a Legislator's oath.

I, of course, know full well that there are those whose interests, if what I say shall bear such fruit as I hope it may, will be adversely affected, but I desire that what I say now in all sincerity should be believed, because it is true, that I am actuated by no ill will or unkindness toward any individual upon the earth. For the men engaged in the keeping of saloons, or even those who maintain in deference of plain law, gambling houses, I have no words of personal abuse. There are men engaged in both vocations who have admirable personal qualities, inconsistent and paradoxical as the statement may seem. There are among them many for whom I have the kindest personal feeling, and to whom I would render any favor in my power. Many saloon keepers are the products of environments for which they were not primarily responsible, the creatures of conditions which they could not avert or control, and engaged, as is the case with many of them, in a business which they loathe, and which, if able, they would gladly abandon—they are rather to be pitied than blamed.

Many of them are entitled to infinitely more of charity and respect than are the distillers of the liquors which they vend, because the one often poor in purse sells that which is ready made to hand, in order to earn a living in a vocation which he at heart abhors, while the other, most often rich, deliberately converts grain, which a beneficent Providence has given for bread to strengthen and sustain man and the lower animals, into liquor to poison the body and damn the soul of his fellowmen, to the end that he may make money, and compared with any dollar so made, the thirty pieces of silver for which Judas sold his Lord was consecrated coin.

But though many saloon keepers and gambling house proprietors be men of some good qualities, no characteristics of the individual engaged in these vocations justifies them in persistent, open, continued, notorious violation of law, and it is because the business in which they are engaged not only goes hand in hand with violation of law, but sets the pace and establishes the precedent for other violators, that I ask at the hand of this Legislature such legislation as will make plain to the saloon keeper and the gambling house proprietor that the law abiding and not the law violating people of Texas intend to run its government and make its laws, and that will teach them that while no man is too lowly or too humble to receive the protection of the law, at the same time no man is so high or so rich or so strongly intrenched behind the barriers of usage and custom, or behind the bulwarks of protection which have been purchased by his money,
or which he has been able to raise by his threats as to violate the express will of the people with impudence and impunity.

I am not ignorant of what men will say concerning my action. It has already been said to me that if I dared say what I have said and shall say, that I would with my own hand sign my political death warrant, but such prediction has for me, thank God, no terror. I am not conscious of the possession of any political ambition, and I feel most sure that I have none that would weigh, for one moment, against my sense of duty, but had I a burning and consuming ambition for even the loftiest honors, the death warrant so much as sowed seed that would spring up hereafter and work the suppression of the twin evils of the saloon and gambling house, how cheaply would such deliverance be bought, if the price was only my petty political ambition.

Political death that would bring such redemption would be the very "bliss of dying." Yea, standing here in the prime and vigor of my manhood, and speaking calmly and deliberately and weighing well my words, such is my love for my State that so help me God, if my physical death could purchase for Texas perpetual freedom from the blighting, withering, corrupting curse of the saloon and the gaming house, I would go to lay down by my father neath the sighing and swaying pines of Walker county as gladly as ever bridegroom went forth to meet his bride.

It is, however, but candor on my part to say that I have no fear of all the power of the law-breaking element of Texas. I have an abiding faith in the truth, for truth it is, that the law-abiding people are always in the majority, and while I give no thought to the question of majority or minority as affecting my action, yet desiring to have the approval of the better element of my people and expecting and desiring the opposition of all violators of law, as the surest proof of the justice and righteousness of my cause. I rejoice to believe that in the homes of the God-fearing and law-abiding people of Texas, from whence comes all that is good in morals or in government, I will at least not be condemned.

But whatever may be thought or felt or said by others, I renounce in the calm confidence of the support of at least two guides and mentors—my conscience and my wife, and though "all the guilty globe," beside should blaze with condemnation I would with these as my support laugh to scorn the wrath I had aroused.

However, if the dire prediction in which some have indulged be fulfilled and I should fall into political death before the supposed puissant arm of the law-breaker, then I trust I have in this body some kind friend who will upon the humble shaft that will mark the grave of the political suicide write "Here lies the dust of a man who dared speak his honest convictions;"

and as I am speaking not for myself, but for the people of Texas and for their posterity, I trust the same kind friend will write also on that stone these words of a great poet:

"Whether on the scaffold high
Or in the battle's van,
The fittest place that man can die
Is when he dies for man."

I trust that it may not be thought that I have in any degree trespassed upon the proprieties of this occasion by this preliminary statement, which has been extended to a length unintended when I began, but I am exceedingly desirous that two things should be distinctly understood. First, that I am not dealing with individuals in their personal and private relations or as citizens disassociated from the vocations which I arrogate as inimical to society, and that my language refers to those who violate the law and defy it in the aggregate, speaking in my capacity as a representative and servant of the people of Texas, and in no spirit of ill will or prejudice or personal unkindness against any individual citizen.

Second, I am not advocating the theory or discussing the question of prohibition in the sense and to the extent it has been sought heretofore to be established in Texas.

I am dealing with facts, not with theories. While I do not drink either malt or alcoholic liquor myself, yet I recognize that thousands of my fellow citizens do without apparent injury or evil effect use beer or wine as a beverage, indulging in such use in moderation, and as is the case of many in using such beverages by reason of early formed habits and inherited tastes, a use which is sanctioned by custom and social observances, and it is
not my purpose to seek to regulate their
tastes or control their appetites by legis­
lation. There are those, too, within my
hearing, I doubt not, who sometimes use
alcoholic liquors, but I deny the propo­
sition that such use even in what is often
termed moderation is beneficial, or other­
wise than dangerous and injurious, and
in this assertion I am sustained by the
highest scientific authority and the
ablest physiologists of the age, yet I do
not propose to deal with that phase of
the question in any extended manner, if
at all.

I am dealing with a condition; with
the saloon where alcoholic liquors are
sold at retail by the drink, as a beverage
to promiscuous consumers, the place
where men gather to drink and to loaf
and to squander their money, the place
that is open day and night, alike to the
experienced and the unwise, to him who
can control his appetites and to the vic­
tim of a consuming passion for drink,
to the rich man who misses not the
money he spends and to the poor wretch
who takes from a starving family its
last dollar, and exchanges it in the sal­
loons for the drink that poisons his body,
the place which when most luxurious and
attractive has for its almost invariable
concomitant and annex the gambling
house, so that if any of the victim’s hard
earnings be spared by the one they will
not escape the other, the place from
whence no good but myriad evil influ­
ences and results flow day and night, the
place which linked and bound in interest,
purpose and design to another equaling
if not exceeding it in evil, boldly, shame­
lessly and defiantly violates the law
alike of God and man, hence I come to
deal with it not because men choose to
drink or to sell drinks, but because that
sale is made in defiance of law and
whole­some police regulation, and because the
place of such sale, called in common
phraseology a saloon, becomes the fort­
ress of the wrongdoer and the violator
of law and the citadel of vice, and when
any place is so conducted it is a lawless
place and should be suppressed, I care
not what it sells.

I lay down the plain, simple propo­
sition consistent with every principle of
government by law, and necessary to the
preservation of good order and good
morals. Either enforce the law or re­
peal it.

There are certain fundamental prin­
ciples upon which I propose to rest my
argument.

A condition of things where there are
no laws is a condition of barbarism

As man progresses from barbarism he
perceives the necessity of law, and out of
that necessity as essential to social order
laws are born and promulgated, and thus
results a system of civilization.

Under our system of government the
people are the source and repository of
all power, and that power is exercised
through the medium of their delegated
agents, whose views and opinions as to
what is necessary, wise and proper to be
enacted into law, presumably at least
reflects the peoples’ will and wishes.

If the agents chosen by the people do
not in the laws enacted by them reflect
the will and wishes of their principals,
other agents or the same agents will be
directed to change or amend or repeal
such laws.

It the laws made meet the approval of
their principals and seem to them to be
necessary and salutary, and calculated
to promote good morals, peace and order,
they are retained in the statutes in the
interest of society, for the protection of
which they are enacted. Many of the
laws of Texas which are ofestn violated
have been in the Statutes of Texas for
more than half a century.

Such rules are nothing more than rules
of action made by the people. If a rule
be made without a purpose or without a
penalty for its violation, then it is a use­
less enactment. The purpose of such rule
is to command what is right or to forbid
what is wrong, and if what is forbidden
be done, the penalty named in the rule is
intended to be enforced in order to pun­
ish the violation of the rule and deter
others from similar violation.

Whether a rule is needed, and if needed
what penalty is adequate for its viola­
tion, is a matter left solely to the people
to determine. Their conclusion upon the
question finds expression in the rule they
lay down.

Their satisfaction or dissatisfaction
with the rule is indicated by whether
they retain it or repeal it.

These are but trite and simple propo­
sitions, yet are true and fundamental.
The power of the people to make any
penal rule or statute, for a penal statute
is but a rule, is limited only by the con­
istitution, and so long as any penal stat­
ute is not in violation of the personal
and constitutional rights of the citizens
it is a valid law. If it be a valid law or
rule of action, then it is binding upon
every citizen, high of low, rich or poor,
black or white, gardner or gamester,
lawyer or liquor dealer, the beggar in
rags and in filth and the gambler in
broadcloth and jewels. No custom or
usage can excuse either its violation or
the failure of those charged with pre­
vention or punishment of the violator to
perform their duty. No plea of limitation can excuse an ever continuing wrong.

Having, then, laws or rules made, with a penalty attached and binding on all the people, there are provided officers or agents of the people to enforce the rules that the people have made.

We come logically then to inquire:

1st. Within what limitations must the people act in passing penal statutes, and whether the Statutes of Texas relating to saloons and gaming houses are within those limitations?

2nd. If they are within such limitations and consequently valid and binding, are they enforced?

3rd. If they are not enforced and the violation thereof punished, who is responsible for such failure.

4th. Whether it is not desirable to enforce the laws, and in this connection we must naturally and reasonably examine the question of the saloon and gambling house:

1. In its financial and economic phases.
2. In its moral, or rather its immoral phases.
3. What are the remedies for prevailing conditions?

1st. Within what limitation must the people act in passing penal statutes, and are the Statutes of Texas relating to saloons and gaming houses within these limitations?

No lawyer will pretend to deny that the State has the right to deal with saloons so as to prevent the sale of liquor at retail; no man doubts the right of the State to close saloons, when the public welfare demands it. The constitution made by the people themselves gives the right to the people to prevent the sale of liquors whenever they see fit.

The State closes the saloon on every election day. Why? Because the public welfare demands it. The right conceded to close on one day, in order to insure honest elections, and the deliberate and well considered exercise of the right of suffrage, a limit of the exercise of that right rests with the people.

If the saloon is so dangerous that it cannot be permitted to be opened on election day, lest evil may result to the State, then it is too dangerous to be open any day, because its great evil has been wrought, ere election day comes.

The exercise of the power to regulate or suppress the saloon is a legitimate exercise of the police power of the State, and an essential element of its sovereignty. No quotation from law books is necessary to show this. Our Supreme Court has settled the question that our

Sunday law statute is violative of no constitutional right, nor trespass upon any man’s personal liberty.” (Gabel case, 29 Texas.)

The highest authorities on constitutional construction and the limitations of police power—Cooley, Sedgwick and Teideman—substantially agree, that the manufacture of liquor can be prohibited; that prohibitory laws are not in conflict with the constitution, even though they prevent the fulfillment of contracts; that they are looked upon as a matter of police regulation to prevent intemperance, pauperism and crime (Cooley, Const. Lim., 718); that liquor saloons may be declared a nuisance and be condemned and destroyed by legal process, and that even the buildings may be seized and condemned as a nuisance, and that they may be lawfully closed on the ground that they are the resort for the meeting of the idle, depraved, and vicious classes.

They are subject to police regulation and control because they are as ordinarily conducted, inherently harmful and injurious to the public welfare, as no trade or avocation can be so subject unless its prosecution involves harm or injury to the public peace, health or morals.

Thus we see that the saloon and distillery exist only by sufferance, and have no inherent or vested right which either constitutions or laws are bound to regard, and that to suppress them is no invasion of personal liberty.

The “personal liberty” cry is respectable only because of its age and its weakness. Every lawyer fit to hold a license knows that the State has the right to suppress the saloon. He knows that if there were one thousand distilleries in Texas and each had a million gallons of liquor on hand, and the State were to adopt such a constitution or enact such a law as would render this liquor absolutely impossible of being sold in Texas, such constitution or such law would be valid, and not in conflict with the constitution of the United States.

The Supreme Court of the United States has so declared. If one thousand houses had been leased for gaming purposes by the most solemn contract, the State can close the saloon and the gaming house and destroy the contract, because the sovereign right of the State to protect the public health and the public morals cannot be bargained away. No lawyer will dispute this proposition.

The right to exact a small license, involves the right to require a larger one; the right to license at all, involves the right to decline the license. The power to prevent the saloon from opening, un-
less it pays a license, carries with it the power to prevent the opening at all, and since, when viewed as a business transaction, it leaves the State millions the loser, and as a moral investment leaves it a loser beyond all power of computation, it is worse than folly to permit it to do business. It is a crime; and the statute that authorizes the State to take money as pay for leave to sell alcoholic liquors to its people is a burning, damning shame and disgrace to the statute books of a Christian commonwealth. The State says, give me money and you may open wide the door that leads to death and adorn the pillars of the gateway that leads to physical and moral ruin.

2nd. If the laws are valid, are they enforced?

This question needs no evidence or argument to answer it. Every private citizen and every officer knows that the laws relating to the saloon and the gambling houses are constantly violated, and that such violations are ignored and connived at.

The law which is the will of the people says saloons shall close on certain hours on Sunday; that they shall have no screens or blinds before the bar; that they shall not sell to minors; yet every man within my hearing knows that these laws, rules laid down by the people, are shamefully violated, daily, nightly, habitually, continually.

Lawlessness flaunts its face in the light of open day, and goes unharmed amid the very officers who are sworn to enforce it. Every man knows this is true, and I ask what will you, the people’s servants, do about it? The law says if any man run or keep a gambling house or run certain games, or if a man deals the games, he shall be punished. Such acts, unlike the saloons, are not licensed; the state does not profit by them, as she does from the saloon. Gambling houses are run in the face of the plain statute in defiance of the popular will. In the flashing light of the fashionable gambling house, can be read, “We are above the law and defy it. You of the toiling, sweating herd, who labor for your bread, must obey the law, but we who toil not, neither do we spin, yet wear fine linen and fare sumptuously every day, are not obliged to obey it, and your officers, dare not attempt to compel us so to do.”

Combined and allied, the saloon and gambling houses laugh at the law, mock at the rules and penalties prescribed by the people and recklessly and defiantly trample them under foot.

I say to you today, whenever any man or men, any single man or combination of men, engaged in business, legal or illegal, defy the law of the people, it is time the people should arise in their might and smite the law-breaker, until he will not raise again his lawless and defiant head.

I say to you, gentlemen, either enforce the laws or repeal them. We have the laws, we know these laws are daily, flagrantly violated; we have the power to prevent such violations; then the question is, why is not that power exercised in all its fullness.

3rd. Who is responsible for the non-enforcement of the law?

Who is vested with the power to enforce the law? The officers chosen by the people and sworn to do it, and paid to do it. The sheriffs, the deputy sheriffs, the constables, and the police officers of any incorporated town or city, are all peace officers. The mayors of cities and the marshals are charged with the duty of enforcing the law, and are sworn to do it. Their oaths enjoin upon them, and the statutes make it obligatory. Every man knows it is not done; then I ask again, why is it not done?

Let me state a proposition or situation. I want a place of trust and power, and want it for its revenues and emoluments; I struggle to obtain it; I expend my money in the effort. I know the duties it will devolve upon me, and I know I will be paid if I perform those duties. I obtain the office and swear to perform my duties, solemnly invoking God as my witness. Every step I take to perform those duties means money to me. I have daily opportunities to exercise my power and increase my earnings; I know the laws I am sworn to enforce are violated in my sight, and that if I do my duty I will earn large rewards of the money for which I take the office; yet I do nothing. What conclusion must be reached as to me and to my motives? Either one of two conclusions are inevitable. One is that I am afraid to do my duty, lest I make enemies of the lawless, the other that I find it more profitable not to do it. If the first be true, I am a coward; if the other be true, I am a knave.

Every man can make the application for himself, for it is obvious. It needs no argument to show that it is no part of the duty of any constabulary officer to pass upon the wisdom or constitutionality of the law. It is his duty to enforce it as it is written—to obey the people’s will as they express it, and as he has sworn to do. Every man knows that the laws are notoriously and flagrantly violated, yet we sit supinely down and allow banded and organized
law breakers to defy the rules made for the preservation of good morals and social order, and allow our sworn and paid servants to neglect their duty, yet hold the trusts the duties of which they will not perform.

Yes, we do more and worse than this. We allow our chosen servants to negotiate with violators of the law and agree with them that if they will, at intervals, confess one or more of their myriad offenses, the remainder will be ignored, and that if after a period has passed, they will again confess their guilt, they will be allowed another long season of peaceful pillage, thus not only actually licensing acts outlawed and forbidden by law, but making contracts involving official dishonor and palpable neglect of official duty.

I rejoice to know that the Senate of Texas has taken steps to enact a law which will visit condign punishment upon any officer who may be proved a party to so nefarious a bargain. No officer has the right to annul or repeal a law, and it is a fundamental principle that not even the Legislature can bargain away the right and power of the people to protect the public peace or the public morals.

Let us now look at the question from a financial standpoint.

Of course, gaming houses pay no license that is authorized by law; but that they pay something for the privilege of the serene and undisturbed possession of their unlawful business must be true, for certainly men do not neglect their duty and allow crime, which they have sworn to suppress, to go unpunished, for nothing. If men deliberately refuse to perform their official duty, whereby they would make great gains, there certainly must be some influence to prompt such action. In any event, the State gets nothing, yet the gambling hell gets nothing but his contempt and defiance.

Let us state the account between the State and the saloons. According to the report of the State Revenue Agent, there are in Texas 1958 whiskey saloons and 2134 beer saloons; total, 4092. Ten dollars a day to each is, I take it, a moderate estimate, which is, in round numbers, forty thousand dollars a day. In thirty days it amounts to one million two hundred thousand dollars; for twelve months, fourteen million, four hundred thousand dollars, or seven hundred thousand bales of cotton at twenty dollars a bale. But suppose we eliminate the beer saloons, and take only those that are licensed to sell alcoholic liquors, and for convenience call the number two thousand, which is but fair, because many of them licensed to sell only beer, sell liquor also. Their receipts must average twenty thousand dollars a day; one hundred thousand dollars a month, and seven million, two hundred thousand dollars a year: nine-tenths of which is absolutely worse than wasted. From the 1958 saloons, what does Texas get in the way of revenue? The report of the Revenue Agent says it is five hundred and fifty thousand, six hundred dollars. Therefore, the debit against the people is six million, six hundred and forty-nine thousand, four hundred dollars, a loss of about twice the expense of the entire State government.

The report of the Commissioner of Labor of the United States shows that in 1896 there was manufactured in the United States of alcoholic, vinous and malt liquors, 16,421,000 gallons for every man, woman and child in the United States, or more than a billion of gallons. But leaving out of the calculation beer and wine, there were manufactured in the same year of alcoholic liquor alone over eighty-nine million of gallons, the fair cost of which to the retail consumer was at least two dollars a gallon, or in round numbers one hundred and eighty millions of dollars, a sum nearly, if not quite, equal to the entire cotton crop of the South at four cents a pound. If any man doubts these figures, I will produce the authorities.

These are statistics which can be computed by the ordinary rules of arithmetic, but the blighted lives, the wrecked characters, the broken hearts, the ruined homes, which the liquor so produced has caused, and the misery, the despair, the woe that flows from the awful traffic of the saloon cannot be calculated, because the mathematics of humanity has no calculus adequate to make the fearful, appalling computation.

The dollar which flows into the treasury of Texas from such a source is as accursed as the price of blood. That
dollar may fall with a merry jingle into the till of the saloon keeper and into the State treasury, but there is an under-tone, a note of woe, the rhythm of sorrow and misery not heard by mortal ears, but which changing to the notes of horror and despair, rings in awful cadence down the fiery aisles of hell.

In my own city, according to the report of the Revenue Agent of the State, there are 389 saloons. It is, I believe, a fair estimate to say that they must take in each day for the whole number as much as four thousand dollars, or one hundred and twenty thousand dollars a month, or one million, four hundred thousand dollars a year. Therefore, the saloon bill of Houston requires 70,000 bales of four-cent cotton to pay it, and the revenue received by both county and city is less than ten per cent. of the amount taken in by saloons. It is not surprising that there were three murders in one week recently in the saloons in Houston.

Let us now look at the question from the standpoint of morals and duty.

That the duty of every man in this body is to serve to promote, not only the material, but the moral welfare of the people of Texas, no man will deny.

That the obligation to obey the law, as it is written, rests upon every citizen, is a proposition too simple to be disputed by any reasonable man.

That the officers of the law, sworn and paid to enforce it, should be compelled to perform their duties, or give up the trusts they betray, is to state a truth, upon the application of which depends the supremacy of the law and safety of society.

It has been said that the question of the saloon and gambling house is beyond the pale of ordinary legislation, because it is a moral question. No law, upon which depends the peace and good order of society, the happiness and prosperity of the people and the purity of elections can be consistently opposed on the ground that it is a moral question. The volume of laws of Texas is full of rules with penalties attached, which relate to matters which are violative of moral laws, and no man questions their wisdom or necessity. The law does not interfere with a man's morals or his personal conduct, until they take such direction and go to such limit as to infringe the rules laid down for the preservation of decency and social order; but there cannot be two standards of morals, one for the individual citizen and one for citizens in the aggregate.

The penal statutes of Texas are based upon and are but the statutory expression of the eternal law that was and is and must forever be, which scorched on tablet stone was handed down from Sinai's smoking summit to Israel's waiting host. The law contained in this holy volume, now in my hand, cannot be set aside by human statute. You cannot put it down with a hiss; you cannot destroy its power with a sneer.

The nearer human laws approach to the standard herein laid down, the nearer will they meet the demands and necessities of an advancing Christian civilization. If there be those who say, as has often been said, that if a man choose to waste his substance in riotous living and wreck his character and his fortune in the gambling house, that it is a matter of individual responsibility, with which no other man has the right to interfere by legislation, and which society need take no concern to prevent, lest it interfere with individual liberty; to such I answer that the day of moral darkness, when such a theory of social duty prevailed has passed forever. Every man endowed with the elements of intelligence and character, in however small degree, is an item in the aggregate of social results.

Society as a whole is but the sum of its individual factors. Just as those factors integral parts of the whole body are by the saloon and gambling house injured and weakened morally, physically and financially, so is the whole body of society weakened and its moral power lessened.

Hence, from the standpoint of selfish interest, if for no other reason, society has cast upon it the duty of its protection.

The saloon and gambling house work ever for evil, never for good. The influences flowing therefrom strike at the very foundation of social order, by working physical and moral injury to the citizenship upon the intelligence and moral strength, of which the very existence of government depends.

These reasons are sufficient for purging the land of these linked and banded curses, but the higher, stronger reason is that they are not only violative of human law, but also of the immortal, unchanging rules of moral conduct laid down for man's guidance by Him "who spake as never man spake." If he condemns the drunkard and pronounces upon him the judgment of eternal ruin, what fate must he have reserved in the arsenal of his judgments for the man who, for the sake of gain pander to the consuming appetite and hastens the end of his fellow man which end but for him might have been escaped.
No Legislator can say if men drink and gamble, thereby bringing poverty and shame and dishonor to millions, it is not my concern. There may be no demand in any platform for those things which I advocate, but it is demanded and required of every man within my hearing by that law which is greater and higher and mightier than any party platform, the law laid down by the "Man of Galilee."

His code of morals and his teachings, rested upon eternal foundations. Men may ask in the language of the first murderer, "Am I my brother's keeper?" and the answer comes back from the Judean hills ringing down the aisles of the centuries over prostrate principalities, crumbling crowns and mouldering monarchies, "Thou art thy brother's keeper," and how hast thou dealt with thy brother? will confront you in the day of the final reckoning, and no party platform can be built high enough, or wide enough, or strong enough to shield him that has fallen short of his duty unto his fellow man.

The people of Texas stood in the person of one man before the great bar of final reckoning, and that man was asked that momentous question, what would be the answer? It would be, I gave him the open saloon; I licensed men to sell him drink; I permitted his fellow men, by means prohibited by my own laws, and in shameless defiance of good morals, to rob him of his substance, and when thousands of orphans which I had made hungry and naked; I provided not food or raiment for even the one hundredth part of my victims.

That righteousness exalteth a nation, but sin is a reproach to any people, and that woe will be unto him who giveth his neighbor drink, and them that rise up early that they may follow drink, and that wine (alcohol) is a mocker, strong drink is raging, and whosoever is deceived thereby is not wise; and that the drunkard and the reveller cannot inherit the kingdom of God, were true when written, are true today, unrepented and unamended, and will be true through all the ages yet to come.

Let us look yet further at its immoral phases and inquire as to the fearful results. Ask every lawyer who does a criminal practice; ask your judges; ask your sheriffs; ask your prison wardens; ask the keepers of your orphan asylums and your lunatic asylums. I have in my possession now a letter of very recent date from a friend who for fourteen years prosecuted the pleas of the State before the courts, and there was no abler officer within the limits of Texas. He says, "stop the saloon and the gambling houses and you will stop three fourths of the crime." He says, "I make this statement, after years of observation and experience in the practice of the criminal law." And I speaking from eight years service in the courts endorse his statement.

But it needs no evidence or argument to prove that the open saloon is for Texas the direful spring of woes unnumbered. The ruined homes, the impoverished families, the bursted characters, the drunkards graves to be seen on every side bear fearful and irrefutable testimony to its destroying and corrupting influence.

I array the saloon and gaming house as entwined, linked and allied evils; as corruptors of youth, destroyers of manhood, debauchers of the ballot box, defilers of the temples of justice, breeders of anarchy and crime; and the existence thereof as an unmitigated and unmodified calamity and a constant, continuing, cancerous curse, without excuse or justification in morals or in economics and a damming shame and reproach to the civilization of this enlightened age.

The saloon not only works physical and moral ruin upon its immediate votaries, but as scientific investigation has indisputably demonstrated, operating through the unerring and inevitable laws of heredity, it visits the sins of the father upon the children to the third and fourth generation. Therefore do we stand here as guardians not only of those who now live, but of generations yet unborn.

I believe I can, in some degree, correctly anticipate some of the criticisms and objections that will be made upon and to what I have said and may say. And I propose now to endeavor to meet the same.

None are so blind as those who will not see, and there may be some who will construe what I have said into an appeal in favor of a rigid and universal prohibition to the extent comprehended by the constitutional amendment which was submitted to the people of Texas in the year 1887, but I have already and sincerely disclaimed such purpose. If it be said morals cannot be legislated into the people, I answer: I do not seek to do that. To seek to make men moral by law is one thing, to make them obey wise and salutary laws is another.

The proposition to prohibit the drinking of such beverages as the citizen may desire and the proposition made in the interest of good government, good morals and pure elections to make the vendors of liquor at retail to obey the law as it is written, and, if possible, to suppress
the saloon as a distinct institution, and a place for the retailing of alcoholic
liquors by the drink; are two propositions which are utterly and absolutely
differentiated, the one from the other.

The one proposition would require a constitutional amendment which, in view of past experience, would not receive my support. The other involves only the exercise of the reasonable, recognized and constitutional police power of the State, the extent of the exercise of which is left to the sole determination of the people. No lawyer will deny this proposition. It may be said, as has often been done, that the necessity for alcoholic liquors in medicine and for use in the arts makes it impracticable to prohibit its manufacture entirely. This proposition has no support in truth. The Commissioner of Labor of the United States, after most exhaustive investigation and calculation, states in substance that only about 11 per cent. of the entire production is so used, thus leaving about 89 per cent. to be used as a beverage.

Science, investigation and experiment have settled beyond all doubt (1) that alcohol is not a stimulant, but a narcotic or nerve deadener; (2) that it is never under any circumstances either necessary or useful as a medicine, and (3) that it is a poison from the time it is received into, until it is eliminated from the system.

Whoever denies these propositions flies in the face of the highest scientific authority and most advanced thought and investigation of the age.

There may be, too, those who will say that such legislation as I advocate will antagonize the habits, customs and sentiments of many citizens of Texas of foreign birth. This proposition I deny, because such legislation is in the interest of peace, good order and good government, and the very large proportion of such citizens are conservative and law-abiding, and do not array themselves in defiance of the popular will.

While, by reason of inherited tastes and customs and early religious training, there prevails among them certain social usages and observances, to which most of the members of this body are not accustomed, and in which they do not indulge, and while their manner of the observance of the first day of the week is not such as we, who have been reared and trained under different conditions, wholly agree with, yet, these are matters which are not legitimate subjects of legislation, so long as they are not extended to a limit, which is violative of the statutes of Texas, because such customs and observances depend, in a large degree, upon the individual construction given the biblical declaration, "The Sabbath was made for man and not man for the Sabbath."

To sing, to dance, or otherwise indulge in the licentious enjoyment of the favorite drink, is not a crime, even though indulged in on Sunday, but whenever a saloon or other place of assembling is conducted in defiance of law, I care not whether it be conducted by native born or by foreign born citizens, it should be suppressed. If the law is wrong, change the law, but allow no man to defy it.

Furthermore, in very many of the places where our citizens of foreign birth congregate, only beer is sold, and while beer indulged in to an extreme extent is injurious, yet, if only beer and pure wine were sold, even in the saloons in Texas as they are now conducted, the evils which flow from such saloons would be largely reduced, and to a very great extent minimized.

Do not understand me as advocating saloons of any kind as such, but I am endeavoring to do the existing conditions, looking only to the suppression of manifestly palpable evils by legislation and leaving the solution of other matters to moral education, which will supplement and strengthen the statutes for suppression.

But suppose, gentlemen of the Legislature, that the people of Texas desire that we enact such laws as will suppress the saloon and gambling house, and suppose that those laws do not meet the approval and should antagonize the sentiment of some of our citizens of foreign birth, shall we, for that reason, hesitate to obey the will of the majority?

I do not know how others may feel upon this subject, but I am aware of this perpetual cry sent up by many about "our fellow citizens of foreign birth."

No man more highly appreciates the marvelous work which such citizens have done in upbuilding the agricultural and commercial interests of Texas, nor does any man value more the sturdy virtues which characterize them as citizens and members of society than I do, yet there is but one kind or class of citizens in this country, and that is American citizens, I care not whether they were born in Italy, or England, or Germany, or France or Dahomey. They have made their homes in a Republic, the basic stone of which is the rule of the majority, and in which every citizen is a sovereign, and the people are the repository of all power.

When they saw in the west the star which stands over the young republic, as stood the star in the east over the
manger, where lay the babe of Bethlehem; they knew this fact and it was that vital underlying truth which lured them hither, and if they are not willing to bow in loyal obedience to the legal and constitutional will of a majority of the people of Texas and are not willing to obey the rules they have laid down for the preservation of good order and the protection of public morals, which is the highest duty of the State, then the ocean over the restless bosom of which they journeyed hither still rolls and the slips still sail as of yore, and they can go hence to the lands from whence they came.

It was said twelve years ago that the question of saloons and liquor selling, and the endeavor to suppress them, was a matter of sentiment and theory, which would do for women and preachers to talk about, but was not one for men to deal with, or which the democratic party could afford to concern itself about.

The extension of the police power then attempted, comprehended legislation along lines and to limits that did not meet the approval of many who were opposed to saloons, because in the attempt to suppress a recognized evil by legislation, the zeal of the advocates of the measure carried them to theoretical and impracticable extremes, which brought about a reaction of public sentiment and suffrage.

The constitutional provision for local option was deemed sufficient to meet the needs of localities, and the principle of home rule and local government was successfully invoked to defeat the constitutional amendment.

He who construes the result of that election as favoring the saloon and gambling house is woefully in error; for no law against either has been relaxed, but on the contrary, a quickened public conscience, has compelled harsher and more rigid legislation against both of such evils.

Therefore, no man can say that the proposition to suppress the saloon as a place of retailing liquors by drink and to compel them to obey the law and the proposition to suppress the gambling house, are propositions only for hysterical women and fanatical preachers to advocate.

But suppose this is said, then I ask who are the victims of the saloon and gambling house; upon whom, tracing back the train of evils and hardships which flow from both; do you find the burden finally resting. Who bears the anxiety, the heartache, the poverty, the shame, the sorrow, which are the inevitable legacy of the family of the frequenter of the law-breaking saloon and gambling house? It is the women of Texas, the wives, the mothers, the sisters, the daughters of the drinkers and the gamblers. The burden and the cares falls on helpless womanhood and defenseless childhood.

The demand for the suppression of these twin enormities is not the cry of hysterical and impractical women, who subordinate principles and facts to theory and sentiment, but it is the spontaneous, the impulsive plea of self-protection, the natural instinct of self-defense against conditions of which they are the innocent and helpless victims. They remember the miseries arising from such conditions; they endure the cruelties, and though they may not be able to answer the objections of governmental and political theorists; they know in their hearts the wrong should be righted.

It has been beautifully said that "man reasons, but God whispers to a woman and tells her what is right," and her instincts, her impulses, her aspirations are always in the direction of those things which are pure, which are lovely and which are of good report and she stands in instinctive and perpetual antagonism to vice and evil.

Then why should not the preachers oppose and demand that the saloon be suppressed? They hold the high commission of him, who has directed them to go out and preach his Gospel to every creature, a gospel no line of which can by any possibility of construction, be tortured into the approval or toleration of these body and soul destroying evils.

There have been those so reckless of truth and so defiant of reason and history as to invoke the wondrous miracle at the marriage in Cana of Galilee as an excuse and defense of the saloons, and as an encouragement to the use of alcoholic liquors, but that pure and conscious water which there "saw its God and blushed" was used to give harmless zest and enjoyment to a company of Galilean peasants, celebrating a marriage feast, not with drunkenness and revelry, but in peace and the humility of poverty, a scene made memorable by reason of the Master’s presence, and the marvelous manifestation of his divine power.

The preachers struggle to stem the tide of evil; to break down the barriers of sin and temptation, because they see the awful effects of the saloon and gambling house. With hearts touched with sympathy and pity and stirred by promptings of high and holy duty, they join in that cry, which a higher civilization and practical Christianity is raising against evils and which threaten the
foundations of the government, and tend to the corruption and debasement of public and private morals.

They are not politicians; they seek no man's approval, save that of him they serve, and in obedience to duty, amid poverty and hardships and self-sacrifices, they proclaim the truth, taught by the meek and lowly Nazarene, exemplified in his life and labors and gloriously illustrated in the consummation of that life's great purpose, amid the awful travail of Calvary.

Had I been lying in a state of suspended animation for a century, and were I to awake with all my mental faculties in their normal condition, and were to find the people in this State divided upon some question of great public interest, and see the women and preachers arrayed on one side, I would make no investigation or inquiry, but go at once to that side, with absolute assurance that I was on the side of right and of good morals and of good government. Others may do as they like, but as for me I will take my chances with the women and the preachers, here and hereafter.

It has been said that the democratic party cannot exist without whiskey; a statement that involves the proposition that the saloon is a factor in democratic success.

I denounce such a proposition, with scorn and indignation. It is a libel upon the greatest organization ever devised for the good of man, save the Church of the living God, and has no warrant for such teaching in any line ever written by its immortal founder, who sleeps in Monticello's sacred dust.

I am a democrat as St. Paul was a Pharisee: I believe in the principles and precepts of democracy and believe that upon the success of those principles and their practical application to the affairs of government, depend, not only the prosperity of Texas, but the hopes of human liberty, throughout the world, but I do not belong to that democratic party, if such there be, which I deny, the platform of which is a whiskey barrel, its headquarters a saloon and its treasury a gambling house.

I belong to that party which holds to the simple, fundamental principle of the rule of the majority—a party which relies on and depends upon intelligence and virtue for its success, and which draws not its inspirations from evil sources or shapes its policies in corruption; a party which does not bow down in abject fear before the law-breaker, but which stands for good government and obedience to law, and which submits its claims to trust and confidence, to honest, unpurchased and unpurchasable suffragans.

It is said that the people of the cities are against the enforcement of the law, in the manner which I advocate. I live in a city, and I know the law is not enforced there, as relates to the saloons and gambling houses, but it is not because the majority of the people do not want it enforced.

There are many noble people in every city; many heaven blessed charities are carried on thre by men who give and women who toil to do the Master's bidding; to visit the sick and the afflicted and carry help to the widow and to the orphan: but familiarity with violations of the law have as to many, even the best people, produced indifference or brought discouragement, and they have learned to tolerate long endured conditions, which they would fain see suppressed.

From the indifference and neglect of the dwellers in the cities, I appeal to the common people of the country, who are the true stay and hope of the political, social and moral salvation of this nation.

They have not become familiar with daily and nightly violations of the law; they can neither be purchased by gold or awed by power; they hold to the simple faiths and homely virtues that make a nation great, and they will speak some day, and when they do, woe be unto him who stands in the way of their aroused wrath. There may be those who sneer at the power of the common people. If so, I commend to them the words of the fearless monk of the owl and serge, addressed to a lofty and arrogant courtier of France, who sneered at the people.

Said that fearless priest, "Aye, Sir, the people—they are like the air, they are never heard, until they speak in thunder." The people of Texas will, ere long, speak in thunder, and when they have in statutes spoken of jails and fines, they will speak of stripes and penitentiary cells, and all the gates of hell and whis­ key will not prevail against them.

Gentlemen, behind us lies a glorious past which will live in history, in legend and in song, while before is unfolding a future wherein will be realized the splendid visions which fill the waking dreams of those who laid, broad and deep, the foundations of that historic Republic which eventuated into that imperial commonwealth whose servants we are proud to be, and shall Texas, great in all the elements that constitute a State, bow her proud neck to the brutal heel of the law-breaker, and confess that she is unable to assert the functions of her sovereignty? I answer no, she will not, but
she will rise in her might and her majesty and unite him, until he will learn that throughout all her broad realms, the law, her peoples' will, shall rule and reign "through all the days and nights to come in sole and sovereign sway and masterdom."

We, her servants, have the constitutional power and the legal right to suppress the law-breaker, and when to right and power is added the imperative demands of our duty as citizens, what excuse can we render for a failure to act?

The Congress of the United States but the other day declared that no soldier of the United States army should be detailed to sell liquor, and that liquor should not be sold in any fort, camp or reservation of this government.

If you believe the interests of Texas will be prompt by the lawless saloon and the forbidden gambling house, then you should not disturb them. If you believe, you know, they are sources of injury and corruption, you should suppress them. No letter in the word "compromise" or "evasion" can be found in the word "duty."

I have told you nothing new in telling you the law is violated, and that those charged with its enforcement, and having the whole physical power of the country at their call, if need be, do not enforce it—you knew this already. In telling this I am inspired by no ill will toward any officer in this State. On the contrary, during my official association for seven years with many of the constabulary officers of Texas, I formed a warm regard and personal attachment for many of them.

But I deal with them now as officers, speaking of them in their official capacities, when sworn to perform certain duties, from the performance of which they must inevitably make great gain, yet they do not perform such duties, and yet I am advised that they or some of them at least propose asking this Legislature to increase their compensation and their fees.

Every man knows that any peace officer in Houston, Galveston, Dallas, Fort Worth, Austin, San Antonio, Waco or El Paso has within his reach a "Klondike" of fees, if he will but perform his sworn duty.

Either one of them can make a thousand dollars any day by simply suppressing violations of the law. Then so far as I am concerned, I shall not vote to change the fee bill, until those interested in such change come here with the gambling houses closed behind them and with proof that they enforce the statutes against the saloons. When they do this, I will vote to double their pay and repeal the fee bill so far as it applies to sheriffs and constables and other peace officers, and deem such repeal a good investment for the State.

As I have said, gambling is made an open, flagrant offense, a continual and continuing nuisance. When this is shown to be true, the law authorizes the destruction of the implements of the gambler. Has any man ever seen such destruction? He has not. No destruction cometh to the gamester nor to his side of the table, but it falleth with the certainty of fate, on that side whereupon is his victim.

Today scouring the statutes made by the people, holding their corrupting power in terrorem over your officers (the supposed guardians of law and order), the saloon and gambling house flaunt defiance in the faces of the people, and calmly ask what can you do about it? I will tell you what I would have you do: 1st. Make the keeping of a gaming house a felony, the running of a house for gaming a felony, and the exhibiting of any banking game a felony.

2nd. If a saloon-keeper permit gambling of any kind in or about his saloon, or any house under his control, make a conviction for such offense operate to cancel his license and forbid its renewal to him or to any one for him.

3rd. If a saloonkeeper violate any of the conditions of his bond, make judgment for such violation operative, ipso facto, to cancel and annul his license, with the prohibition of renewal.

4th. Fix the license for every saloon for the retail of alcoholic liquors at twenty-five hundred dollars, payable cash in advance, before taking out of the United States revenue license. You will thereby reduce the number of saloons, and consequently reduce the evils that flow from them.

If the State is to be a partner in the saloon business, make the partnership as limited and respectible as possible. As was said forty years ago about the Constitution of the United States as it related to slavery, but with less truth than the same can be said of the contract between the saloon and the State, "It is a league with death and a covenant with hell."

5th. Since the law presumes that of every form of trade or business, the saloon, alone, will violate the law, and puts the saloon keeper under bond as one in whose case the maxim of the presumption of innocence is reversed, make any violation of law by him operate to annul his license.

6th. Put the same license on the pri-
Private, social or fashionable club that is put on the saloon. The State should be fair; she has no right to tax the public saloon keeper for the privilege of selling liquor, while she allows the bar up stairs across the street to run free.

7th. So frame the law that if any citizen shall make oath before any magistrate that he has reason to believe that the gaming house is being run in any building or that a saloon is run in violation of law, such magistrate shall, at once, issue proper process to some peace officer to arrest the violator in either regard, and if either of the two officers named shall fail or refuse to perform his duty, then remove such officer from office.

8th. If a gaming house be proved to have run so long as five days in any city, or town, make such fact prima facie evidence of neglect of duty on the part of the sheriff of said county, or marshal or chief of police of said city or town.

9th. Amend the law of arrest so as to authorize and compel any officer to arrest, without warrant or complaint, any offender for any misdemeanor committed in his presence, so that he cannot excuse failure to close a saloon unlawfully open or stop the running of a gambling house on the ground of no complaint having been made in legal form.

10th. So make it the law that if any two or more credible citizens shall make oath before any district or county attorney of the violation of the condition of his bond by any saloon keeper, and such officer shall fail to proceed against such offender by suit on his bond, then upon that fact being shown to the Attorney General, he shall institute suit to remove such county or district attorney from office and if the Attorney-General shall not do the duty so enjoined upon him, then provide for his removal from office.

11th. Pass a civil liability act such as exists in many States, making him who sells liquor, whereby a man is made drunk, responsible in damages to any person injured by such party so made drunk, and liable also in damages to the family of the person who is so made drunk.

12th. Provide by constitutional amendment, or if need be by a new constitution that no man shall vote in Texas who has not paid a poll tax and who has not, if he be not a native of the United States, taken out his final papers of citizenship, and that no man shall vote, whether native born or foreign, who cannot read the Constitution of Texas in the English language.

Such should be the constitutional provision relating to suffrage, without special reference to the matter under discussion; for no man who cannot read the organic law of the land of which he is a citizen in the language in which it is written should be permitted to have a voice in making the laws of the land, or in choosing its public servants. Such a provision might exclude from the ballot some worthy citizens of mature age, but provision for such cases could be easily made, so as not to work injustice.

While in the cities there are thousands of intelligent law-abiding citizens, yet there are also thousands of the idle, ignorant and vicious who pay no taxes—and will not pay a poll tax—have given no hostages to society for their good conduct, who feel none of the responsibilities of citizenship and whose votes are purchasable, and any law or constitutional provision that puts one of these ignorant, corrupt and irresponsible members of society upon a par at the ballot box with the honest toiler and respectable and self-respecting citizen is an outrage on the latter and a cruel stab at representative government. The sympathies of such as these are always with the saloon and gambling house, for they flourish best in that atmosphere and find therein most congenial surroundings.

Fellow Members we must purify the source of government, if we expect this republic to endure. We might as well expect pure water from poisoned fountains, as to expect a pure and honest ballot from debauched and purchasable voters. The ballot should be elevated and dignified and be made a premium for intelligence and good citizenship, and it should not be placed in the hands of those who are unwilling to pay the petty stipend of $1.50 for the privilege of casting it and who have no interest in elections, save the pecuniary profits of bribery and corruption which it brings them.

13th. Prohibit the sale of alcoholic liquors in less quantities than a quart and forbid its being drank on the premises where sold or on any other premises where sale of liquor is carried on and fix a penalty alike on the seller and drinker who violate the law.

You may say I have suggested extreme remedies. I answer the case is extreme and drastic remedies only will reach the corroding and cancerous disease that is eating into the very vitals of the body, social and political.

My Fellow Members: I am deeply grateful for the courteous hearing you have given me and I thank you for my- self, and thank you more heartily for the constituency of law-abiding citizens for whom I speak; for the mothers and wives, the sons and daughters, the helpless orphans, and worse than orphans.
for whom, with God's help, I have endeavored to plead before you. You may do with the resolution I have offered as you will, amend it, destroy it, spurn it, laugh it to scorn and I shall not complain. Your action as legislators is a matter for your own judgments and your own consciences.

If you deem it unnecessary and impracticable to do that which the resolution proposes, then decline to take such action. But I ask you, if you do not think the interests of your constituency in this great question of the evils of the saloon and the gambling house and of their effects upon society, is not sufficient to justify the expenditure of five hundred dollars to ascertain exactly what these results are, or if not exactly, at least ascertain sufficiently near to make clear the enormity of the evil.

But, whatever your action may be, I shall not attribute it to sympathy with the evils I seek to suppress, or to the purpose of preventing their abatement, for to do this would be to reflect upon your integrity and your good citizenship, and I would not by thought or word impugn the motives of any member of this House. If any word of mine can be tortured into a construction that can give offense, it is withdrawn.

I accord to every man in this body the same honesty of purpose I claim for myself. I assume no superiority of virtue. I am neither a preacher nor the son of a preacher, but while I bewail my own unworthiness, I believe with all my heart that that obedience to these precepts which is born of the profound conviction that I am right, and that I am doing a service to my State, which though done in weakness and unworthiness, is yet born of unselfish motives. That which I desire will now flow from what I have said, but I pray that I may sow in the hearts of the God-fearing and law abiding people of Texas some seed which nurtured by virtue, and by faith in the right will at some early day bring forth a harvest an hundred fold, and that when trusting not in myself but in another, I stand before the final judgment, that which I have today spoken may plead for me against the catalogue of mine offenses.

I would not have laws enacted or enforced in a spirit of puritanic asceticism, but I believe every human statute should be drawn in harmony with these profound principles of morality and right, which are obligatory alike upon individuals and upon society in the aggregate.

I believe that the measure of duty of man to his fellowmen prescribed by the wandering teacher of the Gallillean hills is devolved upon every member of this body, and that the protection of your fellowmen—in the generic and comprehensive sense of that term—against manifest and admitted moral, social, financial and physical evils is a duty we should fearlessly perform, because its performance is authorized and made practicable by human law and made obligatory by divine command.

I must not say aught that could subject me to the suspicion of indulgence in cant or hypocrisy, but if it be that perchance my life doth belie my words, yet I am not ashamed to say that I believe the wisest and sublimest utterance of lips human or divine was that immortal deliverance which fell upon the waiting ears of the eager Judean multitude upon the mountain side nineteen centuries ago.

I believe that the profound precept of moral duty and obligation therein contained must be recognized and applied to the affairs of government if we would rightly solve the grave, social and economic problems which today confront this nation—the most serious and dangerous of which is that of the liquor traffic—and that obedience to these precepts demand its utter and uncompromising abolition and destruction.

I have shown you the law as it is written; you dare not repeal it. You know it is violated. Will you compel all men to obey it? Will you compel your servants to enforce it? Do one thing or the other—repeal or enforce it. Do not let it be made a mockery and the people be put to shame. You are the guardians of as sacred interests as were ever committed to mortal keeping. Israel's wandering host guarded not a holier trust than that round which you stand as tent-dweller and in poverty and in suffering born of the saloon and the gambling house. The wall of childhood in poverty and in suffering born of the dram-shops and gaming table falls upon your ears, and must touch your hearts.

Within the meaning of the oath you have taken is comprehended the interests not only of those who vote, but of these helpless ones among your constituents, whose only trust for deliverance from the bondage and oppression of the "twin curses" is honest legislation and the prayer-answering God. I leave their fate and their interests and the interests of Texas, moraliy, socially and materially, in your hands. Whatever you may do with the resolution I have offered, God grant that you will by legislation so deal with this great question that you will be
ready to answer for your action to your neighbor, to his wife and his son and his daughter; be ready to answer to your own wife and to your own children; be ready to answer for yourselves, not only in the hour of contention and excitement, and in the heat and ardor of debate, but in the silent watches of the night, when man communes with his maker, and what is infinitely, transcendently more important, be ready to answer for with a clear conscience at the judgment bar of God.

When Mr. Kittrell yielded the floor, Mr. Tucker moved to adjourn until 9:30 o'clock a.m. tomorrow, upon which motion yeas and nays were demanded by Mr. Morris, Mr. Teagle and Mr. Pitts.

The motion to adjourn prevailed by the following vote:

**Yeas—65.**

Adams.
Allen of Hopkins.
Barbee.
Barrett.
Bean.
Bolin.
Browne.
Childers.
Childs.
Clements.
Cocke.
Cole.
Crawford.
Cross.
Deren.
Dicks.
Eckols.
Evans of Fannin.
Frost.
Garner.
Gill.
Goodlett.
Gordon.
Grubbs.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Kittrell.
Lake.
Lillard.
Livsey.

**Nays—27.**

Bailey.
Bridgers.
Calvin.
Culp.
Decker.
Ellis.
Evans of Grayson.
Garrett.
Goodman.
Hamilton.

Rochelle.
Russell.
Shropshire.
Smith of Collin.

Teagle.
Thomas of Fannin.
Willrodt.

Absent.
Allen of Colorado.
Ayers.
Beaty.
Bennett.
Blount.
Calowell.
Chambers.
Collins.
Conoly.
Dean.
Dorrough.
Graham.
Greenwood.
Grogan.

Absent—Excused.
Masterson.
Ratcliff.
Robertson, Harrison.
Walton.
Shannon.

Whereupon the House, at 9:35 p.m., adjourned until 9:30 o'clock a.m., tomorrow.

**TWENTY-NINTH DAY.**

Hall of the House of Representatives, Austin, Texas, Saturday, February 11, 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:

Adams.
Allen of Hopkins.
Allen of Ayers.
Ayers.
Beaty.
Bennett.
Blount.
Bowles.
Calowell.
Calwell.
Collins.
Collins.
Conoly.
Dean.
Dorrough.
Evans of Bell.
Evans of Fannin.
Frost.
Garrett.
Garrett.
Gill.
Gill.
Goodlett.
Goodman.
Gordon.
Greenwood.
Grogan.
Grubbs.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Kittrell.
Lake.
Lillard.

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Yeas—65.

Adams.
Allen of Hopkins.
Barbee.
Barrett.
Bean.
Bolin.
Browne.
Childers.
Childs.
Clements.
Cocke.
Cole.
Crawford.
Cross.
Deren.
Dicks.
Eckols.
Evans of Fannin.
Frost.
Garner.
Garrett.
Gill.
Gill.
Goodlett.
Goodman.
Gordon.
Graham.
Greenwood.
Grogan.
Grubbs.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Kittrell.
Lake.
Lillard.