Speaker Sherrill at 9:30 o'clock a.m., pursuant to adjournment.

The Speaker announced that there was not a quorum present,

Whereupon, on motion of Mr. Bailey, the House adjourned until 9:30 o'clock a.m. tomorrow.

THIRTY-FOURTH DAY.

Hall of the House of Representatives, Austin, Texas, Friday, February 17, 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:


THREE. Absent.


Absent—Excused.


A quorum was announced present.

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

Pending reading of the Journal of last Tuesday, February 14, on motion of Mr. Sutherland further reading was dispensed with.

Pending reading of the Journal of last Wednesday, February 15, and yesterday, February 16, on motion of Mr. Tucker, further reading was dispensed with.

On motion of Mr. Henderson of Lamar, the following named members who were reported "absent" on last Tuesday, February 15, were excused for non-attendance upon the House on account of important business, from that time until today: Messrs. Ayers, Bean, Blount, Bolin, Bridgers, Clements, Cross, Culp, Decker, Derden, Eckols, Ellis, Frost, Goodlett, Goodman, Gordon, Greenwood, Hamilton, Jones, Kittrell, Lake, Lane, Looney, Maxwell, Monroe, Nolan, Palmer, Parish. Phillips of Lampasas, Ratcliff, Rochelle, Russell, Savage, Stewart. Stripling, Tarver, Tucker, Wells, Willrodt, Wright.

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Derden for today and tomorrow, on motion of Mr. Robertson of Bell.

Mr. Masterson for today, on motion of Mr. Shelburne.

Mr. McClellan until Wednesday, on motion of Mr. Scoury.

Mr. Hurley until Thursday, on motion of Mr. Tarkington.

Mr. Eckols until Monday, on motion of Mr. Adams.

Mr. Neff until Monday, on motion of Mr. Cross.

Mr. Kennedy for tomorrow, on motion of Mr. Sansom.
Mr. Vaughan until Monday, on motion of Mr. Clements.
Mr. Rogers for tomorrow, on motion of Mr. Goodeen.
Mr. Livsey until Monday, on motion of Mr. Collins.
On account of sickness:
Mr. Willacy indefinitely, on motion of Mr. Wright.
Mr. Looney until Monday, on motion of Mr. Powell.
Mr. Henderson of Brazos until Monday, on motion of Mr. Allen of Colorado.
Mr. Bean indefinitely, on motion of Mr. Murray.
Mr. Blount until Monday, on motion of Mr. Savage.

PETITIONS AND MEMORIALS.

By Mr. Jones:
Remonstrance of W. W. Boyd and five others, a committee of citizens of Presidio county, against the passage of House bill No. 298, known as the Wright-Garners-Murphy land bill.
Also remonstrance of W. W. Gatewood and nine others, a committee of citizens of Parker, Brewster and Jeff Davis counties, against the passage of House bill No. 298, same as above.
Read, and referred to Committee on Public Lands and Land Office.
Also a petition of the grand jury of Jeff Davis county, asking that the ranger force be retained.
Read, and referred to Committee on Finance.

By Mr. Lake:
Petition of four hundred citizens of Harrison county, asking the Legislature to pass the anti-tobacco and anti-cocaine bills now pending.
Read, and referred to Committee on Public Health and Vital Statistics.

By Mr. McFarland:
Petition of one hundred citizens of Victoria county, asking the Legislature to consider favorably any measure that will assist in destroying the boll weevil.
Read, and referred to Committee on Agriculture Affairs.

By Mr. Garner:
Petition of twenty-five citizens of Frio county, asking that the ranger force be retained.
Read, and referred to Committee on Finance.

By Mr. Barbee and Mr. Ratcliff:
Petition from ninety-two citizens of Houston county, asking that the stock law be so amended as to allow an election to determine whether hogs, sheep and goats shall be permitted to run at large.
Read, and referred to Committee on Stock and Stock-raising.

By Mr. Monroe:
Petition of sixty citizens of Cameron and adjoining counties, asking that the ranger force be retained.
Read, and referred to Committee on Finance.

BILLS AND RESOLUTIONS.

By Mr. Loyd:
House bill No. 551. A bill to be entitled "An Act to amend Article 2432, Title XLIV, Chapter 3, of the Revised Civil Statutes of the State of Texas, relating to fees of county judges."
(Provides a fee for county judges of $1.50 for examination and approval of liquor dealers' bonds, and a fee of fifty cents for all duties performed in relation to the condemnation of diseased stock.)
Read first time, and referred to Judiciary Committee No. 2.

By Mr. Smith of Grayson:
House bill No. 552. A bill to be entitled "An Act to amend Article 4542, Title XCIV, Chapter 10, of the Revised Civil Statutes of the State of Texas, and add Articles 4542a and 4542b to said Chapter 10, regulating passenger fare on railroads."
(Fixes the passenger fare on railroads at two and one-half cents per mile for adults, and for children under the age of ten, at one and one-half cents per mile.)
Read first time, and referred to Committee on Internal Improvements.

By Mr. Smith of Grayson:
House bill No. 553. A bill to be entitled "An Act to amend Article 5000a, Title CIV, Chapter 1a, of the Revised Civil Statutes of the State of Texas, and to repeal Articles 3380, 3381, 3382 and 3383, of Title LXVII, of the Revised Civil Statutes of the State of Texas, relating to the bonds of liquor dealers."
(Amends by taking away the right of action on such bonds by aggrieved persons and requiring the acts necessary to incur the penalty prescribed in the bond to be knowingly done.)
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Wells and Mr. Smith of Grayson:
House bill No. 554. A bill to be entitled "An Act to repeal Article 130, and amend Articles 132, 133, 134, 135 and 136, of Title IX, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to judicial proceedings in lunacy cases."
(Provides that such cases shall be tried by the county judge unless a jury is called for by the State or defendant, and then the judge shall cause to be summoned six competent jurors to try said
cause, who shall be paid as a jury in justice courts.)

By Mr. Smith of Grayson:

House bill No. 555, A bill to be entitled "An Act to amend an act passed by the Twenty-fifth Legislature in the year 1897, entitled "An Act to amend Subdivision 15, of Article 22, of the Revised Civil Statutes of the State of Texas, relative to the time of holding the terms of the district court in the Fifteenth Judicial District of Texas, passed by the Twenty-fourth Legislature in the year 1893, to and to repeal all laws in conflict with this act, providing for the selection and empaneling of grand juries for the January term of said court."

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

By Mr. Smith of Grayson:

House bill No. 556, A bill to be entitled "An Act to amend Article 266, Chapter 6, Title 38, of the Penal Code of the State of Texas, prohibiting officers of this State, counties and cities from being interested in the contracts of the State, counties and cities, and prescribing the punishment therefor."

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

By Mr. Smith of Grayson:

House bill No. 557, A bill to be entitled "An Act to constitute the conviction of any officer or agent of any railroad under the provisions of Article 1009, of the Penal Code, of the offense of discriminating in freight charges a ground for the forfeiture of charters granted under the provisions of the law of Texas, and prescribing the duties of the Attorney-General in relation thereto."

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

By Mr. Smith of Grayson:

House bill No. 558, A bill to be entitled "An Act to amend Article 1009, Title XVIII, Chapter 12, of the Penal Code of the State of Texas, and add Article 1009a thereto, prescribing the punishment for discrimination in freight charges by the officers and agents of railroads, and the duties of the Railroad Commission in relation thereto."

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

By Mr. Childs:

House bill No. 559, A bill to be entitled "An Act to amend Article 1296, of the Revised Civil Statutes of the State of Texas, providing for the compensation of stenographers of the courts of record of this State, and prescribing their duties and compensation, and that a steno-
chief justice and the associate justices of the supreme court.

(The bill fixes the salaries of the chief justice and associate justices of the supreme court at three thousand and five hundred dollars annually, and declares an emergency.)

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

By Mr. Prince:
House bill No. 565, A bill to be entitled "An Act to establish and maintain kindergarten schools in cities, towns and villages incorporated under the laws of Texas."

Read first time, and referred to Committee on Education.

By Mr. Prince (by request):
House bill No. 566, A bill to be entitled "An Act to incorporate kindergarten education into the public free school system of Texas, and to provide for its maintenance."

Read first time, and referred to Committee on Education.

By Mr. Sutherland:
House bill No. 567, A bill to be entitled "An Act to amend Article 5090a, Title 14, of the Revised Civil Statutes of the State of Texas of 1895, making a uniform tax on the sale of all spirituous, vinous and malt liquors."

(Fixes an annual tax of $500 on all such liquors.)

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

By Mr. Sutherland:
House bill No. 568, A bill to be entitled "An Act to create a more efficient road system for Wood 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 road commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the roads of said county, and to provide for the summoning of teams for road work, and for an allowance of time for road service for same, and fixing a penalty for a violation of this act, and repealing all laws in conflict with this act as to Wood county, and providing for the working of delinquent poll tax payers, and prescribing a penalty for failure to work public roads in payment of poll tax by said delinquent poll tax payers."

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

By Mr. Schluter:
House bill No. 569, A bill to be entitled "An Act to amend Section 7, of Chapter 108, of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, relating to sales of real estate in case of foreclosure of lien."

(Amends the law so as to require the sheriff in making sales of land to individuals under foreclosure of tax liens to report to the district clerk and Comptroller all such sales so made by him, and further requiring him to pay the proceeds of such sales over to the tax collector.)

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

By Mr. Henderson of Lamar:
House bill No. 570, A bill to be entitled "An Act to amend an act entitled "An Act to incorporate the city of Paris, and to prescribe its duties and liabilities," adopted by the Twenty-first Legislature of Texas, and approved March 27, 1889, by amending Section 25 of said act, and adding Section 31a thereto."

(The object of the bill is to confer increased powers upon said city so as to enable it to complete its water works system now in course of construction, etc. The bill is accompanied by an affidavit showing that legal notice had been given of intention to apply to the present session of the Legislature for this amendment, and an emergency is declared.)

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

By Messrs. Schluter, Oliver, Hamilton, Teagle, Collins, Chambers, Rogers and Dies:
House bill No. 571, A bill to be entitled "An Act to authorize the Gulf, Beaumont & Kansas City Railway Co. to purchase, own and operate the railroad, including all the property, property rights and franchises and appurtenances of the Gulf, Beaumont & Great Northern Railway Co., now existing or that may hereafter be built or acquired by the Gulf & Great Northern Railway Co., and to authorize and empower the Gulf, Beaumont & Great Northern Railway Co. to issue bonds secured by a mortgage upon the railroad, property, rights and franchises of the Gulf, Beaumont & Great Northern Railway Co., as said value may hereafter be ascertained and fixed by the Railroad Commission of Texas, and to regulate the reports of such properties and the operation thereof and to enable said corporation, the Gulf, Beaumont & Great Northern Railway Co., to build, construct and equip its proposed line or lines of railway as provided in its charter, and for said purpose to raise money therefor."

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

House bill No. 572. A bill to be entitled "An Act to amend Article 148, Chapter 2, of the Revised Statutes of the State of Texas, relative to the payment of the construction or improvement of State Asylums."

(Amends by providing that three-fourths of the actual cost of buildings and improvements may be paid prior to the completion and acceptance of the work.)

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

By Mr. Powell:

Joint Resolution No. 26. To amend Sections 1, 2, 3, 6 and 11 of Article 5, of the Constitution of the State of Texas so as to vest judicial power in one supreme court of not less than eleven and not more than twenty-one judges, as may be determined by the Legislature: in one executive branch; in district, county, commission, justice and corporation courts: providing that the judges of the supreme court and court of civil appeals constitute the supreme court until increased or diminished by law, which court may sit together or separately, but a majority must concur in all final decisions: fixing jurisdiction, etc.

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

By Mr. Phillips of Lampasas:

Resolved, That the speech delivered by the Hon. Norman G. Kittrell of Harris County, in the House on February 19th, 1890, be printed in the Journal.

Read second time and adopted.

By Mr. Sutherland:

Whereas, The sad news has reached the United States of the great calamity that has befallen the Republic of France in the death of their President, Felix Faure, therefore be it

Resolved by the House of Representatives, that this body extend to the country of France our sincere sympathy in behalf of the State of Texas, and to the bereaved family our undivided sorrow for them in this hour of their great bereavement, and that this resolution be published in the House Journal of today, and that a copy of this resolution be mailed to our Minister at Paris.

Read second time and adopted.

By Mr Browne:

Whereas, It is a fixed and invariable law of commerce that agricultural products naturally and normally seek an outlet to markets at the nearest deep water port, and

Whereas, Every mile of transportation saved by rail enures to the benefit of the producer by reduction in freight and a consequent increase in the returns for his labor, and

Whereas, The amount of corn, wheat, cotton and other agricultural products grown in Texas, and in other territory tributary to the ports on the Gulf coast of Texas, is so great that no one port can now afford prompt, ample and economical facilities for the handling and shipment of the same, and which by reason of the natural and rapid increase thereof will at an early day require the facilities of every port now existing on the Texas coast, or that may hereafter be made available, and

Whereas, The greater number of ports of shipment and entry, the stronger will be the assurance of freedom from monopoly and tax on commerce, and

Whereas, A ship channel through Buffalo Bayou to connection with deep water in the Gulf of Mexico, will, without injury to other ports, afford an additional needed and valuable outlet to the producers of Texas to the markets of the world, and at a saving in fifty miles of railway transportation and other charges of forty cents a bale on cotton and proportionately on other products, and prevent congestion of cars and freight with consequent delay, and expense and loss to the producers, and

Whereas, The wisdom of the action of the Twenty-fifth Legislature in commending and endorsing the improvement of Buffalo Bayou from the city of Houston through Galveston bay to the jetties at Galveston, has since been indicated and confirmed by the report of the government engineer, showing the practicability and value of the enterprise and recommending the necessary expenditure —to which report the House of Representatives of the United States has responded by making the necessary appropriation to begin the work; therefore be it

Resolved, That the House of Representatives of the State of Texas doth hereby express its approval and commendation of the action of the House of Representatives of the United States in making such appropriation, and doth request the Senators from Texas to support said appropriation in the Senate, not as a matter of local interest to Houston, but because of the great value and importance to the producers of Texas, and the rest of the trans-Mississippi territory of an additional deep water port, which together with the port of Galveston, and other ports to which government aid is being given, will insure to the producers whose products are tributary to said ports, cheap, speedy and safe outlets to the markets of the world.
Resolved, further, That a copy of this resolution under the hand of the Speaker and Chief Clerk be transmitted to the chairman of the Committee on Rivers and Harbors, and to the Hon. Roger Q. Mills and Hon. Horace Chilton, United States Senators from Texas.

Read second time and adopted.

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

MESSAGE FROM THE GOVERNOR.

Austin, February 16, 1899.

To the Senate and House of Representatives:

I have to herewith transmit copies of communications from the Superintendent and the Commissioners of Penitentiaries in reference to the destruction of certain buildings at the Huntsville Penitentiary.

It is very gratifying to know that the prison discipline is so complete in every respect and that the officers and employees in charge of the penitentiary maintained such efficient control under the trying circumstances.

Joseph D. Sayers,
Governor.

(A copy.)

Huntsville, Texas, Feb. 13, 1899.

Governor Jos. D. Sayers, Austin, Texas.

Dear Sir: This is to confirm my telegram of this morning advising you of the destruction by fire of the cell and administration buildings of the Huntsville prison. Matters are yet somewhat in confusion, but facts, as near as can be ascertained, are as follows:

The alarm of fire sounded at 5:45 this a. m. disclosed the fact that the ceiling and roof of the school building was in flames. This building was located near the northeast corner of the prison yard and stood between what was known as the east cell building and the hospital. The fire made its way to the former building and destroyed that as well as the administration building and west cell building. Owing to the intense and unusual cold—the thermometer ranging about zero—it was found that water connections above ground were frozen and had to be thawed out before water could be used. Had it not been for the severe cold, the fire could have been checked before any great damage resulted.

Owing to the presence and coolness of Captain Smither, Assistant Superintendent, to whom much credit is due, and the prompt response of the under officers and guards, order prevailed and the men were marched from the buildings and lined up in the prison yard, kept under perfect control, breakfasted within thirty minutes of the regular meal time, and at present writing are at work as usual in factories and elsewhere.

The loss to the State cannot be accurately determined at this time, though roughly estimated, I believe it will amount to less than $30,000.00, and it is my opinion that the buildings can be replaced almost entirely by convict labor.

The Penitentiary Board is to meet here Wednesday next, at which time they will no doubt take the necessary steps for rebuilding.

The comfort and safe-keeping of the convicts will have the most careful attention, and you will be kept fully informed from time to time of existing conditions.

Very respectfully,

(Signed) J. S. Rice,
Superintendent.

(Copy.)

Huntsville, Texas, Feb. 15, 1899.

To His Excellency, Governor Joseph D. Sayers, Austin, Texas.

Sir: We have the honor to submit the following report of the fire which occurred on the morning of February 13, at the Huntsville prison.

Agreeable to your telegraphic request of the 13th inst., we went at once to Huntsville, and proceeded immediately after arriving there to make a thorough examination of the buildings partly destroyed by fire, and the closest inquiry into the cause of same. After hearing the testimony of the officers and guards who were on duty at the time that the fire was discovered, we are fully convinced that it originated from a defective flue, in the east wall of the school building, which was being used at the time as cells for sleeping convicts, and where for more than forty-eight hours very hot fires had been kept, as well as in other buildings, looking to the comfort of the convicts and to protect them from the intense cold. It is our opinion that the progress of the fire could and would have been checked rapidly had it not been for the fact that, notwithstanding that precautions had been taken to keep all boilers steamed up to prevent freezing, the hydrants and pipes exposed in the prison yard could not be protected from the unusually cold weather, and were frozen, and had to be thawed before they could be used. We are clearly convinced that the fire originated from a defective flue, and was first discovered between the ceiling and roof at a point out of reach of...
all prisoners, hence could not in reason be considered incendiary.

We consider that the fire was purely accidental, and that no blame attaches to the officers, under-officers or guards.

Since the fire, and at the present time, convicts are being securely held at night in the chapel building and hospital, and made comfortable.

The factories have been operated uninterruptedly.

A temporary roof has been placed on the west cell building, and by the afternoon of the 16th inst., that building will be in readiness for occupancy.

We estimate the loss roughly at say twenty-four thousand seven hundred and twenty dollars ($24,720). In arriving at this estimate, we have had the opinion of a competent architect, who has been engaged to supervise the repair work which we have directed the officers to proceed with at once, and complete as soon as possible.

After examination into the financial affairs of the prison system, we recommend that you urge upon the Legislature the necessity of making the usual annual appropriation, and if that be done the funds now at the disposal of the board and officers should be ample and sufficient to bear the cost of rebuilding and for maintenance without a special appropriation for that purpose.

We feel that it is our duty to call special attention to the orderly conduct of the prisoners during the fire, and the perfect control under which they were held by the officers and guards, to whom much credit is due, and in our opinion special mention should be made of Captain Jas. G. Smithery, Assistant Superintendent, and Captain Jeff Kelly, underkeeper, and Night Sergeant John Jardine, who were in control. The guards who responded to the alarm promptly, having been forced to leave their clothing and personal effects, should be reimbursed for their losses.

The absence of Wm. Clemens from this meeting of the Board is due to his illness. Respectfully submitted,

(Signed) S. M. Fry.

Jno. B. Pepton.
Penitentiary Commissioners.

COMMITTEE REPORTS.

Committee Room, Austin, Texas, Feb. 16, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Internal Improvements, to whom was referred House bill No. 335, a bill to be entitled "An Act to amend Article 4352, of Chapter 1, Title XCIV, of the Revised Statutes of Texas, relating to the incorporation of railroad companies by adding a provision in said article requiring all charters hereafter granted to railroad corporations to contain a provision binding such corporations to comply with the rates fixed by the Railroad Commission of Texas, and with all other lawful rules and regulations prescribed by said Commission, and to comply with any and all rates that may be established by the Legislature of the State by statute,"

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

SMITH of Grayson, Chairman.

Committee Room, Austin, Texas, Feb. 16, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Internal Improvements, to whom was referred House bill No. 427, a bill to be entitled "An Act to extend the time within which railroad corporations chartered under the laws of Texas since the 1st day of January, 1887, or the charter of which has been amended since that date, is required to begin the construction of its road, and construct, equip and put in good running order, as provided in Article 4558, Revised Civil Statutes of Texas, be so amended as to grant further time for said compliance with said statute,"

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, for the reason that Senate bill now pending covers same subject.

SMITH of Grayson, Chairman.

Committee Room, Austin, Texas, Feb. 16, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Internal Improvements, to whom was referred House bill No. 203, a bill to be entitled "An Act to require all persons, firms, corporations, trustees and receivers operating railroads within the State of Texas to run two passenger trains daily in each direction on their respective roads, and to provide adequate penalties for failure so to do,"

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

SMITH of Grayson, Chairman.
Committee Room,  
Austin, Texas, Feb. 16, 1899.  
Hon. J. S. Sherrill, Speaker of the House of Representatives.  

Sir: Your Committee on Internal Improvements, to whom was referred House bill No. 37, A bill to be entitled "An Act to require sleeping car companies and railroad companies running sleeping cars to fix a different and uniform rate for upper berths and for lower berths, and to graduate the price of change each day and night, or parts thereof, and to provide adequate penalties for this act," have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass, for the reason that the author of this bill has a better bill before the Committee on State Affairs.  

SMITH of Grayson, Chairman.  

Committee Room,  
Austin, Texas, Feb. 16, 1899.  
Hon. J. S. Sherrill, Speaker of the House of Representatives.  

Sir: Your Committee on Internal Improvements, to whom was referred Senate bill No. 1. A bill to be entitled "An Act to amend Articles 4497 and 4600 of the Revised Civil Statutes of the State of Texas of 1895, originally enacted in 1887, relating to furnishing cars for the shipment of freight and the time within which the same shall be loaded," have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, with the following amendments:  

"Amend by striking out the word 'three,' in line 20 of Section 1, page 1, of bill, and insert in lieu thereof the word 'six,' and add at end of Article 4497, 'provided, if the application be for ten cars or less the same shall be furnished in three days; and provided further, that if the application be for fifty cars or more, the railway company may have ten full days in which to supply the cars.'"

SMITH of Grayson, Chairman.  

Committee Room,  
Austin, Texas, Feb. 14, 1899.  
Hon. J. S. Sherrill, Speaker of the House of Representatives.  

Sir: Your Committee on Education, to whom was referred House bill No. 238, A bill to be entitled "An Act to amend Section 1, and Section 14, of Chapter 164, of the Acts of the Twenty-fifth Legislature, relating to a uniform system of text-books, adding thereto additional branches of study, and making the same apply to cities of more than ten thousand inhabitants," have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass with the following amendments:  

"Amend by adding after the words 'graded system of writing books' the following: 'school managements and methods of teaching, elementary principles of civil government, English composition, physical geography, physics, algebra, elements of geometry,' and by striking out all after the word 'books,' in line 22, up to the word 'provided,' in line 26." It is the intention of the committee to extend the operation of the present law by adding the subjects of study herein organized and support of a normal school at Prairie View (formerly called Alta Vista), in Waller county, for the preparation and training of colored teachers."

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

COLE, Chairman.  

MAJORITY REPORT.  

Committee Room,  
Austin, Texas, Feb. 14, 1899.  
Hon. J. S. Sherrill, Speaker of the House of Representatives.  

Sir: Your Committee on Education, to whom was referred  

House bill No. 7, A bill to be entitled "An Act to amend Article 3059, Title LXXXVI, Chapter 11, of the Revised Civil Statutes of the State of Texas, more fully defining the duties of school trustees and providing for their removal from office," 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.  

COLE, Chairman.
mentioned in place of those mentioned in the bill.

"Amend by striking out the word 'less,' in Section 1, page 1, before the words 'than five years,' and insert in lieu thereof the word 'longer.'

"Also amend by correcting any and all typographical errors."

COLE, Chairman.

MINORITY REPORT.

Committee Room.
Austin, Texas, Feb. 14, 1899.

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

Sir: We, a minority of your Committee on Education, to whom was referred House bill No. 238.

Do not concur with the majority of your committee, and beg leave to recommend that it do not pass.

THOMAS of Wise.

LITTLE.

WOOTEN.

Committee Room.
Austin, Texas, Feb. 14, 1899.

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

Sir: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 405. A bill to be entitled "An Act to validate titles to public free school, university and asylum lands purchased prior to January 1, 1899, to provide for patents, and to prescribe limitation for bringing suits for the recovery of such lands."

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

WRIGHT, Chairman.

Committee Room.
Austin, Texas, Feb. 17, 1899.

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

Sir: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 452. A bill to be entitled "An Act to appropriate and set apart for the public school fund of the State of Texas, all the unappropriated public domain of the State of Texas, including the lands reserved and appropriated by the Act of July 14, 1879, and to provide for the survey, sale, lease and classification thereof and the patenting of homestead preemption surveys made prior to May 25, 1898, and to repeal Articles 4200, 4201, 4202, 4203, 4204, 4205, 4206 and 4207, Chapter 7, Title LXXXVII, of the Revised Civil Statutes of the State of Texas."

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

"Amend by adding Section 7:

"Section 7. All occupants, holders and lessees of any of the public lands provided to be sold by this act shall have the preference right of six months from and after the passage of this act to purchase such lands in accordance with the provision hereof."

WRIGHT, Chairman.
Committee Room,  
Austin, Texas, Feb. 10, 1899.  
Hon. J. S. Sherrill, Speaker of the House  
of Representatives.

Sir: Your Committee on Public Health and Vital Statistics, to whom was referred  
House bill No. 32, A bill to be entitled "An Act to amend Articles 3763, 3764,  
3765, 3767, and 3770, Title LXXI, of the Revised Civil Statutes of the State  
of Texas, and to add thereto Articles 3776a and 3776b."

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 the caption by adding after the figures '3770,' '3775.'

"Amend by adding to Section 1, after the figures '3770,' and '3775.'

"Amend Section 2 of the bill by striking out the words 'twenty-one in line 2, and inserting 'eighteen.'

"Amend by adding to Section 4, after the words 'set forth,' 'one member of said board shall reside in each district.'

"Amend Section 6 by striking out the words 'general revenue' wherever they occur in said section and insert in lieu thereof 'available school fund.'

"Amend Section 7 by striking out the word 'either' in line 6 of the section, and by striking out the word 'some' in same line, and insert in lieu thereof the word 'two,' and by striking out in lines 7 and 8, all after the word 'circulation,' down to and including 'districts.'

"Amend by adding after Section 9 of the bill, Article 3775, to read as follows, to wit: 'This bill shall not apply to towns and villages containing less than five hundred inhabitants; towns and villages that arrive at five hundred or more inhabitants shall come within the provisions of this bill. The manner of ascertaining the census shall be the last official one, whether it be Federal, State, town or village.'

"Amend by inserting in line 2 of Article 3776a of the bill, after the word 'medicines,' except in unbroken packages.'

"Amend by inserting in line 5 of Article 3776a, after the word 'dollars,' and each day shall constitute a separate offense.'"

OLIVER, Chairman.

Committee Room,  
Austin, Texas, Feb. 14, 1899.  
Hon. J. S. Sherrill, Speaker of the House  
of Representatives.

Sir: Your Committee on County Government and County Finances, to whom was referred  
House bill No. 447, A bill to be entitled "An Act to amend an act of the Twenty-fifth Legislature, approved March 20, 1897, entitled 'An Act to amend Article 867, Chapter 1, Title XXV, of the Revised Civil Statutes, relating to county finances.'"

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

ROBERTSON of Bell, Chairman.

Committee Room,  
Austin, Texas, Feb. 14, 1899.  
Hon. J. S. Sherrill, Speaker of the House  
of Representatives.

Sir: Your Committee on County Government and County Finances, to whom was referred  
House bill No. 426, A bill to be entitled "An Act to amend Article 879, Title XXV, Chapter 2, of the Revised Civil Statutes of 1895, of the State of Texas, reducing the maximum rate of interest on county bonds from six per cent. to five per cent."

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.

ROBERTSON of Bell, Chairman.

Committee Room,  
Austin, Texas, Feb. 14, 1899.  
Hon. J. S. Sherrill, Speaker of the House  
of Representatives.

Sir: Your Committee on County Government and County Finances, to whom was referred  
House bill No. 509, A bill to be entitled "An Act to amend Article 857 (967), Title XXV, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to county finances, and providing what money shall be placed to the credit of the jury fund."

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass with the following amendment:

"Amend by adding: 'Provided, that where the fund is more than is necessary for payment of jurors, then it may be transferred to the road and bridge fund.'"

ROBERTSON of Bell, Chairman.
Committee Room, Austin, Texas, Feb. 15, 1899.

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

Sir: Your Committee on Public Printing, to whom was referred House bill No. 285, A bill to be entitled "An Act to amend Article 963, of the Revised Civil Statutes of 1895, of the State of Texas, relating to the duties of the Board of Public Printing."

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

LILLARD, Chairman.

MAJORITY REPORT.

Committee Room, Austin, Texas, Feb. 15, 1899.

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

Sir: Your Committee on Public Printing, to whom was referred House bill No. 380, A bill to be entitled "An Act requiring commissioners courts to purchase from the lowest and best bidder all blank books and stationery supplies required by the several counties, and prescribing the manner of contracting 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.

LILLARD, Chairman.

MINORITY REPORT.

Committee Room, Austin, Texas, Feb. 15, 1899.

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

Sir: A minority of your Committee on Public Printing, to whom was referred House bill No. 380, Do not concur in the report of the majority, and ask leave to recommend that it do not pass.

MCFARLAND.

Committee Room, Austin, Texas, Feb. 14, 1899.

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

Sir: Your Committee on Claims and Accounts, to whom was referred House Concurrent Resolution No. 1, permitting Hogg & Robertson to sue the State of Texas.

House Concurrent Resolutions Nos. 1 and 4, relating to the Hogg & Robertson fee in collecting certain money for the State of Texas.

Have had the same under consideration, and I am instructed to report them back to the House with the recommendation that they be not adopted, for the reason that House bill No. 391, contains the subject matter in these resolutions.

CHILDS, Chairman.

MAJORITY REPORT.

Committee Room, Austin, Texas, Feb. 15, 1899.

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

Sir: Your Committee on Claims and Accounts, to whom was referred House bill No. 442, A bill to be entitled "An Act to appropriate one thousand dollars to pay the law firm of Hogg & Robertson for services rendered by them in assisting and collecting certain monies due the State of Texas by the government of the United States."

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, for the reason that the subject matter is included in House bill No. 391, reported favorably by this committee.

CHILDS, Chairman.

MINORITY REPORT.

Committee Room, Austin, Texas, Feb. 15, 1899.

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

Sir: We, a minority of your Committee on Claims and Accounts, to whom was referred House bill No. 465, A bill to be entitled "An Act to appropriate seven thousand and fifty-five dollars to pay back to the peddlers the occupation taxes collected from them under the occupation tax law of the Twenty-fifth Legislature."

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

CHILDS, Chairman.
House Journal, February 17, 1899

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

Sir: Your Committee on Claims and Accounts, to whom was referred House bill No. 391, a bill to be entitled "An Act to ratify the contract made on July 30th, 1897, by and between the then Governor of Texas and the law firm of Hogg & Robertson for the collection of certain monies claimed to be due the State of Texas by the government of the United States, and to appropriate the sum of $5611.32 to pay the fee contracted to be paid said Hogg & Robertson, and to declare an emergency."

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 the caption by striking out the figures "$5611.32" and inserting in lieu thereof the figures "$5598.82."

"Amend by striking out of line 5, Section 1, the figures "$5611.32" and inserting in lieu thereof the figures "$5598.82."

CHILDS, Chairman.

Committee Room,
Austin, Texas, Feb. 14, 1899.

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

Sir, your Committee on Engrossed Bills, to whom was referred House bill No. 3, a bill to be entitled "An Act to provide for the redemption of real estate sold for debt."

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

GRUBBS, Chairman.

Committee Room,
Austin, Texas, Feb. 17, 1899.

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

Sir: Your Committee on Contingent Expenses, beg to report that we have followed the following:

To Assistant Postmaster 50 cents per day for expenses in carrying mail.
To Mrs. Grubb, washing towels, $3.25.
To Von Boeckmann for printing 5000 extra copies of House Journal containing Governor's message, $22.75.
To Sergeant-at-Arms for stamps, $200.

SAVAGE, Chairman.

Report of Special Committee.

Mr. Wooten, Chairman on part of the House, submitted the following report:

Austin, Texas, Feb. 17, 1899.

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

Sir: The undersigned, the committee on the part of the House to convey the invitation contained in the concurrent resolution passed by the Legislature on February 10, 1899, extending to Commodore John W. Phillip, of the U. S. Navy, Captain Sigsbee and the officers and non-commissioned officers and men of the U. S. battleship "Texas," a request to visit the capital and accept a public reception at the hands of the Legislature, beg to report that they prepared and sent to the distinguished officers and crew named an engrossed copy of said concurrent resolution, together with an invitation in the name of the Legislature, signed by the members of the two committees appointed by the Senate and House, which documents were delivered to the persons for whom they were intended by the courtesy of Hon. A. W. Fly, mayor of Galveston.

In response thereto your committee have received and herewith transmit the replies of Commodore Phillip and Captain Sigsbee, from which it will appear that the act of the Legislature in extending said invitation was duly and deeply appreciated, but that the same could not be accepted for the reasons stated in such replies, which are made part of this report.

Respectfully submitted,

Wooten, Bailey, Prince, Childs, Dorroh.

Galveston, Texas, Feb. 14, 1899.

To the Committees of the Senate and House of Representatives of the State of Texas.

Gentlemen: I have received the copy of the concurrent resolution adopted by the Legislature, and through you, its most cordial invitation to visit Austin, the capital of this grand State.

Nothing would give me greater pleasure than to go to Austin, but I am obliged to ask you to accept my regrets, and for this reason: Through the kindness of the Honorable, the Secretary of the Navy, and his great admiration for the people of Texas, I was permitted to accept the warm-hearted invitation of the children of this noble State to visit Galveston for a specified object. The ob-
ject of that visit will have been consummated on the 15th inst., and I think that I ought to return to my duty and station the next day.

I fully appreciate the honor conferred upon me by the Legislature of Texas, an honor next, if not equal, to any that could be bestowed by our national government. This resolution more than repays me for anything I may have imperfectly tried to do in the service of our country, and I sincerely thank you in behalf of myself, Captain Sigsbee, the officers and crew of the good ship, the Texas.

I forwarded your communication to Captain Sigsbee. He has orders from Washington to leave Galveston by the 17th inst., but considering the honor conferred upon the good ship, officers and crew, he has wired the department asking an extension of time, in order that he may be able to accept. Appreciating the great honor conferred upon me by your distinguished Legislature, and knowing that duty compels me to return to New York direct, I am, gentlemen, with great respect,

Your obedient servant,

(Signed) J. W. PHILIP,
Commodore U. S. Navy.

U. S. S. TEXAS, FIRST RATE.
Galveston, Texas, Feb. 15, 1899.

Senator J. B. Dibrell, Representative D. Q. Woolen and Committee Associates,
Austin, Texas.

GENTLEMEN: In view of the festivities prepared for the Texas at this place, of the ceremonies attending the presentation of a sword to Commodore John W. Phillip, U. S. Navy, and of the announced visit of the Governor of the State and of the members of the Legislature to Galveston and to the Texas, I have been compelled to telegraph to your committees jointly, my inability to accept for myself, officers and crew, the reception prepared for us by the Legislature of the State.

According to official orders which I have received, it will be necessary for the Texas to be at Havana and completely coaled, at a date not sufficiently remote to insure certainty of compliance if the contemplated visit to Austin is made.

I have received a copy of the concurrent resolutions of the Senate and House of Representatives, tendering us the invitation. I beg to express for myself, officers and crew our high appreciation of the honor done us by the action of the Legislature, which is, in effect, an offer of marked courtesy from the whole people of the State of Texas.

It is requested that your committees will present our thanks and appreciation to the two chambers of the Legislature and make known to them the reasons which have compelled me to decline the proposed honor, not forgetting to explain that the itinerary of the squadron which we are to join at Havana might suffer serious interference should the Texas be delayed in her movements.

Weather permitting the crossing of the Galveston bar, I shall feel it necessary to leave for Havana on the evening of February 16th or the morning of February 17th.

With the utmost good will from all of us, I am, gentlemen, with great respect,
Your obedient servant,

(Signed) C. D. SIGSBEE,
Captain, U. S. Navy.

SPECIAL ORDERS FIXED.

Substitute House bill No. 43, the general deficiency appropriation bill, for next Monday, February 20, 10:30 a.m., on motion of Mr. Henderson of Lamar.

Substitute House bill No. 136, the general occupation tax bill, for next Tuesday, February 21, 10:30 a.m., on motion of Mr. Schulte.

PENDING BUSINESS.

When the House adjourned on Tuesday, February 14, it had under consideration House bill No. 9, relating to marriages in cases of seduction, with majority adverse and minority favorable reports thereon, the bill having been read second time and motion made to substitute the minority report for the majority report.

Pending question—Shall the minority report be substituted for the majority report?

Mr. Poole moved to suspend pending business to take up and place on its second reading House bill No. 151, relating to the sale of cocaine, opium and other poisonous drugs.

The motion to suspend was lost.

The House returned to consideration of House bill No. 9, with pending motion.

(Mr. Bailey in the Chair.)

Mr. Kennedy moved the previous question on the motion to substitute the minority report for the majority report, and the main question was ordered.

Yea and nay were demanded by Mr. Lilard, Mr. Henderson of Lamar and Mr. Thomas of Wise.

The minority report was adopted by the following vote:

Yeas—65.

Pending question—Shall the bill be ordered engrossed?

Mr. Terrell offered the following amendment:

"Amend by striking at the end of line 18 the words, 'provided, that if the defendant marry the party seduced he shall live with her at least two years from the date of marriage, unless sooner separated by the death of one of the parties, and if he shall leave her and refuse to live with her during the said two years he shall be subject to all the pains and penalties of the law, the same as though said defendant had not married the party so seduced.'

Tabled on motion of Mr. Adams.

Mr. Shropshire offered the following amendment:

"Section 2. The present crowded condition of the calendar creates an emergency and an imperative public necessity requiring the constitutional rule be suspended requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted."

Lost.

The bill was ordered engrossed.

The Speaker laid before the House, on its third reading and final passage:

House bill No. 58, A bill to be entitled "An Act to amend Article 1826, Title LXXXV, of the Revised Statutes of the State of Texas, prescribing certain qualifications for the office of Superintendent of Public Buildings and Grounds."

The bill was read third time and passed.

The Speaker laid before the House, on its third reading and final passage:

House bill No. 145, A bill to be entitled "An Act to provide for the destruction of prairie dogs, and fix a penalty against persons who fail or refuse to exterminate the prairie dogs on the lands owned or leased by them."

Read third time, and Mr. Bridgers offered the following amendment:

"Amend by striking out Section 2."

Mr. Tarver offered the following substitute for the amendment:

"Amend by striking out 'A. D. 1900' wherever it appears in the bill and substitute 'A. D. 1950.'"

Tabled on motion of Mr. Grogan.

(Speaker in the Chair.)

Mr. Cole moved the previous question on the amendment, and it was seconded.

After further consideration, Mr. Childs moved the previous question on the amendment, and the main question was ordered.

The amendment was lost.
Mr. Terrell offered the following amendment:

"Amend Section 1, at the end of line 18, page 2, by adding the words 'provided, that no county commissioners court shall levy a tax upon the lands of the citizens of any county, without first submitting the proposition to tax said lands to the qualified tax-paying voters of said county, and it shall have been adopted by a majority of said qualified tax-paying voters of said county.'"

Mr. Decker moved to postpone indefinitely further consideration of the bill.

Mr. Decker moved to postpone further consideration of the bill until Monday, February 27, 10:30 a.m.

Both motions to postpone were lost.

Mr. Childs moved the previous question on final passage of the bill, and it was not seconded.

On motion of Mr. Decker the amendment by Mr. Terrell was tabled.

Mr. Decker offered the following amendment:

"Amend the bill by striking out all of Section 3, and inserting in lieu thereof the following:

"Section 3. Where any public school lands not sold or leased for a period of time exceeding three years is infested by prairie dogs, then the commissioners court of the county where such land is situated shall proceed to kill such dogs and certify to the Comptroller the cost thereof, whereupon the Comptroller shall issue to such county a warrant on the State Treasurer for such amount, provided, that the cost shall in no instance exceed the sum of five cents per acre."

Mr. Calvin moved to table the amendment and the motion was lost.

Mr. Decker moved the previous question on final passage of the bill and the main question was ordered.

Question first recurring on the amendment by Mr. Decker, yeas and nays were demanded by Mr. Morrow, Mr. Frost and Mr. Howard.

The amendment was lost by the following vote (not receiving the necessary two-thirds majority):

Yea—51.

Yeas—54.
Adams. Lillard.
Allen of Hopkins. Little.
Barrett. Maxwell.
Beaty. McFarland.
Browne. McKamy.
Caldwell. Meitzen.
Calvin. Murray.
Chambers. Nolan.
Childs. Palmer.
Cole. Peery.
Comly. Poole.
Cross. Prince.
Culp. Rochelle.
Derden. Savage.
Evans of Fannin. Senry.
Garner. Shelburne.
Garrett. Smith of Grayson.
Goodman. Smith of Collin.
Gordon. Staples.
Grogan. Stripling.
Grubbs. Tate.
Henderson, Lamar. Whelless.
Kittrell. Willrodt.
Lake. Wootten.
Lane. Wright.

Nays—47.
Allen of Colorado. Morris.
Bailey. Morrow.
Barbee. Oliver.
Bridgers. Parish.
Childers. Pfeuffer.
Clements. Phillips of Camp.
Cocke. Powell.
Dean. Ratcliff.
Decker. Robertson of Bell.
Dies. Sanson.
Dorroh. Schluter.
Ellis. Shannon.
Frost. Shropshire.
Gill. Sutherland.
Goodlett. Tarkington.
Greenwood. Tarver.
Hamilton. Teagle.
Howard. Terrill.
Jones. Thomas of Wise.
McAnally. Thomas of Fannin.
McDowell. Tucker.
McKellar. Walton.
Mercer. Wells.
Monroe. Absent.

Bolin. Pitts.
Evans of Grayson. Rogers.
Kennedy. Russell.
Loyd. Stewart.
Murphy. Absent—Excused.
Bean. Eckols.
Bennett. Graham.
Blount. Henderson, Brazos.
Crawford. Hurley.
Livey. Robertson, Harrison.
Loomey. Tompkins.
Masterson. Vaughan.
McClellan. Willacy.
Neff.

Mr. Peery moved to reconsider the vote by which House bill No. 145 was passed and to table the motion to reconsider. The motion to table prevailed.

BILL SIGNED BY THE SPEAKER.
The Speaker signed in the presence of the House, after giving due notice thereof, and its caption had been read, the following bill:

House bill No. 108, "An Act to amend Title IV, Chapter 2, of the Code of Criminal Procedure, relating to the unlawful disposing of mortgaged property, and more particularly fixing the venue of such cases."
The Speaker laid before the House, on second reading, House bill No. 10, relating to legal and conventional rate of interest, with majority favorable report with amendment and minority adverse report,

Whereupon Mr. Lane moved to adjourn until 9:30 o'clock a. m. tomorrow, Mr. Thomas of Wise until 2:30 p. m. today, and Mr. Bridgers until 7:30 p. m. today.

Question recurring on the longest time first, the motion prevailed and the House adjourned until 9:30 a. m. tomorrow.

THIRTY-FIFTH DAY.

Hall of the House of Representatives, Austin, Texas.
Saturday, February 18, 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:

Allen of Colorado. Collins.
Ayers. Cross.
Bailey. Culp.
Barrett. Dean.
Beaty. Decker.
Bolin. Dies.
Bridgers. Dorroh.
Browne. Ellis.
Caldwell. Evans of Fannin.
Calvin. Evans of Grayson.
Chambers. Frost.
Childs. Garrett.
Clements. Gill.