"I vote 'no' because Article 1012 of Revised Statutes creates the office and provides the salary, and the court holds that if these parties were permitted could recover by suit, therefore the same should be allowed, and the Legislature should amend the law.

BARRETT.

"I vote for the minority report because I do not believe the Comptroller was authorized to issue deficiency certificates, and as every one was put on notice by the Acts of the Twenty-fifth Legislature, the purchasers of same were not innocent purchasers.

TARKINGTON.

The motion prevailed, and the House went into a Committee of the Whole.

(In the Committee of the Whole House, Mr. Powell in the Chair.)

After considering the bill, at 12:55 p.m., the committee rose, and through Mr. Powell, Chairman, submitted the following report:

Austin, Texas, Feb. 20, 1899.

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

Sir: Your Committee of the Whole House, to whom was referred Substitute House bill No. 43, A bill to be entitled "An Act making appropriations for deficiencies in the appropriations 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 Comptroller's office in accordance with law, and for outstanding claims not registered, and for other deficiencies."

I am instructed to report progress, and ask leave to sit again at 10:30 a.m., February 21, 1899.

POWELL, Chairman.

The report was adopted.

At 1 o'clock p.m., the House, on motion of Mr. Bailey, adjourned to 9:30 o'clock a.m., tomorrow.
February 21, 1899

HOUSE JOURNAL

Walton.  Willacy.
Wells.  Willrodt.
Wheless.  Wright.

Absent.  Adams.

Bills and Resolutions.

By Mr. Wheless:
House bill No. 608, A bill to be entitled “An Act to provide for the payment to Clarke & Courts of the balance due them on a printing contract.”
(The bill appropriates $997.11 for the payment of a balance due Clarke & Courts for printing done for the State.)
Read first time, and referred to Committee on Public Printing.

By Mr. Tompkins:
House bill No. 609, A bill to be entitled “An Act to require the owner, lessee or manager of any cotton gin or place where cotton is ginned and baled or baled to number and mark each bale of cotton ginned and baled or baled, and to provide a penalty for failure to do so, and to provide that said number and mark shall be plainly written or printed on each bale of cotton with indelible ink or black paint, and to provide a penalty for failure to do so, and to prohibit the erasure, marking out or defacing of said number and marks, and to provide a penalty therefor, and to provide for the keeping of a book by the ginner, in which shall be entered the name of owner, the number of bale, the weight and the date, and to whom delivered, and to provide a penalty for failure to do so.”
Read first time, and referred to the Committee on Agricultural Affairs.

By Mr. Sutherland:
House bill No. 610, A bill to be entitled “An Act to appropriate the sum of two thousand dollars for the purpose of erecting permanent fire escapes to the public buildings owned by the State of Texas.”
Read first time, and referred to Committee on Public Buildings and Grounds.

By Mr. Sutherland:
House bill No. 611, A bill to be entitled “An Act to provide certain buildings with permanent fire escapes, and to provide proper penalties for its violation.”
(Provides that all buildings of two or more stories in any city of more than 5000 inhabitants, excepting private residences and stores and warehouses in which not more than twenty persons are employed, shall be provided with one or more fire escapes.
Read first time, and referred to Judiciary Committee No. 2.

By Mr. Meitzen:
House bill No. 612, A bill to be entitled “An Act to amend Article 5060a, Chapter 1, Title CLV, of the Revised Civil Statutes of Texas, relating to the sale of intoxicating liquors.”

PETITIONS AND MEMORIALS.

By Mr. Speaker (by request):
Petition of E. J. Burch and twenty-five other citizens of Knox county, under seal, protesting against the passage of the Wright-Garner land bill, and giving reasons therefor.
Read, and referred to the Committee on Public Lands and Land Office.

By Mr. Peery:
Petition of T. J. Burch and twenty-five other citizens of Knox county, under seal, protesting against the passage of the Wright-Garner land bill, and giving reasons therefor.
Read, and referred to the Committee on Stock and Stock-raising.

By Mr. Willacy (by request):
Memorial from Pat Whelan and fifty-eight other citizens of Nueces county, living in the vicinity of Mustang Island, requesting passage of a law permitting settlers on said island to purchase land on which their homes stand, in sections 1 to 10, on twenty acres of land.
Read, and referred to the Committee on Public Lands and Land Office.

Also petition of S. H. Wood, county judge, and forty-nine citizens of Duval county, asking increase in the ranger force.
Read, and referred to the Committee on Military Affairs.

A quorum was announced present.

Pending reading of the Journal of yesterday,
On motion of Mr. Sutherland, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Teagle for yesterday, on motion of Mr. Sansom.
Mr. Dies for yesterday, on motion of Mr. Sansom.
On account of sickness:
Mr. Adams for today, on motion of Mr. McLellan.

Prayer by Rev. W. J. Gatlin, Chaplain.

By Mr. Tompkins:
House bill No. 609, A bill to be entitled “An Act to require the owner, lessee or manager of any cotton gin or place where cotton is ginned and baled or baled to number and mark each bale of cotton ginned and baled or baled, and to provide a penalty for failure to do so, and to provide that said number and mark shall be plainly written or printed on each bale of cotton with indelible ink or black paint, and to provide a penalty for failure to do so, and to prohibit the erasure, marking out or defacing of said number and marks, and to provide a penalty therefor, and to provide for the keeping of a book by the ginner, in which shall be entered the name of owner, the number of bale, the weight and the date, and to whom delivered, and to provide a penalty for failure to do so.”
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(Provides that all buildings of two or more stories in any city of more than 5000 inhabitants, excepting private residences and stores and warehouses in which not more than twenty persons are employed, shall be provided with one or more fire escapes.
Read first time, and referred to Judiciary Committee No. 2.

By Mr. Meitzen:
House bill No. 612, A bill to be entitled “An Act to amend Article 5060a, Chapter 1, Title CLV, of the Revised Civil Statutes of Texas, relating to the sale of intoxicating liquors.”
(The object of the bill is to permit persons holding license to sell malt liquors to also sell wines produced from grapes grown in this State.)

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

By Mr. Schluter:
House bill No. 613, A bill to be entitled "An Act to provide for the recompilation of an abstract of the located, titled and patented lands of the State of Texas, and to declare an emergency."

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

By Mr. Derden:
House bill No. 614, A bill to be entitled "An Act to amend Article 1023, Title XXVII, Chapter 17, of the Revised Statutes of Texas, 1895, and providing that in deciding cases involving injunction proceedings, on motion of either party, shall have precedence over all other cases in the order hereinafter named."

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

By Mr. Murphy:
House bill No. 615, A bill to be entitled "An Act to amend Article 1012, Title XXVII, Chapter 14, of the Revised Civil Statutes of Texas, relating to the salaries of stenographers of the courts of civil appeals."
(The bill fixes the salaries of such stenographers at seven hundred and twenty dollars per annum.)

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

By Mr. Gill:
House bill No. 616, A bill to be entitled "An Act to extend the list of text-books required for a first grade certificate, and to amend Section 2, of Article 3974, of Chapter 13, of the Revised Civil Statutes of Texas, and to repeal all laws and parts of laws in conflict herewith."
(The bill amends by adding solid geometry and Latin to the list of books required for a first grade certificate.)

Read first time, and referred to Committee on Education.

By Mr. Bolin and Mr. Oliver:
House bill No. 617, A bill to be entitled "An Act to prohibit the posting of white-cap notices, making the same a felony, and prescribing a penalty therefor; to repeal all conflicting laws, and to declare an emergency."

(Fixes the penalty for this offense at confinement in the penitentiary for a term not less than two nor more than five years.)

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

By Mr. Greenwood:
House bill No. 618, A bill to be entitled "An Act to define the powers and duties of the Courts of Civil Appeals of the several supreme judicial districts of the State of Texas, where there is or may be a conflict of opinion by any of the said Courts of Civil Appeals, on a question of law involved in any cause pending before said courts, and prescribing the duties of the Supreme Court of the State of Texas in such cases."

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

By Mr. Powell:
House Joint Resolution No. 27, To amend Sections 7, 13, 21, 24, 25, 26, of Article 5, of the Constitution of the State of Texas, relating to the creation of district courts, and authorizing the Legislature to create one or more district courts in counties of more than 25,000 inhabitants and conferring the jurisdiction of the county court on such district courts; permitting the judges' salary to be paid out of the county funds, and creating corporation courts and corporation attorneys, fixing jurisdiction and the regulation of same."

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

Mr. Bailey called up the following Senate Concurrent Resolution No. 10, Be it resolved by the Senate, the House of Representatives concurring, that on Wednesday and Thursday of each week the House bills shall have precedence for consideration in the Senate until disposed of, and the Senate bills shall have precedence for consideration in the House until disposed of, on the same days; which was received from the Senate yesterday. The resolution was laid before the House, and read. Mr. Bailey offered the following amendment: "Amend by striking out in the resolution wherever it occurs the word 'Thursday.'" Adopted. The resolution as amended was adopted.

SPECIAL ORDER FIXED.

House bill No. 107, relating to humane treatment of animals and the effect of alcoholic stimulants on the human system, for next Friday, 11:30 a.m., on motion of Mr. Barrett.
SENATE MESSAGE.

Senate Chamber,
Austin, Texas, Feb. 21, 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. 17, A bill to be entitled "An Act requiring the claimant of the title to land under the statute of limitations of five years and of ten years to record a declaration of his claim after the same has matured; and providing what said declaration shall contain; and defining the rights of innocent purchasers of the land so claimed, and further providing the compensation of clerks for recording such claims."

Senate bill No. 37, A bill to be entitled "An Act to amend Article 2460, Revised Civil Statutes of Texas, by adding Articles 2460a, 2460b, 2460c, 2460d, relating to mileage charged by sheriffs and constables in civil cases."

Senate bill No. 54, A bill to be entitled "An Act to require county and city tax assessors and their deputies to administer the oath of affirmation to those rendering property for taxation and affixing a penalty for the failure or refusal to do so."

Senate bill No. 122, A bill to be entitled "An Act to provide for the redemption of land sold under decree of court for taxes due an incorporated city or town, and providing that redemption of the land so sold may be had within two years from the date of such sale, and providing the terms, conditions and penalties incident thereto."

House bill No. 190, A bill to be entitled "An Act authorizing and directing the President and Board of Trustees 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," with Senate amendments.

Senate bill No. 137, A bill to be entitled "An Act to amend Article 5172, of the Revised Civil Statutes of the State of Texas, relating to the commissions of tax collectors."

Senate bill No. 149, 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. 3305, now pending in said court."

J. P. Pool,
Secretary of the Senate.

SPEAKER'S TABLE.

The Speaker laid before the House, on its third reading and final passage, House bill No. 3, the Staples real estate redemption bill.

On motion of Mr. Smith of Grayson, the regular order of business was suspended to take up, and place on its second reading, Committee substitute for House bill Nos. 275 and 313, A bill to be entitled "An Act to amend Articles 3892, 3893 and 3894, Chapter 6, Title LXXXVI, of the Revised Civil Statutes of the State of Texas, relating to the duties of the Board of Education, in the investment of the permanent public free school fund, and adding thereto Article 3894a, giving the State Board of Education an option of ten days on county bonds, and on the bonds of incorporated cities or towns, and providing that when a premium is paid for bonds the Board of Education shall pay the amount of premium out of the available school fund."

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

The committee report was adopted.

Mr. Smith of Grayson offered the following amendment:

"Amend the caption by adding after the word 'duties,' in line 7, the words and extending the powers.'

"Amend the bill by inserting after the word 'follows,' in line 17, the following: 'Article 3892. The Board of Education is hereby authorized and empowered to invest the permanent public free school fund of the State in the bonds of the United States, the State of Texas, and the bonds of the counties, incorporated cities and towns in said State.'

"Ann change 'Article 3892,' in line 18, to 'Article 3892a.'"

Mr. Henderson of Lamar offered the following amendment to the amendment:

"Amend the amendment by striking out the words 'incorporated cities and towns.'"

Pending consideration of Substitute House bill Nos. 275 and 313, the hour (10:30 a.m.), arrived for consideration of Substitute House bill No. 136, etc., the general occupation tax bill, as special order, and the same was laid before the House.

On motion of Mr. Schluter, the bill was continued as a special order and re-set for next Thursday, February 25, at 10:30 a.m., to be considered from day to day until disposed of.
SENATE MESSAGE.

Senate Chamber,
Austin, Texas, Feb. 21, 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. 62, A bill to be entitled "An Act to create a more efficient road system for Robertson county, Texas, and making 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 deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers and defining their duties, and for the working of county convicts upon the public roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, expenses in support of the State service for the manner of training hedges, and for an allowance of time of road men from March 1, 1897, Providing for a joint committee of both houses to investigate the buildings of the Southwestern Insane Asylum at San Antonio, Senate bill No. 105, A bill to be entitled "An Act to amend Articles 4786 and 1787 of Title XCVII, Chapter 7, of the Revised Civil Statutes of Texas.

Senate bill No. 156, A bill to be entitled "An Act to authorize railroad companies of this State to accept and exercise the rights and privileges conferred upon them by Acts of Congress."
Also that the Senate refuses to concur in House amendment to Senate Concurrent Resolution No. 10, and asks for a conference committee, and that Senators Greer, Terrell, Grimal, Burns and Miller have been appointed as the committee on the part of the Senate.

J. P. Pool,
Secretary of the Senate.

Mr. Henderson of Lamar moved that the House do now go into a Committee of the Whole House (the hour fixed for that purpose having arrived) for the purpose of taking into consideration Substitute House bill No. 43, the general deficiency appropriation bill.

The motion prevailed, and the House went into a Committee of the Whole.

(In the Committee of the Whole House, Mr. Powell in the chair.)

After considering the bill, at 12:10 p.m., the committee rose, and through Mr. Powell, Chairman, submitted the following report:

(In the House—Speaker in the chair.)

Austin, Texas, Feb. 21, 1899.

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

Sir: Your Committee of the Whole House, to whom was referred Substitute House bill No. 43, A bill to be entitled "An Act making appropriations for deficiencies in the appropriations herefore 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 claims not registered, and for other deficiencies," 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 committee amendments:

"Amend in lines 27 and 30, page 5, by inserting in each line after the word 'attached,' 'and subpoenaed.'

"Amend in line 22, page 6, after the word 'registered' by inserting 'and estimated.'

"Amend line 7, on page 7, by striking out the word 'etc.'"

POWELL, Chairman.

The Speaker laid before the House, on its engrossment, with pending amendments, Substitute House bill No. 275 and 313, which was pending when the House went into a Committee of the Whole.
On motion of Mr. Henderson of Lamar the pending business was postponed to take up, on its second reading,
Substitute House bill No. 43, the general deficiency appropriation bill.

The bill was read again, in full, together with the report of the Committee of the Whole House, recommending certain amendments to the bill.

The report was adopted.

Mr. Henderson of Lamar offered the following amendment to the bill:
“Amend by adding at the end of line 15, page 7, the following, ‘or agreed upon by the parties or their attorneys.’”

Adopted.

Mr. Shelburne offered the following amendment:
“Amend the caption by striking out ‘1897’ in line 7, and insert in lieu thereof ‘1895.’ Strike out ‘and for previous years’ in same line.

‘Amend Section 1, line 15, by striking out ‘1897’ and inserting in lieu thereof ‘1895,’ and by striking out in same line ‘and for previous years.’”

Adopted.

Mr. Kennedy offered the following amendment:
“Amend by striking out ‘$4300’ wherever it appears in line 20, page 7.”

Lost.

“I offer the amendment to strike out the pay for stenographer as provided by the bill, because I consider it a back salary grab.”

‘KENNEDY.”

Mr. Schluter offered the following amendments:
“Amend by adding to the word ‘judge,’ in line 19, page 5, the letter ‘s.’”
Adopted.

“Amend by adding after the words ‘county judges,’ in lines 19 and 23, page 5, the following, ‘county attorneys.’”

Lost.

Mr. Caldwell offered the following amendment:
“Amend by adding the following after line 20, page 7:

“For salary of bailiff of the Supreme Court for the year ending February 28, 1898, $100.00; for the year ending February 28, 1899, $150.00. Total, $500.00.”

After consideration by the House, Mr. Rochelle moved the previous question on the amendment and the main question was ordered.

Yea:s and nays were demanded by Mr. Henderson of Lamar, Mr. Nolan and Mr. Pean.

Adopted by the following vote:

Yea:s—47


Nays—27


Absent

Bolin, Bridgers, Childs, Cross, Culp, Ellis, Goodlett, Gordon, Greenwood, Grogan, Kennedy, Little, Livsey, Masterson, Murphy, Parish, Pfeuffer, Pitts, Rogers, Shannon, Shropshire, Smith of Collin, Stewart, Stripling, Wholey.
Senate bill No. 150 to the Committee on Internal Improvements.
Senate bills Nos. 105 and 137 to the Committee on Finance.
Senate bill No. 86 to the Committee on Roads, Bridges and Ferries.
Senate bill No. 62 to the Committee on Insurance, Statistics and History.

COMMITTEE REPORTS.

Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 131, A bill to be entitled “An Act to amend Articles 3235, 3236 and 3240, of the Revised Civil Statutes of the State of Texas of 1895, relating to preference liens to the landlord for rent, supplies, advances, etc.” Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

WOOTEN, Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 1, to whom was referred House bill No. 582, A bill to be entitled “An Act abolishing the distinctions between a lien expressly reserved to secure unpaid purchase money for land or interest in land and the vendor’s lien arising by operation of law to secure unpaid purchase money for land, and providing when it shall be presumed that a vendor’s lien has been satisfied.” Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

WOOTEN, Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 1, to whom was referred House bill No. 537, 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 the payment of unpaid purchase money.” Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

WOOTEN, Chairman.

COMMITTEE REPORTS.

The following bills reported today from the Senate were read first time, and referred as follows:

Senate bills Nos. 105, 37, 122, 149 and Substitute Senate bill No. 17 to Judiciary Committee No. 1.

Senate bills Nos. 99 and 54 to Judiciary Committee No. 2.

FURTHER TIME GRANTED FOR CONSIDERATION OF BILLS.

(These should have appeared in proceedings of yesterday, but the chairmen named failed to furnish the numbers.)

House bills Nos. 38, 101, 102, 246, 341, 410, 321, 424, 425, 428, 467, 479, 480, 496, 515, 548 and Senate bill No. 14, on request of Mr. Bailey, Chairman of Judiciary Committee No. 2.

House Joint Resolutions Nos. 22, 10, 23, 6, 15, 12, 5, 2, 13, 11, 8, 9, 21, 7, 19.

SENATE BILLS ON FIRST READING.

The following bills reported today from the Senate were read first time, and referred as follows:

Senate bills Nos. 105, 37, 122, 149 and Substitute Senate bill No. 17 to Judiciary Committee No. 1.

Senate bills Nos. 99 and 54 to Judiciary Committee No. 2.

COMMITTEES ANNOUNCED.

Special Committee announced by the Speaker in accordance with House bill No. 333, providing for removal of the remains of “Big Foot” Wallace to the State cemetery at Austin: Messrs. Tarver, Mercer and Caldwell.

Conference Committee on part of the House on Senate Concurrent Resolution No. 10: Messrs. Bailey, Shelburne, Marsh, Schlueter and Ayers.

“POWELL.”

“I vote ‘no,’ because the matter now offered by the amendment is not included in the bill, and must come before the House by bill under Constitution and Rules of the House.

“VAUGHAN.”

Mr. Shelburne offered the following amendment:

“On page 5, substitute for lines 23, 24 and 25 the following: ‘Fees for county judges, justices of the peace, sheriffs and constables in examining trials from March 1, 1895, to February 28, 1899.’”

Pending consideration of Substitute House bill No. 43, with pending amendment, by unanimous consent it was temporarily set aside that the following business might be entertained:

“COMMITTEES ANNOUNCED.”

“FURTHER TIME GRANTED FOR CONSIDERATION OF BILLS.”

(These should have appeared in proceedings of yesterday, but the chairmen named failed to furnish the numbers.)

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“COMMITTEES ANNOUNCED.”

Special Committee announced by the Speaker in accordance with House bill No. 333, providing for removal of the remains of “Big Foot” Wallace to the State cemetery at Austin: Messrs. Tarver, Mercer and Caldwell.

Conference Committee on part of the House on Senate Concurrent Resolution No. 10: Messrs. Bailey, Shelburne, Marsh, Schlueter and Ayers.

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“POWELL.”

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SENATE BILLS ON FIRST READING.

The following bills reported today from the Senate were read first time, and referred as follows:

Senate bills Nos. 105, 37, 122, 149 and Substitute Senate bill No. 17 to Judiciary Committee No. 1.

Senate bills Nos. 99 and 54 to Judiciary Committee No. 2.
Brake to the House with the recommendation that it do not pass.

WOOTEN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No.
1, to whom was referred
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;" Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

WOOTEN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No.
1, to whom was referred
House bill No. 560, A bill to be entitled "An Act to make void and invalid all contracts made between employer and employe of corporations compromising amount, if any, due for expenses incurred for the personal injury of the employe, whether by actual injury or by injury sustained in the performance of duty, and to allow the employer a lien for such expenses in the hands of the person to whom the employe was employed, and to authorize the courts to construe and enforce such contracts to include such expenses, if any, as the nature of the case and the parties to the contract may require;" 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 following amendments:

'Amend by striking out 'thirty' and insert 'sixty,' in the last line.

WOOTEN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No.
1, to whom was referred
House bill No. 572, A bill to be entitled "An Act to amend Article 148, Chapter 2, Revised Civil Statutes of the State of Texas, relative to the payment for construction or improvement of State Asylums;" 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 be re-referred to the Committee on State Asylums.

WOOTEN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No.
1, to whom was referred
House bill No. 511, A bill to be entitled "An Act granting permission to W. H. Owens to bring suit against the State of Texas in the District Court of Travis county to ascertain and determine the amount, if any, due him for allowances as quartermaster of the Frontier Battalion from the 1st day of April, 1895, to the 1st day of February, 1899, for his traveling and other contingent expenses;" Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

WOOTEN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No.
1, to whom was referred
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 the laws of 1897, passed at the Regular Session 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 not pass.

WOOTEN, Chairman.
Committee Room, Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 465, A bill to be entitled
"An Act to amend Article 2284, Title XL, Chapter 2, Revised Civil Statutes of Texas, relating to the taking of depositions, and the certificate thereto, so as to require the witness to answer fully each interrogatory without seeing them before the succeeding interrogatory is propounded to him, and requiring the officer taking the deposition to certify to those facts."

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.

WOOTEN, Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 512, A bill to be entitled
"An Act to amend Article 1211, Title XXIII, Revised Civil Statutes of Texas, relating to the appointment of a guardian ad litem, so as to require in certain cases the guardian ad litem to give bond."

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.

WOOTEN, Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 445, A bill to be entitled
"An Act to regulate and prescribe the methods of procedure in actions of trespass to try title, under deed or deeds, where the defendant depends solely on statute of limitation as a defense, and to repeal all laws and parts of laws in conflict herewith."

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.

WOOTEN, Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 471, A bill to be entitled
"An Act to amend Article 790, Title XXIII, Chapter 3, Revised Civil Statutes of the State of Texas, by adding thereto, 'provided this article shall not apply to suits in garnishment against counties.'"

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

WOOTEN, Chairman.
Committee Room,
Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 500, A bill to be entitled
"An Act to amend Article 1069, Chapter 1, Title XXVIII, of the Revised Civil Statutes, relating to district judges,"
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, because another bill on same subject has been favorably reported.

WOOTEN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 450, A bill to be entitled
"An Act to amend Articles 2436 and 2437, of the Revised Statutes of Texas, as prescribing the duties to be performed and the fees to be allowed certain State officers,"
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 committee amendment:
"Amend by striking out the figures '2437,' in the caption, and by striking out Section 2 entirely, and renumber the sections accordingly."

WOOTEN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 449, A bill to be entitled
"An Act to amend Article 2436 and 2437, of the Revised Statutes of Texas, relating to the duties of certain State officers, so as to include the Railroad Commission, and to provide for the issuance of certified copies and certificates of facts from original papers, documentary and records of their offices; and prescribing the effect of same as evidence,"
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 1 the words 'certifying to any fact or facts in their office.'"

WOOTEN, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred
Senate bill No. 50, A bill to be entitled
"An Act to amend Articles 2308, Title LX, of the Revised Statutes of Texas, relating to district judges,"
Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred
Senate bill No. 79, A bill to be entitled
"An Act to collect fines and costs where convictions are had in felony cases, and providing for working and hiring out such convicts as in misdemeanor cases,"
Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred
Senate bill No. 5, A bill to be entitled
"An Act to amend Article 1069, Chapter 1, Title XXVIII, of the Revised Civil Statutes, relating to district judges,"
Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

BAILEY, Chairman.
"An Act to amend Chapter 4, Title VII, of the Code of Criminal Procedure of the State of Texas, by adding thereto Article 525a, providing for the issuance of process for witnesses residing in the county before the meeting of the district court, to testify before the grand jury;"

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, and be considered in connection with House bill No. 81.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 4, A bill to be entitled "An Act to amend Title III, Chapter 1, of the Penal Code of Texas, by adding Articles 79, 80, 81, 82, 83, 84, 85, 86 and 87, and repealing Chapters 2, 3 and 4, of said title, to make accomplices and accessories principal offenders,"

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

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 2, to whom was referred House bill No. 375, A bill to be entitled "An Act to provide a penalty for the acceptance of a bribe by a public school trustee,"

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

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 2, to whom was referred House bill No. 544, A bill to be entitled "An Act to amend Article 4736, of Chapter 3, Title XCVII, amending same relating to the working of public roads."

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.

BARBEE, Chairman.
Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred
House bill No. 537, A bill to be entitled
"An Act to amend Article 4730, and repealing Article 4730a, Chapter 3, Title XCVII, Revised Civil Statutes of the State of Texas, 1895, relating to the age of working public roads, and carrying the emergency clause,"

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

BARBEE, Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred
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, 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,"

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

BARBEE, Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred
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 repeall all laws in conflict with this act as to Wood county,"

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

BARBEE, Chairman.

Committee Room, Austin, Texas, Feb. 21, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred
House bill No. 223, A bill to be entitled
"An Act to incorporate the city of Austin; to grant it a new charter, and to fix its boundaries."

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

MCANALLY, Acting Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred
House bill No. 133, A bill to be entitled
"An Act to amend Title IV, Article 22, Section 12, of the Revised Civil Statutes of the State of Texas, changing the time of holding District Court in Trinity county."

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

GRUBBS, Chairman.
Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Agricultural Affairs, to whom was referred
House bill No. 488, A bill to be entitled "An Act to amend Articles 3802, 3803 and 3806, Revised Civil Statutes, relating to the government of the Agricultural and Mechanical College 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, for the reason that Senate bill No. 114, containing the same substance, has been reported favorably.

WILLACY, Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Agricultural Affairs, to whom was referred
A petition from the citizens of Victoria, asking the Legislature to consider favorably any measure that will assist in killing the boll weevil,

Have given the same due consideration, and I am instructed to return the same to the calendar.

WILLACY, Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Agricultural Affairs, to whom was referred
House bill No. 82, A bill to be entitled "An Act to amend Articles 4978 (4992) and 4996 (4966), Chapter 5, Title CII, of the Revised Civil Statutes of the State of Texas, relating to preventing certain 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, as subject matter is already covered by previous bill.

WILLACY, Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Agricultural Affairs, to whom was referred
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,"

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

WILLACY, Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Agricultural Affairs, to whom was referred
Senate bill No. 114, A bill to be entitled "An Act to amend Articles 3802, 3803 and 3806, Revised Civil Statutes, relating to the government of the Agricultural and Mechanical College 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.

WILLACY, Chairman.

Committee Room, Austin, Texas, Feb. 21, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Counties and County Boundaries, to whom was referred
Senate bill No. 134, A bill to be entitled "An Act to abolish the unorganized county of Encinal, to establish the boundaries of Webb county so as to include the territory of said unorganized county, to provide for the transfer of funds belonging to said county in the State treasury to the treasury of Webb county, and for the collection of taxes due from non-residents."

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

DIES, Chairman.

Committee Room, Austin, Texas, Feb. 20, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Penitentiaries, to whom was referred
House bill No. 156, A bill to be entitled "An Act to require the officials of the penitentiaries of the State of Texas to return convicts to the county where they were convicted, after the expiration of their term."

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.

DORROH, Chairman.

Committee Room,
Austin, Texas, Feb. 20, 1899.

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

Sir: Your Committee on Penitentiaries, to whom was referred "An Act to confer authority on the Penitentiary Board to issue paroles to meritorious convicts, and to make and establish rules and regulations to carry the same into effect," have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

DORROH, Chairman.

At 1:20 p.m., on motion of Mr. Peery, the House adjourned to 9:30 o'clock a.m., tomorrow.

THIRTY-EIGHTH DAY.

Hall of the House of Representatives, Austin, Texas, Wednesday, February 22, 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
- Ayers
- Bailey
- Barrett
- Bean
- Beaty
- Blount
- Bolin
- Bridgers
- Browne
- Caldwell
- Calvin
- Chambers
- Childers
- Childs
- Clements
- Cocke
- Cole
- Collins
- Conoly
- Cross
- Dean
- Decker
- Derden
- Dies
- Eckols
- Evans of Fannin
- Evans of Grayson
- Garner
- Garrett
- Gill
- Goodman
- Graham
- Greenwood
- Grogan
- Grubbs
- Hamilton
- Henderson, Lamar
- Howard
- Jones
- Kittrell
- Lake
- Lane
- Lillard
- Little
- Livsey
- Looney
- Loyd
- Marsh
- Maxwell
- McAnally
- McClellan
- McDowell
- Savage
- Schluter
- Scurry
- Shelburne
- Shropshire
- Smith of Grayson
- Smith of Collin
- Staples
- Stewart
- Stripling
- Sutherland
- Tarkington
- Tarver
- Tate
- Teagle
- Terrell
- Thomas of Wise
- Phillips, Lampassas
- Thomas of Fannin
- Phillips of Camp
- Pitts
- Poole
- Powell
- Prince
- Ratcliff
- Robertson of Bell
- Rochelle
- Rogers
- Russell
- Sansom
- Absent.
- Barbee
- Culp
- Dorroh
- Ellis
- Goodlett
- Gordon
- Kennedy
- Masterson
- Shannon
- Hurley
- Robertson, Harrison
- Henderson, Brazos

A quorum was announced present:

Prayer by Rev. W. J. Gatlin, Chaplain.

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

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Dorroh until Monday, on motion of Mr. Shropshire.
Mr. Kennedy until Friday, on motion of Mr. Shropshire.
Mr. Barbee until Friday, on motion of Mr. Ratcliff.
Mr. Goodlett for today, on motion of Mr. Lane.
Mr. Masterson for today, on motion of Mr. Shelburne.

On account of important committee work:
Mr. Gordon, Mr. Culp and Mr. Shannon, committee to visit the Reformatory at Gatesville, for yesterday, today and