and providing for their compensation as road commissioners, and defining the powers and duties of the commissioners courts of said counties, and fixing a penalty for the violation of this act, and to repeal all laws in conflict with this act, I 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, March 7, 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. 621, A bill to be entitled "An Act to create a more efficient road system for Nacogdoches county," have had the same under consideration, and am instructed to report it back to the House with the recommendation that it do pass.

BARBEE, Chairman.

FURTHER TIME GRANTED.

For consideration of House bill No. 545, on request of Mr. Shelburne, chairman of the Committee on State Affairs.

SENATE BILL ON FIRST READING.

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

Senate bill No. 130, to Judiciary Committee No. 2.

At 5:10 p.m., on motion of Mr. Sutherland, the House adjourned until 9:30 o'clock a.m. tomorrow.

FIFTIETH DAY.

Hall of the House of Representatives, Austin, Texas, Wednesday, March 8, 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. 
Ayers. 
Bailey. 
Barbee. 
Barrett. 
Bean. 
Beaty. 
Blount. 
Bolin. 
Bridgers. 

Crawford. 
Cross. 
Culp. 
Dean. 
Decker. 
Derden. 
Dies. 
Dorroh. 
Eckols. 
Ellis. 
Evans of Fannin. 
Evans of Grayson. 
Frost. 
Garner. 
Garrett. 
Gill. 
Goodlett. 
Goodman. 
Gordon. 
Greenwood. 
Grogan. 
Grubbs. 
Henderson, Lamar. 
Howard. 
Hurley. 
Jones. 
Kennedy. 
Kittrell. 
Lake. 
Lane. 
Lillard. 
Little. 
Lively. 
Looney. 
Loyd. 
Marsh. 
Masterson. 
Maxwell. 
McAnally. 
McClellan. 
McDowell. 
McFarland. 
McKamy. 
McKellar. 
Meitzen. 
Mercer. 
Monroe. 
Morris. 

Morrow. 
Murphy. 
Murray. 
Neff. 
Nolan. 
Oliver. 
Parish. 
Pfeuffer. 
Phillips, Lampasas. 
Phillips of Camp. 
Prine. 
Ratcliff. 
Robertson, Harrison. 
Robertson of Bell. 
Rochelle. 
Rogers. 
Russell. 
Sansom. 
Savage. 
Scherter. 
Scurvy. 
Shannon. 
Shelburne. 
Shippshire. 
Smith of Grayson. 
Smith of Collin. 
Staples. 
Stewart. 
Stripling. 
Sutherland. 
Tarkington. 
Tarver. 
Tate. 
Teagle. 
Terrell. 
Thomas of Wise. 
Thomas of Fannin. 
Tompkins. 
Tucker. 
Vaughan. 
Waiton. 
Wells. 
Whelless. 
Willacy. 
Willrodt. 
Wooten. 
Wright. 

Absent. 
Hamilton. 
Pitts. 

Absent—Excused. 
Allen of Hopkins. 
Palmer. 
Bennett. 
Peery. 
Henderson, Brazos. 
Powell. 

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.

Mr. Hamilton for today, on motion of Mr. Stripling.
Legislature and not those of the other branch of the constitution that bills should be read on three several days would be violated. The committee report recommending a substitute for a bill, the bill having been read second time, and the pending question at time of adjournment being—Shall the committee report be adopted?

The Speaker laid the same before the House as pending business, and the committee report was again read. After consideration by the House, Mr. Goodlett moved the previous question, on adoption of the committee report, and the main question was ordered.

The committee report was adopted. Mr. Childs raised the point of order that Senate bill No. 39 is not properly before the House, as the committee to whom this bill was referred exceeded its authority when it substituted a committee bill for the Senate bill. The committee had the right to amend the Senate bill or kill it, but it could not substitute a new bill for a Senate bill and bring it into the House and call it a Senate bill by Senator Wayland, as it would then become an original bill, and not an amended bill (Rules United States House of Representatives, "Reed's Rules," Section 77, page 62), and would in fact be a House bill and not a Senate bill. It could not stand as a House bill, not having been introduced in the House, and could not be a Senate bill as the committee left the Senate bill in the committee room by their report, and if they could bring in an original bill in this way it would have to be treated as a House bill, and undergo a three day's reading in the Senate if the House should pass it and return it to the Senate for their action. The committee by its action practically killed the Senate bill by making a substitute bill, and the only course is to recommit the bill, otherwise it is practically killed, since all bills must be referred to a committee and reported before they can come before either house (State Constitution). Otherwise the constitutional rule that bills should be read on three several days would be violated. It might be held otherwise if either house was considering its own bills and not those of the other branch of the Legislature.

The Chair held the point of order not well taken. Mr. Morrow offered the following amendment: "Amend by striking out the word 'eleven,' in line 10, page 1, and insert in lieu thereof the word 'fourteen,' and insert in line 21, page 1, after the words 'on file' the following words, 'and that may be filed within three months after the passage of this bill.'" Mr. Tarver offered the following amendment to the amendment: "Amend by striking out the words 'after the passage of this bill,' and insert 'after this act goes into effect.'" Accepted by Mr. Morrow.

The amendment as amended was adopted. Mr. Morrow offered the following amendment: "Amend by adding to end of Section 2, House Committee substitute for Senate bill No. 39, page 2, the following words: 'Provided further, that where the said assessors did the work as required by law and filed his report with the Commissioner of Agriculture, Statistics and History, as required by law, but the commissioners courts refused to approve or allow any account for same, then said assessors may be paid out of the appropriation herein provided, but shall only be allowed two and one-half cents (2\(1/2\)) for each person from whom he gathered such statistics, as shown by such reports.'" Mr. Kennedy moved the previous question, and the main question was ordered.

Question first recurring on the amendment by Mr. Morrow, it was adopted. Question next recurring on the passage of the bill to a third reading, yeas and nays (not named) were demanded, and the bill was passed to a third reading by the following vote:

Yea—70.

Livsey.  
Little.  
Dorroh.  
Allen of Hopkins.  
est and just debt, the Constitution to the 
contrary notwithstanding, if such be the 
case.

I vote 'yea,' because we want to go 
on record as favoring payment of an hon­
est and just debt, the Constitution to the 
contrary notwithstanding, if such be the 
case.

MCANDOLPH.

I vote 'no,' because I believe the bill 
is clearly in violation of Article 3, Sec­
tion 44, of the Constitution of the State.  
"WOOTEN."

I vote 'no,' because I think that the 
payment of these claims is clearly for­
bidden by Section 44, Article 3, of the 
Constitution.

"FROST,  
"MORROW."

"I vote against House Committee sub­ 
stitute for Senate bill No. 39, after hear­
ting two hour's argument upon the mat­ 
ter, because I am constitutionally op­ 
posed to the bill, because I am techni­
cally opposed to it, because I am natu­
really opposed to it, and because I am get­
ting tired of this Legislature remedying 
by appropriations the shortcomings, over­
sights and mistakes of former Legisla­
tures. Furthermore, I oppose the bill be­
cause I doubt if it is equitable, and I 
especially approve the argument by the 
gentleman from Dallas (Mr. Wooten) on 
the constitutionality of the bill, and be­
lieve payment is clearly forbidden by 
Section 44, Article 3, of the Constitu­
tion. I record my reasons as above 
partly because I want to be understood 
and partly because I have been trying for 
two weeks to get an opportunity to make 
a speech of some kind, but have been 
crowded out by gentlemen whose ideas 
are irrepressible, and this seems to be my 
only opportunity of being heard.

"BRIDGERS."

"I vote 'no' on the passage of Substi­
tute Senate bill No. 39, because it car­
ties a large appropriation of money, which I 
believe is inhibited by Section 44, Article 
3, of the Constitution of this State, as 
the work of the assessors was done dur­
ing the year 1896, and the law authoriz­
ing it was repealed by a previous Legis­
lature, and such repealed law took effect 
July 30, 1895. I have sworn to support 
the Constitution, and can not vote 
against its plain provisions as I under­
stand it.

"CHILDS."

MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 8, 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 Sen­
ate has passed the following bills, towit:  
Senate bill No. 77, A bill to be entitled 
"An Act to regulate the sale of cocaine, 
opium and other poisons."

House bill No. 77, A bill to be entitled 
"An Act to provide for a special road law 
for Denton county, Texas, to empower 
the commissioners of said county with 
special authority to erect as road commis­
sioners for said county, with power to 
purchase teams and tools for said work, 
to summon any one subject to road duty,
also providing for penalty for failure to work, also providing for working upon public roads those who have not paid poll tax, with penalty for failure to work, also providing for amount that may be paid by each tax-payer in lieu of work, also compensation for commissioners when employed in this duty.'

House bill No. 173, A bill to be entitled "An Act to create a more efficient road system for Parker county, Texas, etc."

House bill No. 196, A bill to be entitled "An Act to amend Article 3953, Chapter 11, Title LXXXVI, of the Revised Civil Statutes of Texas, and to repeal all laws and parts of laws in conflict therewith."

House bill No. 249, A bill to be entitled "An Act to amend Article 1012, Title XXVII, Chapter 14, Revised Statutes of 1895, relating to the employment of stenographers by the Courts of Civil Appeals," with Senate amendment.

House bill No. 529, A bill to be entitled "An Act to change and fix the times of holding the terms of the district courts in the Thirteenth Judicial District."

House bill No. 409, A bill to be entitled "An Act granting permission to B. F. Gohlson and J. W. Benson, or their assigns, to bring suit against the State of Texas in the District Court of Lampaasas county to ascertain the amount, if any, is due them for services rendered the State as rangers or soldiers."

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

House Concurrent Resolution No. 27, on the death of Peter Hansborough Bell.

J. P. Pool, Secretary of the Senate.

INVITATION.

By direction of the Speaker the following communication was read:

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

DEAR Sir: The Port Arthur ship channel will be opened on March 25th, at which time the management proposes to have a celebration of the event. All legal obstacles have been withdrawn, and the channel is now an assured fact, as will be seen on the 25th.

It is constructed entirely through the land from the deep waters in Sabine Pass to the southern terminus of the Kansas City, Pittsburg & Gulf Railway system at Port Arthur. The channel is nine miles long, one hundred and eighty-three feet wide and twenty-five feet deep, susceptible of floating the largest vessels that ply the waters of the Gulf of Mexico.

The management has secured excursion rates from all of the eastern, western and northwestern cities, at a mere nominal rate. The bonds of the concern are held principally in Holland, and the Holland stock and bondholders have already sailed for America to be present. A great many prominent men, as well as large capitalists, have signified their intentions of being present.

We, the attorneys for the Port Arthur Channel and Dock Company, have been instructed by the management to cordially invite yourself and all the members of your body, as well as the officers thereof, to be present and witness the ceremonies of opening the channel. We should esteem it a high compliment for your honorable body to be present. We have been promised that the Legislature of Arkansas will meet with us.

Hoping that we may be honored with your presence, we are,

Most sincerely yours,

GREER & GREER.

SENATE BILLS ON FIRST READING.

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

Senate bill No. 103, to Judiciary Committee No. 1.
Senate bills Nos. 50 and 159, to Judiciary Committee No. 2.
Senate bill No. 77, to the Committee on Public Health and Vital Statistics.
COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 7, 1899.

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

Sir: Your Committee on Education, to whom was referred Senate bill No. 175, A bill to be entitled “An Act to amend Section 1, of ‘An Act to regulate and limit the expenditures of State, county and local public school funds, and regulate treasurer's reports thereof,' approved June 29, 1897.”

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

“Amend by adding after the word ‘transferred’ in line 27, the words ‘Provided, that nothing in this act shall be construed to increase the maximum now allowed by law.’”

GRUBBS, Acting Chairman.

Committee Room,
Austin, Texas, March 7, 1899.

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

Sir: Your Committee on Education, to whom was referred House bill No. 696, A bill to be entitled “An Act to provide for establishing, governing and maintaining a State normal school at San Marcos, and to be known as the Southwest Texas Normal School.”

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 the word ‘fifteen,’ also the figures ‘15’ wherever they appear in the bill and insert in lieu thereof the word ‘eleven.’”

GRUBBS, Acting Chairman.

Committee Room,
Austin, Texas, March 7, 1899.

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

Sir: Your Committee on Education, to whom was referred House bill No. 534, A bill to be entitled “An Act to amend Article 5124, Title CIV, Chapter 3, Revised Civil Statutes of Texas, and to add thereto Articles 5124a, 5124b, 5124c, 5124d, 5124e, 5124f, 5124g and 5124h, and to declare an emergency.”

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

SCHLUTER, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, March 7, 1899.

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

Sir: A minority of your Committee on Revenue and Taxation, to whom was referred House bill No. 554, Do not concur in the report of the majority, and ask leave to recommend that it do pass.

CHILDS.

Committee Room,
Austin, Texas, March 7, 1899.

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

Sir: Your Committee on Revenue and Taxation, to whom was referred House bill No. 688, A bill to be entitled “An Act to amend Article 5086, of the Revised Civil Statutes, so as to make taxes a lien upon personal as well as real estate property.”

Have had the same under consideration, and I am instructed to report it
for assessment and

March 8, 1899

HOUSE JOURNAL.

back to the House with the recommendation that it do not pass.

SCHLUTER, Chairman.

Committee Room,
Austln, Texas, March 7, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

Sir: Your Committee on Revenue and
Taxation, to whom was referred
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 small claims of tax
collectors;"

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.

SCHLUTER, Chairman.

Committee Room,
Austln, Texas, March 7, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

Sir: Your Committee on Revenue and
Taxation, to whom was referred
Senate bill No. 105, A bill to be entitled
"An Act to amend Articles 4786 and
4788, of Title XCVII, Chapter 7, of the
Revised Civil Statutes of the State of
Texas, relating to elections for road
taxes;"

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.

SCHLUTER, Chairman.

Committee Room,
Austln, Texas, March 7, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

Sir: Your Committee on County Gov-
ernment and County Finances, to whom
was referred
A petition from 156 citizens of
Wharton county, asking that the stock law be
so revised and amended as to include
horses, cattle and mules.

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 re-referred to the Committee on
Stock and Stock-raising.

ROBERTSON of Bell, Chairman.

Committee Room,
Austln, Texas, March 7, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

Sir: Your Committee on County Gov-
ernment and County Finances, to whom
was referred

House bill No. 404, A bill to be entitled
"An Act to authorize and empower com-
missoiner courts to appoint a county
auditor, and defining and prescribing the
duties and fixing the compensation of
such officer;"

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

ROBERTSON of Bell, Chairman.

Committee Room,
Austln, Texas, March 7, 1899.
Hon. J. S. Sherrill, Speaker of the House
of Representatives.

Sir: Your Committee on Engrossed
Bills, to whom was referred
Substitute House bill No. 523, A bill to
be entitled "An Act to provide for the
construction and maintenance of drains,
ditches and water-courses, for the im-
provement and enlargement of natural
drainage of the several counties within
the State of Texas, authorizing commis-
sioners 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 collec-
tion of such tax, and declaring an emer-
gency;"

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

McANALLY, Acting Chairman.

FURTHER TIME GRANTED FOR CON-
SIDERATION OF BILLS.

House bills Nos. 314, 618, 623, 634,
638, 644, 648, 660, 661, 666, 672, 675
and Senate bills Nos. 59 and 78, on re-
quest of Mr. Wooten, Chairman of Judi-
ciary Committee No. 1.

House bills Nos. 277, 612, 569, 643,
274, 516, 477 and 423, on request of Mr.
Schluter, Chairman of the Committee on Revenue and Taxation.

House bill No. 630, on request of Mr. Robertson of Bell, Chairman of the Committee on County Government and County Finances.

Mr. Smith of Collin moved to take a recess until 8:15 p.m. today, and Mr. Tarver until 2:30 p.m. today.

The former motion prevailed, and at 12:31 p.m. the House took recess to 8:15 p.m. today, said hour being set apart to hear an address from Hon. Wm. J. Bryan, of Nebraska.

EVENING SESSION.

The House met at expiration of recess, and was called to order by the Speaker.

The Speaker announced that on account of delayed train, Mr. Bryan was late in arriving in the city, and the House stood at ease until the committee escorted him into the Hall.

When Mr. Bryan arrived in the Hall he was conducted to the Speaker's stand, and the Speaker called the House to order again at 9:15 p.m.

Senator Potter in a brief talk introduced Mr. Bryan, who addressed the two houses and the assemblage upon the issues of the day, viz.: The financial question and the issues arising out of the late Spanish-American war.

At the close of Mr. Bryan's address, on motion of Mr. Henderson of Lamar the House, at 11:20 p.m., adjourned until 9:30 o'clock a.m. tomorrow.

FIFTY-FIRST DAY.

Hall of the House of Representatives, Austin, Texas, Thursday, March 9, 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.
Barbee.
Barrett.
Bean.
Beatty.
Blount.
Bolin.
Bridgers.
Browning.
Caldwell.

Derden.
Dies.
Dorrah.
Eckols.
Ellis.
Evans of Fannin.
Evans of Grayson.
Frost.
Garner.
Garrett.
Gill.
Goodlett.
Goodman.
Gordon.
Graham.
Greenwood.
Grogan.
Grubbs.
Hamilton.
Henderson, Lamar.
Howard.
Hurry.
Jones.
Kennedy.
Kittrell.
Lake.
Lane.
Lillard.
Little.
Living.
Loney.
Loyd.
Marsh.
Masterson.
Maxwell.
McAnally.
McClellan.
McDowell.
McFarland.
McKamy.
McKellar.
Meiten.
Mercer.
Morris.
Morrow.
Murphy.
Murray.

Neff.
Nolan.
Oliver.
Palmer.
Parish.
Pfeiffer.
Phillips, Lampasas.
Phillips of Camp.
Pitts.
Poole.
Pratt.
Ratliff.
Robertson, Harrison.
Robertson of Bell.
Rochelle.
Rogers.
Russell.
Sansom.
Savage.
Schluter.
Secory.
Shannon.
Shelburne.
Shropshire.
Smith of Grayson.
Smith of Collin.
Staples.
Stewart.
Stripling.
Sutherland.
Tarkington.
Tate.
Teagle.
Terrell.
Thomas of Wise.

Absent.

Monroe.
Peery.

Absent—Excused.

Bennett.
Powell.
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. Ratliff, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On motion of Mr. Henderson of Lamar, Mr. Morrow, Mr. Browne, Mr. Calvin and Mr. Meiten, committee to examine the books and count the money in the State