to own and operate the same; to authorize said Texas & New Orleans Railroad Company to purchase, own and operate the railroad known as the Texas Trunk Railroad, with its franchises and appurtenances, and the railroad known as the Louisiana Western Extension Railroad, with its franchises and appurtenances; to authorize the owners of each of said railroads to sell the same, with its franchises and appurtenances, to the said Texas & New Orleans Railroad Company, and to prescribe the conditions upon which such sale shall be valid; to authorize the Texas & New Orleans Railroad Company to issue additional mortgage bonds to the amount of the value as the same is or may be fixed by the Railroad Commission of Texas, of such of said railroads and their respective franchises and appurtenances, as may have been so purchased by it, and to the amount of the value, as the same may be so fixed, of the railroad to be constructed as aforesaid, connecting the Sabine & East Texas Railway with the Texas Trunk Railroad; and to regulate the reports of such properties, and the operations thereof.

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

SMITH of Grayson, Chairman.

REPORT OF SPECIAL COMMITTEE.

Mr. Tarver, Chairman, submitted the following report:

Austin, Texas, March 4, 1899.

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

Sirs: The undersigned committee appointed under provisions of an act of this Legislature, to attend the removal of the remains of “Big Foot” Wallace from Frio county to the State cemetery at Austin, beg leave to report that we have executed the trust imposed, and have had the remains of the distinguished Texas hero interred in the State cemetery, and have had a granite shaft, with appropriate inscription, placed over his grave.

Your committee desire to commend the liberality of Mackin, Russell & Mackin, who donated and placed a granite stone at the foot of the grave.

Your committee in closing this report feel constrained to call the attention of this Legislature to the fact that in the State cemetery lie the remains of such distinguished citizens as ex-Governor John Ireland, Generals Hardeman, Green and McCulloch without so much as a headboard to mark their last resting place.

TARVER, CALDWELL, MERCER, Committee.

CONFERENCE COMMITTEE.

The Chair announced the following conference committee on part of the House on Senate bill No. 154:


Mr. Ellis moved to adjourn until 9:30 a. m. next Monday.

Mr. Jones moved to take a recess until 3 p. m. to day.

Question being on the longest time first, the motion prevailed and the House adjourned until 9:30 o'clock a. m. next Monday.

FORTY-EIGHTH DAY.

Hall of the House of Representatives, Austin, Texas, Monday, March 6, 1899.

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

Speaker Sherrill in the Chair.

Roll called, and the following members present:

A quorum was announced present.

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

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. Robertson of Bell until Thursday, on motion of Mr. Terrell.

Mr. Robertson, Harrison, until Thursday, on motion of Mr. Terrell.

Mr. Delk, for last Saturday, on motion of Mr. Sansom.

On account of sickness:

Mr. Lane for this week, on motion of Mr. Mercer.

PENDING BUSINESS.

When the House adjourned last Friday it had under consideration, on engrossment, Substitute House bill No. 298, the general land bill, known as the “Wright Garner-Murphy land bill.”

On motion of Mr. Crawford, pending business was suspended to take up on its third reading and final passage, House bill No. 70, A bill to be entitled “An Act to require owners or lessee of coal mines within this State to provide for the safety and health of their employees, and requiring them to construct sufficient means of egress and ingress, and providing a penalty for the failure to do so.”

The bill was then laid before the House on its third reading and final passage.

Read third time, and passed by the following vote:

Years—88.

Bead, Kittrell.

Beaty, Lillard.

Bridgers, Little.

Caldwell, Livsey.

Calvin, Loyd.

Chambers, Marsh.

Childs, Masterson.

Clements, Maxwell.

Cole, McAnally.

Collins, McClellan.

Comely, McDowell.

Crawford, McFarland.

Cross, McKamy.

Culp, McKeelar.

Dean, Mercer.

Derden, Morris.

Dies, Morrow.

Dorrough, Murphy.

Eckols, Neff.

Ellis, Nolan.

Evans of Fannin, Oliver.

Evans of Grayson, Olmer.

Frost, Phillips of Camp.

Garney, Poole.

Goodlett, Powell.

Gordon, Prince.

Graham, Ratcliff.

Gregg, Robertson, Harrison.

Hamilton, Robertson of Bell.

Henderson, Russell.

Howard, Sansom.

Jones, Savage.

Kennedy, Schluter.

Scurry.
Mr. Crawford moved to reconsider the vote by which House bill No. 70 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Schluter, pending business was suspended to take up and place on its second reading, House bill No. 386, A bill to be entitled "An Act to repeal Section 2, Chapter 153, of the Acts of the Twenty-fifth Legislature, page 219, passed May 21, 1897, entitled 'An Act to prohibit the taking of fish from the fresh water lakes and streams of this State, otherwise than by the ordinary hook and line and trot line, and to prohibit the sale or shipping of game-fish in the State, and to provide penalties for the violations thereof.'"

The bill was read second time, and Mr. Schluter offered the following amendment:

"Amend by adding Section 2, as follows:

"Section 2. The present crowded condition of the calendar, and the fact that under the present law many citizens of this State are prohibited from buying, selling or shipping fish, creates an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.'"

Adopted.

The bill was ordered engrossed.

Mr. Schluter moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 386 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92.


Nays—5.

Greenwood, Pitts, Murray, Pfeuffer, Pitts, Shropshire.

Absent—Excused.


Mr. Crawford moved to reconsider the vote by which House bill No. 70 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Schluter, pending business was suspended to take up and place on its second reading, House bill No. 386, A bill to be entitled "An Act to repeal Section 2, Chapter 153, of the Acts of the Twenty-fifth Legislature, page 219, passed May 21, 1897, entitled 'An Act to prohibit the taking of fish from the fresh water lakes and streams of this State, otherwise than by the ordinary hook and line and trot line, and to prohibit the sale or shipping of game-fish in the State, and to provide penalties for the violations thereof.'"

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Adopted.

The bill was ordered engrossed.

Mr. Schluter moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 386 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92.


Nays—5.

Greenwood, Pitts, Murray, Pfeuffer, Pitts, Shropshire.

Absent—Excused.


Mr. Crawford moved to reconsider the vote by which House bill No. 70 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Schluter, pending business was suspended to take up and place on its second reading, House bill No. 386, A bill to be entitled "An Act to repeal Section 2, Chapter 153, of the Acts of the Twenty-fifth Legislature, page 219, passed May 21, 1897, entitled 'An Act to prohibit the taking of fish from the fresh water lakes and streams of this State, otherwise than by the ordinary hook and line and trot line, and to prohibit the sale or shipping of game-fish in the State, and to provide penalties for the violations thereof.'"

The bill was read second time, and Mr. Schluter offered the following amendment:

"Amend by adding Section 2, as follows:

"Section 2. The present crowded condition of the calendar, and the fact that under the present law many citizens of this State are prohibited from buying, selling or shipping fish, creates an emergency and imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.'"

Adopted.

The bill was ordered engrossed.

Mr. Schluter moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 386 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92.


Nays—5.

Greenwood, Pitts, Murray, Pfeuffer, Pitts, Shropshire.
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Absent.—Excused.

Adams. Henderson, Brazos.
Allen of Colorado. Lane.
Allen of Hopkins. Meitzen.
Ayers. Palmer.
Bennett. Peery.
Decker. Rochelle.
Garner. Rogers.
Garrett. Tarkington.
Gill. Thomas of Wise.
Goodman. Thomas of Fannin.
Grubbs. Tucker.

House bill No. 386 laid before the House on its third reading and final passage.

Read third time, and passed by the following vote:

Yeas—90.

Bailey. Masterson.
Barrett. Maxwell.
Bean. McAnally.
Beaty. McClellan.
Bolin. McDowell.
Bridgers. McKamy.
Caldwell. McLellan.
Calvin. Mercer.
Chambers. Monroe.
Children. Morris.
Childs. Morrow.
Clements. Murphy.
Cocke. Murray.
Cole. Neff.
Collins. Nolan.
Conoly. Oliver.
Crawford. Parish.
Culp. Pfeuffer.
Dean. Phillips of Camp.
Dorroh. Putts.
Eckols. Poole.
Ellis. Powell.
Evans of Fannin. Prince.
Evans of Grayson. Ratcliff.
Frost. Robertson, Harrison.
Garner. Russell.
Goodlett. Sansom.
Gordon. Savage.
Graham. Schuler.
Grogan. Scurry.
Henderson, Lamar. Shamon.
Howard. Shelburne.
Hurlcy. Shropshire.
Kennedy. Smith of Grayson.
Kittrell. Smith of Collin.
Lillard. Staples.
Little. Stewart.
Livesey. Sutherland.
Loyd. Tarver.
Marsh. Tate.

Teagle. Wheless.
Terrell. Willacy.
Vaughan. Willrodt.
Walton. Wooten.
Wells. Wright.

Absent.

Barbee. Lake.
Dies. Robertson of Bell.
Greenwood. Stripling.
Hamilton. Tompkins.
Jones.

Absent.—Excused.

Adams. Lane.
Allen of Colorado. Looney.
Allen of Hopkins. Meitzen.
Ayers. Palmer.
Bennett. Peery.
Browne. Rochelle.
Decker. Rogers.
Garrett. Tarkington.
Gill. Thomas of Wise.
Goodman. Thomas of Fannin.
Grubbs. Tucker.

The Speaker here announced that the hour, 10:30 a. m., had arrived for the consideration of House bill No. 238, on second reading, as special order for today at said hour.

The Speaker then laid before the House, on its second reading, 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," with majority favorable report with amendments and minority adverse report.

The bill was read second time.

Mr. Wooten moved to adopt the minority report.

Mr. Shelburne moved to adopt the majority report.

(Pending consideration Mr. Neff occupied the Chair.)

After considerable discussion by the House, Mr. Childs moved the previous question, and it was not seconded.

Further discussion being had, Mr. Evans of Grayson moved the previous question on adoption of the committee report, and it was not seconded.

After further discussion, Mr. Masterson moved the previous question on the committee reports, and it was not seconded.

Mr. Henderson of Lamar asked leave to call up the motion to reconsider the vote by which Senate bill No. 176 passed
last Saturday, and which motion to reconsider was spread upon the Journal.

Then on motion of Mr. Henderson of Lamar the motion to reconsider was tabled.

By unanimous consent, Mr. Kittrell offered the following resolution:

Resolved, That while the imperative demands of public business forbid that any adjournment of this House should be taken which would trench upon the time that is so valuable to the people, yet we deem it proper to make record of the fact that we cherish the memory of this day wherein sixty-three years ago occurred the matchless martyrdom of the Alamo by which the lovers of liberty the world over learned that the sons of Texas could not only teach men how to live,

But, oh! too high
A price for knowledge teach them how to die.

Read second time, and adopted unanimously by a rising vote, on motion of Mr. Evans of Fannin.

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, March 6, 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 resolution, viz:

Rescinding the action of the Senate in adopting Senate Concurrent Resolution No. 7, providing for sine die adjournment on March 10th, 1899, and requesting the House to return said concurrent resolution to the Senate.

Also that the Senate concurred in House amendment to Senate bill No. 47, being a bill to be entitled "An Act to create and maintain a more efficient public road system for Cass county."

Also that the Senate has granted the request of the House for a free conference committee on Senate bill No. 154, and the following free conference committee has been appointed on the part of the Senate, viz.: Senators Gough, Odell, James, Greer and Turney.

D. A. Walker,
Assistant Secretary of the Senate.

Mr. Masterson moved to take a recess until 2:30 p. m. today, and Mr. Bailey until 3 p. m. today.

Mr. Shelburne moved to adjourn until 9:30 a. m. tomorrow.

Question being on the longest time first, the motion was lost, and the House, at 12:31 p. m., took a recess until 3 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 3 o'clock p. m., at expiration of recess, and was called to order by the Speaker.

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

MESSAGE FROM THE GOVERNOR.

To the House of Representatives.

In view of the fact that it has been passed by both houses with such unanimity, it is with extreme reluctance that I return, without my approval, Substitute House bill No. 125, entitled "An Act to authorize private corporations created or that may be created, under the General Laws of Texas, to extend or renew their corporate existence when the same has expired or may be about to expire by lapse of time, and to prescribe the conditions and mode of such extension or renewal." My objection to the measure rests upon two grounds—first, its unconstitutionality, and, second, its impolicy. One of the objects of the bill is to renew and extend the corporate existence of such corporations as have been created under the General Laws of the State and which have expired within twelve months before the passage of the act by lapse of time. Article 680, Chapter 5, Title XXI, Revised Statutes, provides that a corporation may be dissolved in two ways—one, by the expiration of the time limited in its charter, and the other, by a judgment of dissolution rendered by a court of competent jurisdiction. In either contingency, unless a receiver be appointed by a court of competent authority, the president and directors or managers of the affairs of the corporation become trustees of the creditors and stockholders of such corporation, with full power to settle the affairs, collect the outstanding debts, and divide the money and other property among the stockholders after paying the debts due and owing by such corporation at the time of its dissolution as far as such money and property will enable them. If the bill under consideration should become law, then three-fourths of the stockholders of any such corporation as may have become dissolved through expiration of the time limited in its charter, may, at a regular meeting and without notice of their intended action, or at a special meeting called for that purpose, by resolution, renew its corporate existence, specifying the time for which it may be renewed, not to exceed fifty years. The stock of those who disagree to such renewal and extension, may be arbitrarily purchased by those who
favor such action at its current value, and when such value cannot be agreed upon, the par value of such stock shall be tendered to or safely deposited, subject to the order of the owners thereof, until such current value shall be determined by arbitration or judicial proceedings. The question that has presented itself most forcibly to my mind is as to the competency of the Legislature to enact such legislation. If it be retroactive in its operations, or interferes with vested rights, it is void. Every corporation, to which life may be restored, as contemplated by the bill, was created under statutory authority for certain purposes, for a limited period of existence, and with the assent of the stockholders. Every charter granted was not only a contract between the State and the incorporators, but also between the stockholders as well. It is true that the law, under which the corporation was created, provides that its charter or amendments thereto shall be subject to the power of the Legislature to alter, reform or amend the same, but surely such power could only be exercised during the term of its existence, and not after its expiration. Before the bill under consideration could be operative at all, the time of the charter must have terminated, and the corporation must be without president, secretary, treasurer, or directors, and without capacity to elect such officials. It must also be without authority to do a single corporate act. It must be entirely dead, and its assets, if any, must have passed into the hands of a receiver or trustees for the payment of its debts and for the distribution of what may remain to the stockholders, or its affairs may be completely administered, and no debt or asset exist to be paid or distributed. No thought is taken in the bill of the creditor. He and his rights seem to be completely ignored. Nor is the consent of all the stockholders a prerequisite. Can it be said that neither the creditors, if any there be, nor all of the stockholders have the right to the protection of the law, in pursuance of which the charter was granted and upon which its very existence depended? Can the methods of procedure allowed them by the law for the protection and enforcement of their rights be materially and substantially changed or abolished by legislation had after the charter, under which such rights accrued, shall have expired? The bill is not an invalidating measure nor are the rights of those, who may be affected by it, of a purely remedial character. The creditors who may prefer that such procedure as existed when the indebtedness was incurred shall be continued, and the opposing stockholders may prefer to have the assets distributed rather than be returned to the corporation. Such rights in the creditors and stockholders have become vested. They are valuable and substantial rights, growing out of the charter and the law, to which the corporation was indebted for its existence. I respectfully submit that such rights are beyond legislative interference, and especially in it so, the corporation being dead. Section 16, Bill of Rights, State Constitution, expressly forbids the enactment of a retroactive law. The doctrine of vested rights is too well settled to require discussion.

In this connection, the query is pertinent—can private property be condemned for private use in such manner as is contemplated by the bill? The corporations to be affected are private in their character, and the court, to which appeal may be had, is vested only with authority to ascertain the current value of the shares held by those stockholders, who are opposed to the renewal and continuance of the corporation. The proceedings contemplated by the measure are condemnatory in their character and are in the nature of an enforced sale. They are between individuals and have no relation whatever to the public. The fact that railroad associations are invested with unusual and summary powers as to condemnation proceedings and as to the sale of the stock belonging to defaulting members, cannot be urged as a precedent to justify the pending measure, for the reason that by the Constitution railways are declared public highways and railroad companies common carriers. Is the procedure prescribed by the bill in harmony with Section 16, Bill of Rights, which guarantees a citizen against deprivation of property or privileges except by the due course of the law of the land? I think not.

As to the constitutional phase of the question, I beg to invite the attention of the House to the accompanying letter from the Attorney-General.

But, were these constitutional objections not in the way, I would still have great hesitancy in giving my approval to the bill. How many corporations is it proposed by this means to raise from the dead and to clothe with life and power? What is their character and for what purposes were they originally created? What franchises and privileges, if any, did they enjoy, and what the effect upon such franchises and privileges, if the pending measure should become law? The entire absence of any information upon the subject creates an apprehension in my mind that its results may be
further reaching and more comprehensive than was contemplated by the Legislature when considering the bill. The general law as it existed at the time, becomes a part of the law, and upon the presumption of the contract, and subscribers take the charter.

I recognize that after a corporation dissolved its charter; (2) by a judgment of dissolution, an act in process of distribution. The one method of dissolution is as effective as the other. In said Chapter 5 the law provides that the president and directors or managers of the affairs of the corporation at the time of its dissolution shall be trustees of the creditors and stockholders of such corporation, with full power to settle the affairs, collect the outstanding debts, and divide the money and other property among the stockholders, after paying the debts due and owing by such corporation at the time of its dissolution. The rights of the stockholders to a division of the money and other property vests in them immediately upon the dissolution of the corporation, subject, of course, to the rights of creditors to have their debts first paid. Now, with this vested right in the stockholders, can the Legislature pass a law taking their money and property, held in trust for them by their last president and board of directors, and provide a method whereby three-fourths of the stockholders can pass all of the assets into the re-created corporation, over the protest of the dissenting stockholders? Such a law would, in my opinion, be retroactive and impair the obligation of a contract and violative of the Constitution, Article 1, Section 16. See also Sutherland on Statutory Construction, Section 474.

This feature of the bill does not prolong the life of an existing corporation, nor does it provide for a new corporation, but it provides that a stated majority can condemn the private property of a dissenting minority, revive the franchise which was once a part and parcel of their property and renew the corporate life that expired when the property rights vested in trustees to be held in trust for distribution among the stockholders. If a portion of the money or assets of the corporation had been distributed, will it be contended that this law could recall it from the stockholders, rehabilitate the trustees and pass it into a new corporation revived over the dissent of a minority of the stockholders? I think not. Then the right of distribution, once vested, is as inchoative as the act in process of distribution.

Under the law as it exists now, upon the dissolution of a corporation, the stockholders have a peaceful right of distribution and division of the assets belonging to them, and under this proposed law, the above right is taken from them, their property is taken from them, and they are driven, if agreement on valuation cannot be had, into litigation to determine the value of their property, which they are forced to sell over their protest and against their will. See Black on Constitutional Prohibitions, Sections 78 and 79; Cooley's Constitutional Limitations, Sixth Edition, page 344.

I recognize that after a corporation
has been dissolved or lost its franchise to continue its operations, it may be reorganized or revived pursuant to authority newly conferred by the statute. But, it is clear that this can be done only with the consent of all the stockholders, for although the Legislature may at any time confer franchises or privileges, it cannot arbitrarily compel any one to accept them or use them. Morawetz on Private Corporations, Vol. 2, Section 1038; Beach on Private Corporations, Vol. 1, page 79.

Where the charter of a corporation or the general law under which it is organized fixes the existence of the corporation, it will upon the expiration of the time fixed, cease, and the assets must be distributed if any one of the stockholders insists upon it. Cook on law of stockholders and stockholders, Sections 630 and 638; Beach on Private Corporations, Vol. 2, Section 780. And the right of distribution upon dissolution is expressly given in the Revised Statutes, Article 682.

If it be said that the method of distribution of assets provided in our statute is merely a remedy, and does not come within the constitutional inhibition, I say it is more than a remedy, it provides an easy, safe, inexpensive and expeditious mode of repossessing his property, and on this right I quote from the opinion of Mr. Justice Clifford in the case of Edwards vs. Kearzey, 96 U. S., 608, as follows:

"I concur in the judgment in this case, upon the ground that the State law, passed subsequent to the time when the debt in question was contracted so changed the nature and extent of the remedy for enforcing the payment of same as it existed at the time as materially to impair the rights and interests of the complaining party as the right to the lands. I submit that the case of Loan Association vs. Hardy, 86 Texas, page 619, is in line with the opinion herein, and respectfully refer you to it.

Yours truly,
(Signed) T. S. SMITH, Attorney-General.

On motion of Mr. Kittrell, the message was laid on the table subject to call.

The Speaker laid before the House, as special order for this hour, an engrossment.

House bill No. 323, A bill to be entitled "An Act to secure a system of drainage, and to provide for the payment of expenses incurred therefor, and for the assessment and collection of taxes for said purpose, and to repeal all laws and parts of laws in conflict with this act, and declaring an emergency," with the following substitute by Mr. Masterson and Mr. Wheless pending:

A bill to be entitled "An Act to pro-
vide for the construction and maintenance of drains, ditches and water courses, for the improvement and enlargement of natural drainage of the several counties within the State of Texas, authorizing commissioners courts to order an election for the purpose of determining upon the levy of a tax to pay for the construction of such ditches, drains and water courses, and providing for assessment and collection of such tax, and declaring an emergency."

The substitute was then adopted, and the bill was ordered engrossed.

Mr. Masterson moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House substitute for House bill No. 523 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—84.
Bailey. McCollan.
Bean. McDowell.
Beaty. McKamy.
Bridgers. McKellar.
Caldwell. Mercer.
Calvin. Monroe.
Chambers. Morris.
Childers. Morrow.
Childs. Murphy.
Clements. Murray.
Cole. Neff.
Collins. Nolan.
Conoly. Oliver.
Crawford. Parish.
Dean. Pitts.
Dorroh. Poole.
Eckols. Powell.
Ellis. Prince.
Evans of Fannin. Robertson, Harrison.
Evans of Grayson. Robertson of Bell.
Frost. Sansom.
Garner. Savage.
Goodlett. Schluter.
Gordon. Scurry.
Graham. Shannon.
Greenwood. Shelburne.
Grogan. Shropshire.
Hamilton. Smith of Grayson.
Howard. Staples.
Kennedy. Stewart.
Kittrell. Tarver.
Lake. Tate.
Lillard. Teagle.
Livesey. Walton.
Loyd. Wells.
Marsh. Whelless.
Masterson. Willacy.
Maxwell. Willrodt.
McAnally. Wright.

Nays—5.
Jones. Sutherland.
Little. Terrell.
Batchiff. Absent.
Barrett. Pfeiffer.
Bolin. Stripling.
Cross. Tompkins.
Dies. Vaughan.
Hurley. Wooten.

Absent.—Excused.
Adams. Henderson, Brazos.
Allen of Colorado. Lane.
Allen of Hopkins. Looney.
Ayers. Meitzen.
Bennett. Palmer.
Blount. Peery.
Decker. Rochelle.
Derden. Rogers.
Garrett. Tarkington.
Gill. Thomas of Wise.
Goodman. Thomas of Fannin.
Grubbs. Tucker.

House substitute for House bill No. 523 laid before the House, on its third reading and final passage.

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

"Amend so as to add thereto Section 16a, to read as follows:

"Section 16a. This act shall be so construed as to apply to drainage only, and shall not be construed to apply to ditches made for the purpose of irrigation."

[Signed MURPHY, WALTON.]

Adopted.

The bill was passed by the following vote:

Yeas—97.
Bailey. Eckols.
Bean. Ellis.
Beaty. Evans of Fannin.
Bolin. Evans of Grayson.
Bridgers. Frost.
Caldwell. Garner.
Calvin. Goodlett.
Chambers. Gordon.
Childs. Graham.
Childers. Greenwood.
Clements. Grogan.
Cole. Hamilton.
Collins. Howard.
Conoly. Kennedy.
Crawford. Kittrell.
Cross. Lake.
Culp. Lillard.
Dean. Livesey.
Derden. Loyd.
Dorroh. Marsh.
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Mr. Masterson moved to reconsider the vote by which House substitute for House bill No. 523 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Masterson moved to consider the bill by which House substitute for House bill No. 523 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Evans of Grayson moved to suspend pending business to continue consideration of House bill No. 238, relating to uniform text-books, on engrossment, and the motion was lost.

On motion of Mr. Prince pending business was suspended to take up and place on its second reading, House bill No. 542, and the motion was lost.

Mr. Prince moved to suspend pending business to take up and place on its second reading, House bill No. 542, and the motion was lost.

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

Mr. Prince offered the following amendments:

"Amend by inserting in line 24, page 1, after the word 'cement,' the words 'or other suitable material.'"

Adopted.

"Amend by adding Section 6, as follows:"

"Section 6. The fact that surface water in wells now abandoned is calculated to ruin the oil field in Navarro county, an emergency is created and an imperative public necessity requires the suspension of the constitutional rule requiring bills to be read on three several days is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.'"

Adopted:

The bill was ordered engrossed.

Mr. Prince moved to reconsider the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 542 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92:

Bea., Clements.
Bridgers. Cocek.
Caldwell. Cole.
Calvin. Collins.
Chambers. Comely.
Childs. Crawford.
Childs. Culp.

Nays—4:

Masterson. Savage.
Lamar. Shipherd.
Robertson, Harrison. Wooten.
Robertson of Bell. Wright.

Adopted: "Amend by adding Section 6, as follows:"

"Section 6. The fact that surface water in wells now abandoned is calculated to ruin the oil field in Navarro county, an emergency is created and an imperative public necessity requires the suspension of the constitutional rule requiring bills to be read on three several days is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.'"

Adopted:

The bill was ordered engrossed.

Mr. Prince moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 542 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92:

Bea., Clements.
Bridgers. Cocek.
Caldwell. Cole.
Calvin. Collins.
Chambers. Comely.
Childs. Crawford.
Childs. Culp.

Nays—4:

Masterson. Savage.
Lamar. Shipherd.
Robertson, Harrison. Wooten.
Robertson of Bell. Wright.
House bill No. 542 laid before the House, on its third reading and final passage.

### Yeas—91

- Bean
- Bridge
- Caldwell
- Chambers
- Childers
- Childs
- Clements
- Coke
- Cole
- Collins
- Conoly
- Crawford
- Culp
- Dean
- Derden
- Dies
- Dorroh
- Eckols
- Ellis
- Evans of Fannin
- Evans of Grayson
- Garner
- Goodlett
- Gordon
- Graham
- Greenwood
- Grogan
- Hamilton
- Henderson, Lamar
- Jones
- Kennedy
- Kittle
- Lake
- Lillard
- Little
- Livsey
- Loyd
- Marsh
- Masterson
- Maxwell
- McAnally
- Mc Dowell
- Mc Kellar
- Meitzen
- Monroe
- Morris
- Morrow
- Murphy
- Murray
- Neff
- Nolan
- Oliver
- Olivia
- Pool
- Powell
- Prince
- Ratcliff
- Robertson, Harrison
- Robertson of Bell
- Russell
- Sansom
- Savage
- Schuthe
- Scurry
- Smith of Grayson
- Smith of Collin
- Staples
- Stewart
- Sutherland
- Tarver
- Vaughan
- Walton
- Wells
- Wheless
- Willacy
- Willrodt
- Woolen
- Wright

### Nays—1

- Evans of Grayson

### Absent

- Bailey
- Barbee
- Barrett
- Beaty
- Bolin

### Absent—Excused

- Adams
- Allen of Colorado
- Allen of Hopkins
- Ayers
- Bennett
- Blount
- Brown
- Decker
- Garrett
- Gill
- Goodman
- Grubbs

- Henderson, Brazos
- Lane
- Lowery
- McFarland
- Pfeiffer
- Thomas of Wise
- Themes of Fannin
- Tucker
- Wooten

- Adams
- Allen of Colorado
- Garrett
- Allen of Hopkins
- Ayers
- Bennett
- Blount
- Brown
- Decker
- Henderson, Brazos
- Lane
Mr. Morrow offered the following amendment:

"Amend by striking out all of Section 2 that follows the word 'bidder,' in line 22.

(Pending consideration, Mr. Powell occupied the chair.)

Mr. Smith of Grayson moved to rescind the vote by which the following amendment to the pending bill was adopted on February 22:

"Amend by striking out all of Section 2 after the word 'bidder,' in line 22."

Lost.

Mr. Morrow offered the following amendment:

"Amend by striking out all of Section 2 that follows the word 'bidder,' in line 22, page 3, and insert in lieu thereof the following: And no county, city or town shall ask or receive any bids offering any premium or discount on said bonds, but said bonds shall only be sold at their face value, with interest accrued thereon at date of sale."

Lost.

Mr. Smith of Grayson moved to rescind the vote by which the following amendment to the pending bill was adopted on February 22:

"An Act to authorize private corporations created, or that may be created, under the General Laws of Texas, to extend their corporate existence, where the same may be about to expire by lapse of time, and prescribing the conditions and mode of such extension or renewal."

(The bill declares an emergency.)

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

By Mr. Shannon and Mr. Robertson of Bell:

House bill No. 710, A bill to be entitled "An Act to create a more efficient road system for Bell county, Texas, and making the county commissioners of said county ex-officio road commissioners and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for commutation of time for good behavior and good service, and providing for a reward to be offered for the recapture of an escaped county convict and taxing said reward and all actual costs of capture and delivery of said convict against said convict, and providing for a penalty for the escape of a county convict, and providing for the trimming of hedges by the owners of said land, and providing a penalty for failure to trim said hedges, and providing the amount of compensation in road time to be allowed by overseers to road hands for teams, plows, scrapers and wagons; and providing for the condemnation of land for public road purposes, and providing for the working of delinquent poll tax-payers on the public roads and relieving them from the payment of said work by the payment of the sum of three dollars, and providing further, making this law cumulative of the General Laws and in case of conflict this act to govern as to Bell county."

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

By Mr. Greenwood:

House bill No. 711, A bill to be entitled "An Act to provide for and fix the venue.
of suits for damages against railway companies, and agents and receivers of railway companies for personal injuries, and to repeal all laws and parts of laws in conflict herewith."

(The bill provides that such suits shall be brought in the county where such injury occurs, and declares an emergency.)

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

By Mr. Willacy:

House bill No. 712, A bill to be entitled "An Act to amend Chapter 5, of Title CII, of the Revised Civil Statutes of Texas of 1895, so as to place San Patri­cio county under the provisions of said chapter, relating to the mode of preventing certain animals from running at large in counties and subdivisions."

(The bill declares an emergency.)

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

By Mr. Prince:

House bill No. 713. A bill to be entitled "An Act to amend Article 166 and Article 170, Chapter 2, Title IX, of the Rev­ised Civil Statutes of the State of Texas, relating to the orphans' home."

(The bill provides for the election of an industrial manager for the State Orphan's Home, whose duties and salary shall be prescribed by the board of trustees.)

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

By Mr. Morrow and Mr. Neff:

House Joint Resolution No. 28, to amend Section 1, of Article 6, of the Constitu­tion of the State of Texas, relating to suffrage.

(Amends by adding to the list of persons who shall not be allowed to vote in this State all persons who being subject to the payment of State and county poll taxes under the Constitution and laws of the State, and who shall be delinquent in the payment of said taxes for the year preceding that in which the election is held at which they offer to vote, or who shall have been so delinquent in the payment of said taxes at any time within ninety days next preceding such election.)

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

By Mr. Kennedy:

House Joint Resolution No. 29, amending the Constitution of the State of Texas so as to limit the terms of State, county and district officers.

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

By Mr. Wooten:

House Concurrent Resolution No. 31:

Be it resolved by the House of Repre­sentatives, the Senate concurring,

1. That we view with admiration and approval the position taken by Hon. Joseph W. Bailey, of Texas, the leader of the Democratic party in the Congress of the United States, on the question of excluding from seats in Congress persons holding positions as army officers by appoint­ment of the President, and we believe that his position is in accord with the plain provisions of the Federal Constitution, as well as in line with the historic policy, principles and traditions of the Democratic party of the Union.

2. That while we shall deplore any circumstance leading to the retirement of our distinguished fellow citizen and congressman from the leadership that he has so worthily won and so honorably worn, yet we would prefer to see him surrender such distinction rather than abandon any part of the faith of his party or surrender any portion of the principles of constitutional freedom for which the Democratic party has always battled and will continue to strive.

(Signed—Wooten, Henderson of La­mar, Smith of Grayson, Evans of Gray­son, Kennedy, Shelburne, Stewart, Mas­terson, Wright, Schluter, Prince, Powell, Garner, Bailey, McKellar, Vaughan.)

Read second time, and Mr. Little moved to refer to Committee on State Affairs.

(Mr. Bailey in the Chair.)

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

The motion to refer was lost, and the resolution was adopted.

Mr. Grubbs offered the following reso­lution:

Resolved, That we have learned with deep regret the determination of the Hon. Joseph W. Bailey, Congressman of the Fifth district of Texas, to renounce his leadership of the minority in Congress.

Resolved, That we fully and unquali­fiedly endorse the manly and courageous action of Mr. Bailey in the defense of the Constitution regardless of personal fa­voritism.

Resolved, That these resolutions be printed and that a copy of the same be transmitted by the Chief Clerk to Hon. J. W. Bailey.

The resolution was read, and went over under the rules.

RESOLUTION WITHDRAWN.

House Concurrent Resolution No. 23, for correction, on request of Mr. Bridg­ers.
BILe SIGNED BY THE SPEAKER.

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

Senate bill No. 141, "An Act to authorize the Houston & Texas Central Railroad Company to purchase, own and operate the railroad of the Central Texas & Northwestern Railroad Company, with its franchises and appurtenances; the railroad of the Fort Worth & New Orleans Railway Company, with its franchises and appurtenances; the Lancaster Tap Railroad, with its franchises and appurtenances; the railroad of the Austin & Northwestern Railroad Company, with its franchises and appurtenances; and the railroad of the Granite Mountain & Marble Falls City Railroad Company, with its franchises and appurtenances, or any or any of such railroads, with its franchises and appurtenances, or to authorize the owners of each of said railroads, and its franchises and appurtenances, to sell the same; and to authorize said Houston & Texas Central Railroad Company to issue additional mortgage bonds to the amount of the value of the railroads, franchises and appurtenances so purchased as fixed, or as the same may be fixed, by the Railroad Commission of Texas, and to regulate the reports of such properties and the operations thereof."

Committee Room,
Austin, Texas, March 4, 1899.
Hon. J. S. Sheburrnen, Speaker of the House of Representatives.

Sir: Your Committee on State Affairs, to whom was referred

A resolution by Mr. Ratcliff and Mr. Terrell, asking that the Legislature establish a home for disabled and indigent ex-slaves as soon as the State's financial condition will permit of it,

Have had the same under consideration, and I am instructed to report it to the calendar.

SHELBURNE, Chairman.

Committee Room,
Austin, Texas, March 4, 1899.
Hon. J. S. Sheburrnen, Speaker of the House of Representatives.

Sir: Your Committee on State Affairs, to whom was referred the following petitions:

From citizens of Matagorda county, asking that the office of Fish and Oyster Commissioner be abolished.

From citizens of Jasper county, asking for the repeal of the game law;

From the W. C. T. U. of Tyler, favoring the Lloyd anti-tobacco bill;

From twenty-six citizens and ex-Confederate veterans favoring the distribution of Confederate pensions, under the direction of the commissioners' courts of the several counties in the State of Texas, and

From twenty-five citizens of Colorado county to the Legislature, in behalf of the round bale,

Have had the same under consideration, and I am instructed to report them back to the calendar to be filed and retained for future reference.

SHELBURNE, Chairman.

Committee Room,
Austin, Texas, March 4, 1899.
Hon. J. S. Shebrrnen, Speaker of the House of Representatives.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 593, A bill to be entitled "An Act to amend Article 812, Chapter 5, Title XXIII, Revised Statutes, relating to the removal of county seats,"

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.

SHELBURNE, Chairman.

Committee Room,
Austin, Texas, March 4, 1899.
Hon. J. S. Sheburrnen, Speaker of the House of Representatives.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 102, A bill to be entitled "An Act to amend Title XLVII, of the Revised Civil Statutes of 1895, relating to the fiscal year, requiring the fiscal year to terminate on the 30th of June of each year, and requiring that appropriations for the support of the State government shall conform thereto, and to amend and conform other articles of the statute to said date,"

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

SHELBURNE, Chairman.

Committee Room,
Austin, Texas, March 4, 1899.
Hon. J. S. Sheburrnen, Speaker of the House of Representatives.

Sir: Your Committee on State Affairs, to whom was referred

House bill No. 604, A bill to be entitled "An Act to appropriate and set apart to Wheeler county all taxes collected in behalf of the State from Wheeler county,
for the year 1899, for the purpose of re-
building the court house and jail of said
county destroyed by cyclone, and declar-
ing such loss to be a great public cal-
lamity."

Have had the same under considera-
tion, and I am instructed to report it
back to the House with the recommenda-
tion that it do not pass.
SHELBURNE, Chairman.

Committee Room,
Austin, Texas, March 4, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

SIR: Your Committee on State Affairs,
to whom was referred
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 salaries of
stenographers of the Courts of Civil Ap-
peals."

Have had the same under considera-
tion, and I am instructed to report it
back to the House with the recommenda-
tion that it do not pass, because another
bill relating to the same subject matter
has been reported favorably.
SHELBURNE, Chairman.

Committee Room,
Austin, Texas, March 4, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

SIR: Your Committee on State Affairs,
to whom was referred
House bill No. 693, A bill to be entitled
"An Act to amend Title CIV, Chapter 1,
Article 5051, in relation to the payment
of State and county taxes."

Have had the same under considera-
tion, and I am instructed to report it
back to the House with the recommenda-
tion that it do not pass.
SHELBURNE, Chairman.

Committee Room,
Austin, Texas, March 4, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

SIR: Your Committee on State Affairs,
to whom was referred
House bill No. 654, A bill to be entitled
"An Act to amend Article 138, of the
Revised Statutes of the State of Texas
of 1895, so as to provide compensation to
county attorneys for services rendered in
lunacy cases."

Have had the same under considera-
tion, and I am instructed to report it
back to the House with the recommenda-
tion that it do not pass.
SHELBURNE, Chairman.
the small farmers of this State, so that they may procure the best physicians, drugs and medicines that they may need during the year while making their crops by exempting from mortgage lien, at forced sale, two bales of cotton of 500 pounds each, and to repeal such laws as may conflict with this act, and declaring 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 not pass, as this committee has reported a bill favorably containing the same substance.

WILLACY, Chairman.

Committee Room.

Austin, Texas, March 4, 1899.

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

Sir: Your Committee on Agricultural Affairs, to whom was referred House bill No. 680, A bill to be entitled "An Act for the relief and protection of the small cotton farmers in this State, and to protect the wives and children of the cotton farmers of this State, by exempting from mortgage lien, attachment or other species of forced sale, two bales of cotton of five hundred pounds each, and to repeal such laws as may conflict with this act, and declaring 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.

WILLACY, Chairman.

REPORT OF SPECIAL JOINT COMMITTEE.

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

Austin, Texas, March 6, 1899.

Hon. J. S. Sherrill, Speaker of the House of Representatives, and Hon. Jas. N. Browning, President of the Senate.

Sirs: We, your Joint Committee to arrange for the reception of the Hon. W. J. Bryan, beg leave to report that Mr. Bryan is expected to arrive in the city Wednesday afternoon. He will be met at the depot by his Excellency, the Governor, and by your committee. Mr. Bryan will be entertained by the Governor. At 8 o'clock p. m., Wednesday, Mr. Bryan will address the House and Senate in joint session assembled in the House of Representatives, the joint session having been provided for in the original resolution.

We have invited the Honorables F. R. Lubbock, R. B. Hubbard, J. S. Hogg and C. A. Culberson, the judges of the Supreme Court, the Railroad Commissioners, the heads of the State departments, the Honorables C. K. Bell, J. W. Blake, James G. Dudley and Walter S. Baker to seats upon the platform.

The Assistant Sergeant-at-Arms of the House and the Assistant Sergeant-at-Arms of the Senate have been requested to act as a committee to properly arrange the seating of the House so as to accommodate the largest crowd possible.

Respectfully,

KENNEDY,

Chairman House Committee.

POTTER,

Chairman Senate Committee.

At 5:25 p. m., on motion of Mr. Greenwood, the House adjourned to 9:30 a. m. tomorrow.

FORTY-NINTH DAY.

Hall of the House of Representatives, Austin, Texas.

Tuesday, March 7, 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:

Bailey. Goodlett.
Barbee. Goodman.
Barrett. Gordon.
Bean. Graham.
Bolton. Greenwood.
Bolton. Grogan.
Bridgers. Grubbs.
Brown. Hamilton.
Caldwell. Henderson, Lamar.
Calvin. Howard.
Chambers. Hurley.
Childs. Jones.
Childs. Kennedy.
Clements. Kittrell.
Cocke. Lake.
Cole. Lillard.
Collins. Little.
Conoly. Livsey.
Crawford. Looney.
Cross. Loyd.
Culp. Marsh.
Dean. Masterson.
Darden. Maxwell.
Diers. McAnally.
Dorrough. McClellan.
Eckels. McDowell.
Ellis. McFarland.
Evans of Panin. McKamy.
Evans of Grayson. McKellar.
Frost. Meier.