February 13, 1899

OLIVER, Chairman.

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

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

Sir: Your Committee on Federal Relations, to whom was referred House Concurrent Resolution No. 17, Relating to limiting the tenure of the Federal Judiciary to a period not exceeding ten years, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it be adopted.

ALLEN of Hopkins, Chairman.

BILLS WITHDRAWN.

House bill No. 420, on request of Mr. Wooten.
House bill No. 491 (for correction), on request of Mr. Savage.

BILL RE-COMMITTED.

House bill No. 447, to the Committee on County Government and County Finances, on motion of Mr. Robertson of Bell.

Mr. Wooten moved to re-commit to the Committee on Revenue and Taxation, House bill No. 181, relating to taxes on certain gins.

After consideration of the question, Mr. Collins moved the previous question and it was not seconded.

After further consideration by the House, Mr. Garner moved the previous question and the main question was ordered.

The motion to re-commit was lost.

Mr. Maxwell moved to adjourn until 2:30 p. m. today, and the motion was lost.

Mr. Caldwell moved to suspend the regular order of business to take up and place on its second reading, house bill No. 223, the Austin City Charter, pending which Mr. Ratcliff moved to adjourn until 9:30 a. m. next Monday. Mr. Tarkington moved to adjourn until 10 a.m. next Monday.

Lost.

The motion of Mr. Ratcliff prevailed, and the House, at 12:19 p.m., adjourned accordingly.

THIRTIETH DAY.

Hall of the House of Representatives.
Austin, Texas, Monday, February 13, 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:

A quorum was announced present.

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

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

GRANTED LEAVE OF ABSENCE.

On account of important business:
- Mr. Murphy for this week, on motion of Mr. Mercer.
- Mr. Garner until Thursday, on motion of Mr. Henderson of Brazos.
- Mr. Allen of Colorado for today, on motion of Mr. Monroe.
- Mr. Beaty until Wednesday, on motion of Mr. Jones.
- Mr. Stripling for today, on motion of Mr. Hamilton.
- Mr. Tarver until Wednesday, on motion of Mr. Cocke.
- Mr. Browne for today, on motion of Mr. Cole.
- Mr. Meitzen for today, on motion of Willrodt.
- Mr. Lane for today, on motion of Mr. Tate.
- Mr. Schluter indefinitely, on motion of Mr. Allen of Hopkins.
- Mr. Ayers for today, on motion of Mr. Stewart.
- Mr. Grubbs until Thursday, on motion of Mr. Jones.

On account of sickness:
- Mr. Bennett until Monday, on motion of Mr. Cocke.
- Mr. Phillips of Camp for today, on motion of Mr. Poole.
- Mr. Dorroh for today, on motion of Mr. Derden.
- Mr. Crawford indefinitely, on motion of Mr. Savage, on account of sickness in his family.

PETITIONS AND MEMORIALS.

By Mr. Evans and Mr. Thomas of Fannin:
- Petition from eighty citizens of Fannin county, asking that the stock law be so amended as to include horses, mules, jacks and jennets.
  Read, and referred to Committee on Stock and Stock-raising.

By Mr. Lake:
- Petition of 189 citizens of Harrison county, asking the Legislature to defeat any medical bill that may be introduced which in any manner tends toward class legislation by favoring any particular school of medicine or method of healing.
  Read, and referred to Committee on Public Health and Vital Statistics.

By Mr. Decker:
- Petition of twenty-five citizens of Cottle county, asking that said county be exempted from the operation of the stock inspection law.
  Read, and referred to Committee on Stock and Stock-raising.

By Mr. McClellan:
- Petition from J. G. Davis and 150 citizens of Scurry county, settlers on Block 79, asking the Legislature to validate their titles to the land upon which their homes are situated.
  Read, and referred to Committee on Public Lands and Land Office.

By Mr. Terrell:
- Petition from forty citizens and taxpayers of Cherokee county, asking the Legislature to submit a constitutional amendment to the voters of Texas exempting cotton factories and iron industries from taxation for a period of ten years.
  Read, and referred to Committee on Constitutional Amendments.

BILLS AND RESOLUTIONS.

By Mr. Masterson:
- House bill No. 523, A bill to be entitled "An Act to secure a system of drainage, and to provide for the payment of expenses incurred therefor, and for the assessment and collection of taxes for said purpose, and to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."
  Read first time, and referred to Committee on Irrigation.

By Mr. Dean:
- House bill No. 524, A bill to be entitled "An Act to appropriate the sum of two hundred and nine dollars and seventy-five cents ($209.75) for the payment of an account of Jno. C. Ferguson, sheriff of Hardeman county, Texas, for caring for and boarding a prisoner."
  Read first time, and referred to Committee on Claims and Accounts.

By Mr. Jones:
- House bill No. 525, A bill to be entitled "An Act to amend Articles 641 and 642, Chapter 2, Title XI, of the Revised Civil Statutes of the State of Texas, as amended by Chapter 130 of the Laws of 1897, passed at the Regular Session of the Twenty-Fifth Legislature, relating to
the purposes for which private corporations may be formed.”

(Provides that private corporations may be formed for the capture or destruction of wolves or other wild animals that prey on domestic live stock.)

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

By Mr. Wooten:
House bill No. 526, A bill to be entitled “An Act to create the office of State Purchasing Agent for the various asylums and eleemosynary institutions of the State, to define its duties, term of office, mode of qualification and compensation, to abolish the position of steward, quartermaster, or other similar positions in said asylums and institutions, to require all supplies to be purchased by said agent under competitive bids or contracts, to provide for the appointment of storekeepers or accountants in said asylums or institutions, and define the duties thereof, to make an appropriation for the salary of said purchasing agent, and to repeal all laws and parts of laws in conflict herewith.”

Read first time, and referred to Committee on Asylums.

By Mr. Cross (by request):
House bill No. 527, A bill to be entitled “An Act to provide for vesting the superior title to land in the vendee when an express lien is retained in the deed to secure payment of unpaid purchase money.”

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

By Mr. Sansom:
House bill No. 528, A bill to be entitled “An Act to authorize the commissioners court of each county to appropriate money out of the county available school fund to pay to independent school districts the amounts due them from the income arising from the county school funds.”

Read first time, and referred to Committee on Education.

By Mr. Prince:
House bill No. 529, A bill to be entitled “An Act to change and fix the times of holding the terms of the district courts of the Thirteenth Judicial District.”

(Proposes to change the term of District Court in Navarro county so that there will be two terms instead of three.)

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

By Mr. Rochelle:
House bill No. 530, A bill to be entitled “An Act to amend Chapter 12, of Title XVII, Revised Criminal Code of Procedure, so as to place Bowie county under the provisions of this chapter, relating to the recovery of stolen animals and the detection and punishment of thieves.”

Read first time, and referred to Committee on Agriculture.

By Mr. Prince:
House bill No. 531, A bill to be entitled “An Act to create a more efficient road system for Navarro county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county and providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped county convict, and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing for the trimming of hedges by the owners of land, and providing a penalty for failure to trim said hedges, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons, and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax-payers on the public roads and relieving them from the performance of said work by the payment of the sum of three dollars, and providing further making this law cumulative of the general laws, and in case of conflict this act to govern in case of Navarro county, Texas.”

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Mr. Wells (by request): House bill No. 532. A bill to be entitled “An Act to amend ‘An Act to incorporate the city of Sherman, in Grayson county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,’ enacted by the Twenty-fourth Legislature, by amending Section 101, relating to the levy of taxes in said city.”

(The object of the bill is to provide for the payment of certain judgments which are now outstanding against the city and unpaid. It is accompanied by an affidavit showing that due and legal notice was given of intention of applying to the Legislature for passage of the bill.)

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

By Mr. Parish:
House bill No. 533, A bill to be entitled “An Act requiring surveyors of land to furnish a bond for the honest, faithful...
and correct performance of their contracts.

The bill provides that all persons who engage in the business of surveying land, whether in an official capacity or not, shall be required to execute a bond for the faithful performance of their work.

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

By Mr. Childs:

House Concurrent Resolution No. 22.

Be it resolved by the House of Representatitives, the Senate concurring, that the Regular Session of the Twenty-sixth Legislature adjourn sine die at noon, on Wednesday, the fifteenth day of March, A. D. 1899.

The resolution was read and went over under the rules.

By Mr. Little:

Whereas, The stenographers now in the employment of this House have many arduous duties to perform, requiring their services throughout the day and until late at night, and since they are compelled to furnish typewriters at their own expense; and

Whereas, The Assistant Postmaster has undertaken the extra labor of distributing the night mails, thereby requiring his service until ten o'clock at night for the accommodation of the members of this House, and since he is compelled to employ, at his own expense, a wagon for the transportation of four daily mails which are too heavy to be carried; therefore be it

Resolved, That said stenographers and said Assistant Postmaster shall receive for said extra expense and service the sum of one dollar per day from and after the passage of this resolution.

Read second time, and after discussion of the question, Mr. Frost moved to table the resolution, upon which motion yeas and nays were demanded by Mr. Hurley. Mr. Calvin of Colorado, seconded.

Tabled by the following vote:

Yeas—48.

Allen of Hopkins. 
Barbee. 
Bean. 
Caldwell. 
Calvin. 
Children. 
Cocke. 
Cole. 
Collins. 
Eckols. 
Evans of Fannin. 
Frost. 
Gordon. 
Graham. 
Grogan. 
Hamilton. 

Henderson, Lamar. 
Howard. 
Hurley. 
Jones. 
Lake. 
Lillard. 
Lively. 
Loyd. 
Marsh. 
McDowell. 
Morrow. 
Murray. 
Nolan. 
Oliver. 

Tate. 
Teagle. 
Terrell. 
Thomas of Fannin. 
Wells. 
Wheelless. 
Willacy. 
Wooten. 
McClellan. 
Mercer. 
Monroe. 
Palmer. 
Pfeiffer. 
Phillips, Lampassas. 
Prince. 
Robertson of Bell. 
Rochelle. 
Rogers. 
Sansom. 
Scurry. 
Sheiburne. 
Tarkington. 
Thomas of Wise. 
Tucker. 
Vaughan. 
Walton. 
Willrodt. 
McKamy. 
McKellar. 
Pitts. 
Roberston, Harrison. 
Russett. 
Shropshire. 
Smith of Grayson. 
Sutherland. 
Tompkins. 
Wight. 

Absent—Excused.

Allen of Colorado. 
Ayers. 
Beaty. 
Bennett. 
Browne. 
Crawford. 
Dorroh. 
Garner. 
Grubbs. 

Kennedy. 
Lane. 
Meitzen. 
Morris. 
Murphy. 
Phillips of Camp. 
Scluter. 
Stripling. 
Tarver. 

By Mr. Sansom:

Resolved, That the thanks of this body is hereby tendered to the citizens of Galveston for the kind invitation extended us, through Representatives Nolan and Wheelless, to visit that city and enjoy the hospitality of her good people on the occasion of the visit to her harbor of the battleship Texas.

Read second time and adopted.

By Mr. Ratcliff and Mr. Terrell:

Resolution, asking that the Legislature establish a home for disabled and
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indigent ex-slaves, as soon as the State's financial condition will admit it.

Whereas, The State has established a home for the disabled and indigent Confederate soldiers, and

Whereas, It is the duty of the State to establish homes and comfortable quarters for all of her disabled and indigent citizens, and

Whereas, There are a great number of ex-slaves in the various counties of the State who are now supported as paupers by the counties, therefore be it

Resolved, That it is the sense of this House that a home should be established as soon as the State's financial condition will admit of it, for the support of indigent ex-slaves.

Read, and referred to Committee on Finance.

By Mr. Wooten:
Resolved, That the Committee on Rules are instructed to report a rule, or amendment to the rules, providing more specifically and certainly for the consideration of local bills on Saturdays, so as to give such bills precedence of other business on those days.

Read second time and adopted.

COMMITTEE REPORTS.

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

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

Sir: Your Committee on Internal Improvements, to whom was referred House bill No. 117, A bill to be entitled "An Act to amend Section 5, of Article 4574, Title XCIV, Chapter 13, of the Revised Civil Statutes of the State of Texas, relating to the free transportation by railroads,"

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it be returned to the calendar and referred to Judiciary Committee No. 1.

SMITH of Grayson, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1899.

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

Sir: Your Committee on Engrossed Bills, to whom was referred House bill No. 157, A bill to be entitled "An Act to repeal Articles 3898, 3899, 3900, 3901, Title LXXXVI, Chapter 7, of the Revised Civil Statutes of 1895, setting apart annually one per cent. of the full value of the permanent school fund to the credit of the available school fund, and to declare an emergency, and provide that this act take immediate effect."

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

McANALLY, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1899.

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

Sir: Your Committee on Engrossed Bills, to whom was referred House bill No. 70, A bill to be entitled "An Act to require the owner, 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."

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

McANALLY, Acting Chairman.

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

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

Sir: Your Committee on Engrossed Bills, to whom was referred Substitute 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 such extension or renewal."

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

McANALLY, Acting Chairman.

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

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

Sir: Your Committee on Engrossed Bills, to whom was referred House bill No. 190. A bill to be entitled "An Act authorizing and directing the President and Board of Directors of the Agricultural and Mechanical College of Texas, to employ an expert entomologist, whose duty it shall be to devise means, if possible, of destroying the Mexican boll weevil, and other pests, and to perform the duties of professor of entomology in the Agricultural and Mechanical College of Texas, and appropriating five thousand dollars for the purpose of carrying this act into effect."

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

McANALLY, Acting Chairman.
Committee Room,  
Austin, Texas, Feb. 11, 1899.  
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Agricultural Affairs, to whom was referred  
A petition of C. D. Poole, relating to change in law, prescribing duties of public weighers; and  
A petition from fifty-four citizens of Ellis county, asking for a law to prevent certain animals from running at large,  
Have given the same due consideration, and I am instructed to return them to the calendar to be filed for future reference.

WILLACY, Chairman.

Committee Room,  
Austin, Texas, Feb. 11, 1899.  
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Mining and Minerals, to whom was referred  
House bill No. 349, A bill to be entitled "An Act to secure proper ventilation for coal mines in the State of Texas, and to provide for the safety of employees, and provide for the appointment of mine inspector, fix his salary and to regulate the weighing of coal."  
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, in Section 3, page 2, of the bill, the words 'and such traveling expenses as may be fixed by law,' and insert: in lieu thereof the following, 'and his actual necessary traveling expenses by the nearest practical route when engaged in the discharge of his duties as such inspector, the same to be made out by him in an itemized account and sworn to by him before any officer authorized by law to administer oaths and approved by the Comptroller of Public Accounts.'"

CRAWFORD, Chairman.

FURTHER TIME GRANTED FOR THE CONSIDERATION OF BILLS.

House bills Nos. 18, 86, 60, 95, 98, 340, 394, 382, 383, 278, 292, 296, 317, 369, 360, 345, 197, 343, 304, 240, 241, 344, 347, and  
Senate bills Nos. 2, 8, 29 and 31, on request of Mr. Wooten, Chairman of Judiciary Committee No. 1.  
House bills Nos. 160 and 371, and House Joint Resolution No. 14, on request of Mr. Shelburne, Chairman of the Committee on State Affairs.

BILL SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof, and its caption had been read, the following bill:  
Senate bill No. 79, "An Act to amend Section 6, of an act approved May 6, 1897, for the establishment of a public park on the site of the battle-field of San Jacinto, and providing for the purchase and condemnation of a sufficient amount of land upon which to establish said park, and making an appropriation therefor, so as to extend the time in which the commissioners may make their final report, under the provisions of this act."

SENATE MESSAGE.

Senate Chamber,  
Austin, Texas, Feb. 13, 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
A substitute in lieu of House bill No. 293, A bill to be entitled "An Act to make an appropriation to secure a proper defense of the ten suits now pending in the United States Circuit Court for the Western District of Texas, known as the injunction suits against the Railroad Commission of Texas."

J. P. Pool, Secretary of the Senate.

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

MESSAGE FROM THE GOVERNOR.

To the Senate and House of Representatives:

I have just been advised that a fire occurred this morning at 6 o'clock in the penitentiary at Huntsville, Texas, the cell and administration buildings being destroyed. There was neither loss of life nor escape of prisoners.

The members of the Penitentiary Board have been directed by me to proceed immediately to Huntsville and make inquiry into the matter and to report as soon as practicable the loss sustained, with recommendations as to what should be done.

Upon the receipt of the report of the Board, I will further communicate with you upon the subject.

JOSEPH D. SAYERS, Governor.

SPEAKER'S TABLE.

When the House adjourned last Friday it had under consideration, House bill No. 3, the Staples real estate redemption bill, with pending motion to postpone further action.

After full discussion by the House, Mr. Jones moved the previous question on the motion to postpone and the main question was ordered. Question first recurring on the motion of Mr. McKamy to postpone further consideration of House bill No. 3 until next Friday at 10 o'clock a.m., yeas and nays were demanded by Mr. Staples, Mr. Savage and Mr. Lillard.

Lost by the following vote:

Yeas-31.

Barrett. Greenwood.
Bolin. Hamilton.
Clements. Henderson, Brazos.
Eekols. Jones.
Evans of Fannin. Kittrell.
Gill. Looney.
Goodlett. Marsh.
Goodman. Masterson.
McClellan. Mercer.
Monroe. Morrow.
Murray. Pfeuffer.
Prince.

Nays—63.

Adams. Robertson of Bell.
Allen of Hopkins. Scurry.
Barbee. Thomas of Fannin.
Bean. Tucker.
Bridgers. Walton.
Pond. Nolan.
Caldwell. Oliver.
Chandler. Palace.
Childs. Feery.
Cole. Poole.
Collins. Ratcliff.
Crawford. Rochelle.
Cross. Rogers.
Culp. Russell.
Derden. Sansom.
Dyes. Savage.
Ellis. Shannon.
Frost. Smith of Collin.
Garrett. Staples.
Gordon. Stewart.
Graham. Sutherland.
Grogan. Tarkington.
Henderson, Lamar. Tate.
Howard. Teague.
Hurley. Terrell.
Lake. Thomas of Wise.
Lillard. Vaughan.
Little. Willacy.
Lively. Willacy.
Loyd. Willard.
Maxwell. Absent.
McFarland. Wright.
McKamy.
Blount. Pitts.
Chambers. Robertson, Harrison
Conoly. Shropshire.
Dean. Smith of Grayson.
Decker. Tompkins.
Evans of Grayson. Wells.

Absent—Excused.

Allen of Colorado. Lane.
Ayers. Meitz.
Beaty. Morris.
Bennett. Murphy.
Dorroh. Schuler.
Garner. Stripling.
Grubbs. Tarver.
Kennedy.

Question next recurred on the motion of Mr. Wheless to postpone further consideration of House bill No. 3, until 10:30 a.m. tomorrow, and the motion prevailed.
House bill No. 3 was accordingly made a special order for 10:30 a.m. tomorrow.

On motion of Mr. Maxwell the regular order of business was suspended to take up and place on its second reading House bill No. 223, the Austin City Charter.

The bill was laid before the House, whereupon the Speaker announced that the special order for this hour, 11 a.m., is House bill No. 145, known as the prairie dog bill.

The bill was laid before the House and was read a second time.

Mr. Peery offered the following amendment:

"In line 16, on page 1, after the word 'inchoate,' or lease title if the lease is for five or more years.'"

Mr. Collins offered the following amendment:

"Amend the amendment by striking out 'five' and inserting 'three.'"

Accepted.

The amendment as amended was adopted.

Mr. Allen of Hopkins offered the following amendment:

"In Section 2, line 15, page 1, after the word 'shall' amend by adding the word 'knowingly.'"

Adopted.

Mr. Peery offered the following amendment:

"Amend Section 3, page 1, by inserting after the word 'lien' in line 25, the words 'to an amount not to exceed five cents per acre.'"

Adopted.

Mr. Sansom offered the following amendment:

"Amend by striking out the words 'Said lien shall be superior to all other liens except that for taxes,' on lines 1 and 2, on page 2."

Adopted.

Mr. Oliver offered the following amendment:

"Amendment to House bill No. 145: Amend the bill by adding after the word 'charges,' in line 26, page 1, Section 3, as follows: 'Provided, this lien shall not be allowed to the owner of a pasture enclosing such land who refuses to lease the lands of such owner.'"

Adopted.

Mr. Teagle offered the following amendment:

"Amend line 19, Section 5, by striking out the word 'Legislature' and insert the word 'legislation.'"

Adopted.

Mr. Howard offered the following amendment:

"Amend so as to read wherever '1901' occurs that '1900' take the place of 1900."

Lost.

Mr. Collins offered the following amendments:

"Amend Section 1, by adding after the words 'inchoate title.' in line 13, the following, 'or lease title if the lease is for three or more years.'"

Adopted.

"Amend Section 3, by adding after the word 'reasonable,' in line 32, the following, 'not to exceed five cents per acre.'"

Adopted.

"Amend by adding to Section 2, the following: 'Provided, that where lands are under lease for three or more years this penalty shall apply to the lessee, and not to the fee simple owner.'"

Adopted.

Mr. Lillard offered the following amendment:

"Amend the caption by striking out the last two words in line 9, and inserting in lieu thereof the words, 'the lands owned or leased by them.'"

Adopted.

Mr. Bridgers moved to postpone further consideration of the bill until next Monday, at 11 a.m.

Mr. Phillips of Lampasas moved the previous question and the main question was ordered.

Question first recurring on the motion to postpone it was lost.

The bill was ordered engrossed.

Mr. Peery moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and not to the fee simple owner.

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

Yeas—73.

Adams. Greenwood.
Allen of Hopkins. Grogan.
Barber. Henderson, Lamar.
Barrett. Kittrell.
Bean. Lake.
Bolin. Lillard.
Caldwell. Little.
Calvin. Lively.
Childs. Looney.
Clements. Loyd.
Cole. Marah.
Collins. Masterson.
Cross. Maxwell.
Culp. McCulloch.
Decker. McClellan.
Derden. McDowell.
Ellis. Monroe.
Evans of Fannin. Murray.
Frost. Nell.
Gill. Oliver.
Goodman. Palmer.
Gordon. Parish.
Graham. Peery.
Mr. Dies called up the report from the Senate received today, on House bill No. 293, relating to certain injunction suits against the Railroad Commission of Texas. The bill was laid before the House and Mr. Dies moved that the House do not concur, and that a conference committee be requested to adjust the differences between the two houses on said bill.

Mr. Smith of Grayson moved that the House do concur.

On the motion to concur yeas and nays were demanded by Mr. Bean, Mr. Ellis and Mr. Staples. The House refused to concur in the Senate substitute by the following vote:

**Yeas—47.**

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**Nays—21.**

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Mr. Dies called up the report from the Senate received today, on House bill No. 293, relating to certain injunction suits against the Railroad Commission of Texas. The bill was laid before the House and Mr. Dies moved that the House do not concur, and that a conference committee be requested to adjust the differences between the two houses on said bill. Mr. Smith of Grayson moved that the House do concur.

On the motion to concur yeas and nays were demanded by Mr. Bean, Mr. Ellis and Mr. Staples. The House refused to concur in the Senate substitute by the following vote:

**Yeas—30.**

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"I vote 'yea' because the Railroad Commission, the Governor and the Attorney-General have asked the amount of the appropriation passed by the Senate, believing said sum to be a reasonable amount, and I wish in every instance to uphold the Commission, believing that the settlement of these suits favorably to the State will finally establish the Commission.

"LITTLE."

Question then recurred on the motion of Mr. Dies that the House do not concur and that a conference committee be appointed, and the motion prevailed.

The Speaker announced that the pending business is House bill No. 223, the Austin City Charter on second reading.

Mr. Barbee moved to suspend pending business to take up, on second reading, Senate bill No. 19, relating to the occupation taxes on physicians and surgeons, and the motion was lost.

The Speaker then laid before the House, on second reading, the regular order having been suspended to take up the same, House bill No. 223, the Austin City Charter bill.

The bill was read second time with favorable committee report with amendments.

(Pending reading of the bill, Mr. Neff was called to the chair.)

Question being—Shall the committee report be adopted?

Mr. Lillard raised the point that under Rule 23, it was not in order to consider the bill today, as it was a local bill strictly, and that said rule provided that such bills should be considered on Saturday of each week until disposed of.

Sustained by the Speaker, who announced that the bill would go over until Saturday.

Mr. Derden moved to suspend the regular order of business to take up and place on its second reading, House bill No. 169, relating to bail bonds in certain felony cases, and the motion was lost.

Mr. Tucker moved to adjourn until 9:30 a.m. tomorrow, and Mr. Teagle until 7:30 p.m. today.

Question recurring on the longest time first the motion prevailed, and the House, at 12:53 p.m. adjourned until 9:30 o'clock a.m. tomorrow.

THIRTY-FIRST DAY.

Hall of the House of Representatives,
Tuesday, February 14, 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. Masterson.
Allen of Hopkins. Maxwell.
Bailey. McClellan.
Barbee. McDowell.
Bolin. McKamy.
Bridgers. McKellar.
Brine. Meitzen.
Caldwell. Mercer.
Calvin. Monroe.
Chambers. Morrow.
Childs. Murray.
Childs. Neff.
Clements. Nolan.
Cocek. Palmer.
Cole. Parish.
Collins. Peery.
Coryol. Pfeuffer.
Cross. Pitts.
Culp. Poole.
Decker. Powell.
Derden. Prince.
Dies. Ratliff.
Dorrell. Robertson of Bell.
Eckols. Rochelle.
Ellis. Rogers.
Evans of Fannin. Russell.
Evans of Grayson. Sansom.
Frost. Savage.
Garrett. Secory.
Gill. Shannon.
Goodlett. Shelburne.
Goodman. Shropshire.
Gordon. Smith of Grayson.
Graham. Smith of Collin.
Greenwood. Staples.
Grogan. Stewart.
Hamilton. Sutherland.
Henderson, Brazos. Tarkington.
Henderson, Lamar. Tate.
Howard. Teague.
Hudley. Terrell.
Jones. Thomas of Wise.
Kennedy. Thomas of Fannin.
Kittrell. Tucker.
Lake. Vaughan.
Lan. Walton.
Lillard. Wells.
Little. Wheless.
Livsey. Willacy.
Looney. Willrodt.
Loyd. Wright.
Marsh. Wooten.

Absent—Excused.

Allen of Colorado. Stripling.
Ayers. Tompkins.
Dean. Wooten.
Bennett.