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

McANALLY, Acting Chairman.

On motion of Mr. Loyd, the House, at 6 p. m., adjourned until 9:30 o'clock a. m. tomorrow.

SIXTY-SECOND DAY.

Hall of the House of Representatives, Austin, Texas,

Wednesday, March 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:

Present—114.


Absent.


Absent—Excused.


A quorum was announced present.

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

Pending reading of the Journal of yesterday,

On motion of Mr. Barrett, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Peery for today, on motion of Mr. Conoly.

Mr. Allen of Colorado for today, on motion of Mr. Monroe.

Mr. Powell until Monday, on motion of Mr. Barrett.

Mr. Robertson of Harrison for yesterday, on motion of Mr. Allen of Hopkins.

Mr. Pitts for yesterday and today, on motion of Mr. Shropshire.

On account of sickness in his family:

Mr. Eckols for today, on motion of Mr. Beaty.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 22, 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. 218, A bill to be entitled "An Act authorizing the board of managers of the Southwest Texas Lunatic Asylum at San Antonio, Texas, in conjunction with the Governor of the State of Texas, to lease the sulphur water flowing from the artesian wells on the grounds belonging to said asylum."

Senate bill No. 223, A bill to be entitled "An Act to amend Article 4445, of the Revised Civil Statutes of the State of ...
Texas, and to authorize railroad corporations to acquire new right of way for the purpose of shortening the line or reducing the grades.

Senate bill No. 44, A bill to be entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature, approved June 16, 1897," over the Governor's veto.

House bill No. 9, A bill to be entitled "An Act to amend Article 969, Chapter 3, Title 18, Penal Code, Revised Statutes of 1895, relating to marriages in cases of seduction."

And that Senators Turney, Goss, Potter, Sebastian and Davidson have been appointed on the part of the Senate on Free Conference Committee on Senate bill No. 20.

J. P. Pool, Secretary of the Senate.

SPEAKER'S TABLE.

On motion of Mr. McAnally the regular order of business was suspended to take up, and place on its second reading and passage to a third reading, Senate bill No. 94, A bill to be entitled "An Act to extend the time within which lands heretofore sold to the State, or which may hereafter be sold to the State, for taxes under decree of court, under the provisions of Chapter 42, Laws of 1895, and Chapter 103, Laws of 1897, may be redeemed; providing the manner of such redemption, and repealing all laws and parts of laws in conflict here-with."

The bill was laid before the House, was read second time, and was passed to a third reading.

Mr. McAnally moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 94 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—98.


The bill was passed by the following vote:

Yeas—98.


Senate bill No. 94 laid before the House, on its third reading and final passage. Read third time. The bill was passed by the following vote:

Yeas—98.

The motion prevailed, and the bill was laid before the House.

On motion of Mr. Shelburne the bill was made a special order for tomorrow, March 23, 10 o'clock a.m., to be considered from day to day, until disposed of.

The Speaker laid before the House, on its passage to a third reading, with amendments pending,

Senate bill No. 2. A bill to be entitled "An Act to provide for the creation of level premium mutual life insurance companies in this State, and for the regulation thereof."

The bill was read second time last Thursday, March 16, when Mr. Bailey offered an amendment to the bill and Mr. Powell offered an amendment to the amendment.

Pending which, further consideration of the bill was postponed until 10 o'clock a.m. today.

The amendment to the amendment was adopted, and the amendment as amended was adopted.

Mr. Wooten moved that further consideration of the bill be postponed, and that it be referred to a special committee of five, to be appointed by the Speaker, with instruction to report within two weeks and that the bill be made a special order for 10 a.m., Wednesday, April 5th.

(Pending consideration of the motion, Mr. Murray occupied the chair.)

Speaker in the chair, Mr. Decker moved the previous question on the motion of Mr. Wooten, and the main question was ordered.

The motion prevailed.

On motion of Mr. Schluter the regular order of business was suspended to take up, and place on its second reading and passage to a third reading,

Senate bill No. 214, A bill to be entitled "An Act to authorize the lease of any railroads connecting at the State line, not exceeding thirty miles in length, by any railroad company so connecting with same."

The bill was laid before the House, was read second time, and was passed to a third reading.

Mr. Schluter moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 214 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yea—98.

Adams. Bolin.
Allen of Hopkins. Bridgers.
Ayers. Browne.
Bailey. Caldwell.
Beaty. Calvin.
Chambers. Murphy.
Childers. Murray.
Clements. Neff.
Collins. Palmer.
Conoly. Parish.
Crawford. Pfeiffer.
Derden. Poole.
Dies. Prince.
Ellis. Ratcliff.
Evans of Fannin. Robertson, Harrison.
Frost. Robertson of Bell.
Garner. Rochelle.
Garrett. Rogers.
Goodlett. Russell.
Goodman. Sansom.
Gordon. Savage.
Graham. Schluter.
Grogan. Scurry.
Grubbs. Shelburne.
Hamilton. Smith of Grayson.
Henderson, Brazos. Smith of Collin.
Henderson, Lamar. Staples.
Howard. Stewart.
Hurley. Stripling.
Jones. Sutherland.
Kennedy. Tarleton.
Kittrell. Tarver.
Lane. Tate.
Livesey. Teagle.
Looney. Terrell.
Loyd. Thomas of Wise.
Masterson. Thomas of Fannin.
McAnally. Tucker.
McDowell. Vaughan.
McFarland. Walton.
McKamy. Wells.
McKellar. Wheless.
Meitzen. Willacy.
Mercer. Willrodt.
Monroe. Wooten.
Morrow. Wright.

Nays—3.
Cocke. Little.
Dean.

Absent.
Barbee. Greenwood.
Barrett. Lillard.
Bean. Maxwell.
Culp. Shannon.
Gill. Shropshire.

Absent—Excused.
Allen of Colorado. McClellan.
Bennett. Morris.
Blount. Oliver.
Childs. Peery.
Dorroh. Pitts.
Eckols. Powell.
Lake. Tompkins.
Marsh.

Senate bill No. 214, laid before the House, on its third reading and final passage.
Read third time, and passed.
Mr. Schluter moved to reconsider the vote by which Senate bill No. 214 was passed, and to table the motion to reconsider.
The motion to table prevailed.
On motion of Mr. Murphy the regular order of business was suspended to take up, and place on its second reading and passage to a third reading.
Senate bill No. 35, A bill to be entitled "An Act requiring the county commissioners court of any county, or the city council of any incorporated town or city in the State, to submit propositions for the issuance of bonds to a vote of the qualified taxpayers of such county or incorporated city or town, and to repeal the provisions of all city charters in conflict herewith."
The bill was laid before the House,
Whereupon, by unanimous consent, Mr. Staples offered the following resolution:
Whereas, Hon. J. W. Bailey, an honored and faithful representative of the people of Texas in the National House of Representatives, whose able service and constant zeal in behalf of the interest of our State has merited and received general recognition, and whose loyalty to the Constitution has gained for him national distinction, is now present in this Hall; and
Whereas, We desire to testify to our earnest appreciation of his valuable public service; therefore be it
Resolved, That we hereby cordially welcome him to the House of Representatives, whose able service and whose loyalty to the Constitution has gained for him national distinction, is now present in this Hall; and
Whereas, We desire to testify to our earnest appreciation of his valuable public service: therefore be it
Resolved, That we hereby cordially welcome him to the House of Representatives, whose able service and whose loyalty to the Constitution has gained for him national distinction, is now present in this Hall; and

Returning to consideration of Senate bill No. 35, the bill was read second time, and Mr. Kennedy offered the following amendment:
"Amend by striking out 'qualified voters who are property tax-payers' wherever it appears, and insert 'qualified voters.'" Tabled on motion of Mr. Conoly.
Mr. Sansom offered the following amendment:
"Amend by inserting the words 'written or' before the word 'printed' wherever it appears in Section 2 of the bill."
Adopted.
The bill was passed to a third reading.
On motion of Mr. Browne the regular order of business was suspended to take
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up, and place on its second reading and passage to a third reading.

Senate bill No. 160, A bill to be entitled 
"An Act to amend Article 642, of the Revised Civil Statutes, and to add there­
to Section 57, regarding the purposes for
which private corporations may be cre­
aled."

The bill was laid before the House, was read second time, and passed to a third reading.

Mr. Browne moved to suspend the constitu­
tional rule requiring bills to be read on three several days in each house, and
that Senate bill No. 160 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—90.
Adams.
Allen of Hopkins.
Barbee.
Bean.
Beaty.
Bridgers.
Browne.
Caldwell.
Calvin.
Chambers.
Childers.
Clements.
Cooke.
Cole.
Collins.
Conolly.
Crawford.
Cross.
Culp.
Dean.
Decker.
Dies.
Ellis.
Evans of Fannin.
Frost.
Garner.
Garrett.
Gill.
Goodlett.
Goodman.
Gordon.
Graham.
Grogan.
Grubbs.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Hursty.
Jones.
Kennedy.
Kittrell.
Lane.
Lillard.
Little.
Livsey.

Nays—8.
Derden.
Smith of Collin.
Howard.
Sutherland.
Phillips of Camp.
Terrell.
Smith of Grayson.
Thomas of Fannin.

Absent.
Ayers.
Bailey.
Barrett.
Bolin.
Greenwood.
Maxwell.
Robertson, Harrison. Vaughan.

Absent—Excused.
Allen of Colorado.
Bennett.
Blount.
Childs.
Dorroh.
Eckols.
Lake.
Marsh.

"I vote 'no,' because it puts the classi­
fication of the farmer's cotton at the
mercy of the boards of trade, which must
have the same rules throughout this
State, and there is nothing to prevent
their classifying the cotton produced by
our farmers just as they see proper.

"SUTHERLAND."

On motion of Mr. Livsey the regular
order of business was suspended to take up, and place on its second reading and
passage, Senate bill No. 188, A bill to be entitled
"An Act to provide a uniform method of
electing school trustees in independent
districts, defining the duties of such trus­
tees in reference to the election of super­
intendent of schools and the control of
schools in such independent districts, and
repealing Articles 4008, 4018, 4019, 4020
and 4021, of the Revised Civil Statutes,
and repealing all other laws, both gen­
eral and special, in conflict with the pro­
visions of this act, and providing an 
emergency."

The bill was laid before the House, and
was read second time, with majority
favorable report and minority adverse
report thereon.

Mr. Russell moved to substitute the
minority report for the majority report.
Mr. Livsey moved to adopt the majority report.

The majority report was adopted.

Mr. Lane offered the following amendment:

"Amend by inserting after the word 'and' in line 25, Section 1, page 1, the word 'three.'"

Mr. Dies moved to take a recess until 3 p.m. today.

Mr. Murphy, by unanimous consent, moved to reconsider the vote by which the Confederate pension bill was ordered engrossed yesterday, and asked to have the motion to reconsider spread upon the Journal.

The Speaker here stated that, by unanimous consent, the morning call would be taken up before submitting the motion for a recess.

There being no objection, the morning call was announced.

PETITIONS AND MEMORIALS.

By Mr. McFarland:

Petition of 100 citizens and tax-payers of Victoria county, asking that the bill to promote agriculture and stock-raising now before the Legislature be passed.

Also petition from 100 citizens and tax-payers of Calhoun county, same as above.

Read, and referred to Committee on Agricultural Affairs.

By Mr. Phillips of Lampasas:

Petition of 230 citizens of Marble Falls, Burnet county, asking for the sale of cocaine, opium and other poisons.

Read, and referred to Committee on Public Health and Vital Statistics.

Also petition of 230 citizens of Marble Falls, Burnet county, against the passage of Senate bill No. 209, which inserts the word "knowingly" five times in the present civil liquor law of the State.

Read, and referred to Committee on State Affairs.

BILLS AND RESOLUTIONS.

By Mr. Tate:

House bill No. 754, A bill to be entitled "An Act to amend Article 3744, Chapter 10, Title LXXIX, of the Code of Criminal Procedure of the State of Texas, 1895, relating to hiring convicts."

(Amends by omitting the following from said article: "His term of service in no event to be greater than one day for each fifty cents of fine and costs.")

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

By Mr. Schluter:

House bill No. 755, A bill to be entitled "An Act defining a further cause of continuance in civil and criminal cases, and to declare an emergency."

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

By Mr. McFarland:

House bill No. 756, A bill to be entitled "An Act to amend Article 3639, of Title LXXXVIII, of the Revised Civil Statutes of Texas, relating to pawnbrokers."

(The bill provides that the rate of interest agreed upon shall not exceed ten per cent. per annum, and any pawnbroker violating any of the provisions of this article shall upon conviction be fined not less than $50 nor more than $500, and shall be confined in the county jail not less than thirty nor more than one hundred days.)

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

By Mr. Ayers:

House bill No. 757, A bill to be entitled "An Act to amend Article 642, Title XXI, Chapter 2, of the Revised Civil Statutes of the State of Texas, and to provide for the incorporation of distilleries and breweries."

(The bill declares an emergency.)

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

By Mr. Kittrell:

House bill No. 758, A bill to be entitled "An Act to amend Section 5, Chapter 105, of the Acts of the Twenty-fifth Legislature, relating to delinquent taxes, and to declare an emergency."

(Amends by providing that the delinquent records be kept in the office of the tax collector instead of the county clerk.)

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

COMMITTEE REPORTS.

Committee Room,
Austins, Texas, March 21, 1899.

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

Sir: Your Committee on County Government and County Finances, to whom was referred

House bill No. 746, A bill to be entitled "An Act to provide a more efficient system for working the public roads of Lamar county, regulating the fees of officers where convicts serve their time by labor on such public roads, and to repeal all laws in conflict herewith, and declaring an emergency."

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

ROBERTSON of Bell, Chairman.
Committee Room, Austin, Texas, March 22, 1899.

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

Sir: Your Committee on Federal Relations, to whom was referred

House Concurrent Resolution No. 25, recommending a pension to the widows of soldiers from Texas in the late war between the government of the United States and kingdom of Spain.

have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it be not adopted, for the reason, in the opinion of the committee, the Constitution and laws of Texas will not permit the same.

ALLEN of Hopkins, Chairman.

SENATE BILLS ON FIRST READING.

The following bills received from the Senate were read first time, and referred to appropriate committees, viz:

Senate bill No. 218 to the Committee on State Asylums,

Senate bill No. 223 to the Committee on Internal Improvements,

On motion of Mr. Dies, the House, at 12:23 p.m., took recess until 2:30 o'clock p.m. today.

AFTERNOON SESSION.

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

Pending question—Senate bill No. 188, on its passage to a third reading.

Pending consideration,

On motion of Mr. Livsey, the House, at 2:35 p.m., took recess to 3 o'clock p.m. today.

AFTER RECESS.

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

Pending question—Senate bill No. 188, on its passage to a third reading.

Whereupon, the Speaker announced as special order for this hour Senate bill No. 130, relating to fish, on its passage to a third reading with amendments pending, which bill was read second time, last Thursday, March 16, amended, and made a special order for the same day at 3 p.m., but the House held no session that afternoon, and the bill went over.

Mr. Collins offered the following substitute for the pending amendments:

"Amend by adding to the list of counties exempted from all the provisions of this act except such as refer to the taking, catching and removing of fish by persons or dynamite. Delta, Franklin, Camp, Red River, Burnett, Jack, San Jacinto, Polk, Cooke, Collin, Ellis, Hill, Kaufman, Cherokee, Mason, Llano, Anderson, Navarro, Coryell, Fannin, Denton, Rockwall, Johnson, Trinity, Walker, Lavaca, Bosque, Hamilton, Brazos, Fayette, Gregg, Shelby, Sabine, Zapata, Starr, Hidalgo, Cameron, Titus, Morris, Harding, Jefferson, Chambers, Tyler, Liberty, Grimes, Jasper, Montgomery, Caldwell, Goliad, De Witt, Montgomery, Newton, San Augustine.

[Signed "Coffins.

"PHILLIPS of Lampasas."]

After consideration by the House, Mr. Sheburne moved the previous question on the pending amendments, and the main question was ordered.

The substitute was adopted, and the amendment as amended was adopted.

Mr. Tarver offered the following amendment:

"Provided, that Webb county is hereby exempted from all the provisions of this act."

Adopted.

Mr. Schuler offered the following amendment:

"Amend by striking out all of Section 2."

Adopted.

Mr. Collins offered the following amendments:

1. "Amend caption by striking out in line 19, page 1, the words 'Sections 1 and 2 of.'"

Adopted.

2. "Amend by adding to the enacting clause the following: 'That Chapter 153 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, be amended so as to hereafter read as follows.'"

Adopted.

Mr. Dies offered the following amendment:

"Amend by exempting from the provision of Section 1 of this act all the counties of this State."

Tabled on motion of Mr. Collins.

Mr. Collins moved the previous question, and the main question was ordered. The bill was passed to a third reading.

Mr. Collins moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 130 be put on its third reading and final passage.
The motion prevailed by the following vote:

Yeas—84.

Adams.  McKamy.  
Ayers.  Meiten.  
Barrett.  Mercer.  
Bean.  Monroe.  
Beaty.  Morrow.  
Bolin.  Murphy.  
Bridgers.  Palmer.  
Browne.  Parish.  
Caldwell.  Pfeiffer.  
Calvin.  Phillips, Lampasas.  
Chambers.  Phillips of Camp.  
Childers.  Pitts.  
Clements.  Pool.  
Cole.  Prince.  
Collins.  Robertson, Harrison.  
Decker.  Robertson of Bell.  
Dis.  Rochelle.  
Ellis.  Russell.  
Evans of Fannin.  Sansom.  
Frost.  Savage.  
Gill.  Schluter.  
Goodman.  Seurry.  
Gordon.  Shannon.  
Graham.  Shilbury.  
Hamilton.  Smith of Collin.  
Henderson, Brazos.  Smith of Grayson.  
Howard.  Staples.  
Hurley.  Stewart.  
Jones.  Stripling.  
Kennedy.  Sutherland.  
Kittrell.  Tarkington.  
Lane.  Tarver.  
Lillard.  Terrell.  
Little.  Thomas of Fannin.  
Livesey.  Vaughan.  
Loyd.  Willacy.  
Masterson.  Willacy.  
McAnally.  Wooten.  
McDowell.  Wright.  

Nays—20.

Barley.  Murray.  
Barbee.  Neff.  
Conoly.  Nolan.  
Crawford.  Ratcliff.  
Cross.  Tate.  
Dean.  Teagle.  
Derden.  Thomas of Wise.  
Garner.  Tucker.  
Garrett.  Wells.  
Maxwell.  Willrodt.  

Absent.

Cocke.  Grogan.  
Culp.  Grubbs.  
Goodlett.  McFarland.  
Greenwood.  Rogers.  

Absent—Excused.

Bennett.  Childs.  

Senate bill No. 130 laid before the House on its third reading and final passage.  
Read third time, and passed by the following vote:

Yeas—91.

Adams.  Meiten.  
Allen of Hopkins.  Mercer.  
Barrett.  Monroe.  
Bean.  Morrow.  
Beaty.  Murphy.  
Bridgers.  Nolan.  
Browne.  Palmer.  
Caldwell.  Parry.  
Calvin.  Pfeiffer.  
Childers.  Pitts.  
Cole.  Poole.  
Collins.  Prince.  
Decker.  Ratcliff.  
Dios.  Robertson, Harrison.  
Ellis.  Robertson of Bell.  
Evans of Fannin.  Sansom.  
Frost.  Savage.  
Garrett.  Schiuter.  
Gill.  Seurry.  
Goodlett.  Shilbury.  
Goodman.  Shilbury.  
Gordon.  Smith of Grayson.  
Graham.  Smith of Collin.  
Grubbs.  Staples.  
Hamilton.  Stewart.  
Henderson, Brazos.  Stripling.  
Henderson, Lamar.  Sutherland.  
Howard.  Tarkington.  
Hurley.  Tarver.  
Jones.  Tate.  
Kennedy.  Terrell.  
Kittrell.  Thomas of Wise.  
Lane.  Thomas of Fannin.  
Lillard.  Tompkins.  
Little.  Tucker.  
Livesey.  Vaughan.  
Looney.  Walton.  
Loyd.  Willacy.  
Masterson.  Willrodt.  
McAnally.  Wooten.  
McDowell.  Wright.  
McKamy.  Morris.  
Eckols.  Oliver.  
Lake.  Peery.  
Marsh.  Powell.  
McClellan.  Tompkins.  

Nays—13.

Bailey.  Maxwell.  
Barbee.  Murray.  
Conoly.  Neff.  
Crawford.  Teagle.  
Derden.  Wells.
Mr. Collins moved to reconsider the vote by which Senate bill No. 130 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The House resumed consideration of Senate bill No. 188, on its passage to a third reading.

Mr. Morrow offered the following amendment:

"Amend Section 8, page 3, by striking out in line 14 the words ‘once in each two years’ and insert in lieu thereof the words ‘for not more than two years.’"

Adopted.

Mr. Henderson of Brazos offered the following amendment:

"Amend Section 10 so as to read as follows, to wit:

'Section 10. Any independent district which now has a board of six trustees, elected by the people or appointed by the city council, shall not be required to hold the special election in May, 1899, provided for in this act, but the said board of trustees that are elected under Article 4007 of this chapter shall determine by lot or otherwise the members of said board whose term of office shall expire in 1903, and the regular election of trustees in the odd numbered years, as provided for in this act, shall be held in each such independent district save in the cities as provided for in Article 4018.

[Signed ‘HENDERSON of Brazos, ‘RUSSELL.”]

Mr. Thomas of Wise moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Wright, Mr. Rochelle and Mr. Russell.

The motion to table was lost by the following vote:

Yeas—45.

Ayers.
Barrett.
Barnett.
Bolin.
Cocke.
Cross.
Culp.
Greenwood.

Nays—56.

McAnally.
McDowell.
McFarland.
McKamy.
McKellar.
Monroe.
Murray.
Neff.
Parish.
Pfeuffer.
Pitta.
Robertson, Harrison.
Russell.
Sansom.
Savage.
Schlueter.
Scurry.
Shelburne.
Smith of Collin.
Stewart.
Tarver.
Tuggle.
Vaughan.
Wells.
Willaczy.
Wright.

Absent.

Adams.
Bailey.
Bolin.
Crawford.
Greenwood.
Henderson, Lamar.
Tarkington.
Absent—Excused.
Allen of Colorado. Marsh.
Bennett. McClellan.
Blount. Morris.
Childs. Oliver.
Dorroh. Peery.
Eckols. Pitts.
Ellis. Phillips of Camp.
Evans of Fannin. Smith of Grayson.
Frost. Smith of Collin.
Gordon. Stripling.
Grogan. Sutherland.
Howard. Tate.
Hurley. Terrell.
Lane. Thomas of Wise.
Lillard. Tompkins.
Little. Tucker.
Lively. Vaughn.
Loyd. Walton.
McDowell. Weless.
McKellar. Willrodt.
Morrow. Absent.
Ayres. Absent.
Beaty. Absent.
Bolin. Absent.
Browne. Absent.
Chambers. Absent.
Cooke. Absent.
Conoly. Absent.
Cross. Absent.
Decker. Absent.
Deeds. Absent.
Garner. Absent.
Garrett. Absent.
Gill. Absent.
Goodlett. Absent.
Goodman. Absent.
Grubbs. Absent.
Hamilton. Absent.
Henderson, Brazos. Absent.
Jones. Absent.
Kennedy. Absent.
Kittrell. Absent.
Looney. Absent.
Nays—53.
Allen of Hopkins. Barrett.
Barbee. Bean.

Question then recurred on the amendment by Mr. Henderson of Brazos, and it was adopted.

Mr. Henderson of Brazos offered the following amendment:

"Amend Section 11, page 4, so as to read as follows: 'All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

[Signed "HENDERSON of Brazos, "RUSSELL"]"

Mr. Teagle offered the following substitute for the amendment:

"Amend by striking out all of Section 11."

The substitute was accepted, and the amendment as substituted was lost.

Mr. Savage moved to reconsider the vote by which the amendment by Mr. Henderson of Brazos to Section 10 was adopted, and asked to have the motion to reconsider spread upon the Journal.

On the motion to table, yes and nays were demanded by Mr. Savage, Mr. Calvin and Mr. Vaughan.

The motion to table was lost by the following vote:

Yea—45.

Ayers. Masterson.
Beaty. Maxwell.
Bolin. McAnally.
Browne. McKamy.
Chambers. Monroe.
Cooke. Murray.
Collins. Pieufer.
Conoly. Rochelle.
Cross. Russell.
Decker. Sansom.
Deeds. Schluter.
Garner. Scarry.
Garrett. Shelburne.
Gill. Staples.
Goodlett. Stewart.
Goodman. Tarkington.
Grubbs. Tarver.
Hamilton. Teage.
Henderson, Brazos. Well.
Jones. Willacy.
Kennedy. Wooten.
Kittrell. Wright.

Allen of Hopkins. Barrett.
Barbee. Bean.

The Speaker here stated that by unanimous consent committee reports would be called for before submitting the motion to adjourn.

There was no objection.

COMMITTEE REPORTS.

Committee Room, Austin, Texas, March 22, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.
Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 755. A bill to be entitled "An Act defining a further cause of continuance in civil and criminal cases, and to declare an emergency."

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

WOOTEN, Chairman.

Committee Room, Austin, Texas, March 22, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred House bill No. 719, A bill to be entitled "An Act to amend Articles 2941, 2945, 2946, 2948 and 2949, Title LIV, of the Revised Statutes of the State of Texas, so as to place the House of Correction and Reformatory under the management and control of the Governor and Board of Penitentiary Commissioners of the State of Texas; to repeal all laws and parts of laws in conflict with the provisions of 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, after being amended as follows:

"Amend by inserting after the word 'commissioners' in Article 2945 the following: 'And shall give a bond, with two or more good and sufficient sureties to be approved by the Governor, in the sum of ten thousand dollars, payable to the Governor, and his successors in office, conditioned for the faithful discharge of the duties of his office; which bond, when so approved, shall be deposited in the office of the Secretary of State.'"

HENDERSON of Brazos, Acting Chairman.

Committee Room, Austin, Texas, March 22, 1899.

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

Sir: Your Committee on State Affairs, to whom was referred House bill No. 745, A bill to be entitled "An Act to authorize the board of managers of the Southwest Texas Insane Asylum at San Antonio, Texas, in conjunction with the Governor of Texas, to lease the sulphur water flowing from the artesian wells on the grounds belonging to said asylum."

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

GROGAN, Chairman.
Mr. Kittrell, by unanimous consent, sent up to the Clerk’s desk, and had read, the following communication

Mr. President:
Your Committee on Federal Relations, to which was referred the message of Governor James A. Mount, and the preamble and resolutions of the Legislature of Texas, has had the same under consideration, and begs leave to report the same back to the Senate with the recommendation that,

It is the sense of the Senate that we hereby express our highest appreciation of the patriotic sentiments expressed in the preamble and resolutions adopted by the Legislature of our sister State, Texas, transmitted by wire, to the Governor of our State, and by him to this body with an appropriate message.

We acknowledge with pleasure the cordial invitation extended by the Legislature of Texas to the Legislature of Indiana to accompany the Governor and the Commander of the Grand Army of the Republic for the Department of Indiana, with their respective staffs, and such other soldiers as they may select, to attend with them such ceremonies as may be inaugurated for the return to the survivors of Terry’s Texas Rangers their battle flag captured from them in 1864.

It will doubtless be an occasion of great pleasure, thus to meet and greet our Southern friends, and one, not only of pleasure, but also of great usefulness in helping to bury out of sight forever that estrangement that has so long been a source of unpleasantness and regret, but which for years has been languishing, and happily for all, received its mortal wound during the late Spanish war, when the late gallant men of the North and South stood shoulder to shoulder and marched under one flag, the stars and stripes, to that glorious and great victory of which all are so proud; but now in the expiring hours of our sixty-first session of this Legislature, it will not be convenient for us to make the necessary arrangements, and we very respectfully regret our inability, as a body, to attend these ceremonies, but are well assured our State will be very properly represented by the commission appointed.

We recommend that a duly engrossed copy hereof be signed by our presiding officer and promptly forwarded to the Legislature of Texas.

C. C. Binkley,
Chairman.

Indianapolis, Indiana, March 8, 1899.

Mr. Speaker and Gentlemen of the House:
Legislature of Texas.

The foregoing is a true and complete copy of the original report made by Hon. C. C. Binkley, chairman of the Committee on Federal Relations, to which was referred the preamble and resolutions of the Legislature of your State, concerning the return to the survivors of Terry’s Texas Rangers, their battle flag.

W. S. Haggard,
President of the Senate.

Attest:
W. C. Converse,
Principal Secretary of the Senate.

Mr. Tarver moved that a committee of five be appointed by the Speaker to make proper acknowledgment of the receipt of above communication.

The motion prevailed.

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

By Mr. Kittrell and Mr. Smith of Colliam:
House Concurrent Resolution No. 41:
Whereas, Certain money to the amount of $101,113.27 has been received into the treasury of the State of Texas, and is now therein, which money was not so received by virtue of any statute of Texas, or through the process or channel of taxation, but was so received concisely in pursuance of a certain contract made between the Governor of Texas and the firm of Hogg & Robertson, and as the result, and by virtue of an appropriation made by the Congress of the United States following upon the efforts and services put forth and rendered by said Hogg & Robertson in pursuance of the obligation of said contract, and

Whereas, It is a matter of record and historical knowledge that a high authority representing Texas in the Senate of the United States denied that Texas had any claim to said money, and disclaimed any right of Texas to any part of the fund of which said money was the balance; but

Whereas, Said Hogg & Robertson successfully asserted the legal right of Texas to said balance; therefore, if the same was in fact justly due the State of Texas, and was collected by lawful methods, the State of Texas is estopped in law and in morals to claim the said sum without first compensating said Hogg & Robertson for their services, and if the said money was collected by means not recognized as legitimate and proper in law, the State of Texas has no right in law or in morals to longer hold the said money in her treasury, and

Whereas, If said contract so made as aforesaid is recognized and made effective, and the benefits thereof are availed of by the State by its retaining said money, then the condition thereof pro-
RIDING for the payment of said Hogg & Robertson should likewise be observed, and

Whereas, There has been no legislative action authorizing the receipt and acceptance of said money by the Treasurer of Texas, and empowering him to hold the same as a special or other fund; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That in consideration of the premises the said money is received and accepted, subject to all the conditions of said contract so made as aforesaid, and subject to the equity of said Hogg & Robertson to ten per cent. of so much of the same as the State finally accepts and does not refund to the government of the United States, and all of the same less such ten per cent., and less what may hereafter be refunded to the government of the United States, be covered into the general fund, and that such ten per cent., which is admitted to be at least $5,598.82, to be paid forthwith to said Hogg & Robertson in full payment of their services, and that the sum of $45,000 be held in the treasury as a special fund, subject to such equity as there may be against the same in favor of the United States government, and subject to such action concerning the same as the Legislature of Texas may hereafter take.

The resolution was read, and

Mr. Shelburne moved to refer to the Committee on Federal Relations.

Mr. Smith of Collin moved to refer to the Committee on Claims and Accounts.

Lost.

Referred to the Committee on Federal Relations.

NOTICE.

Mr. Murphy gave notice that on next Friday he would call up the motion to reconsider the vote by which Substitute House bill Nos. 160, etc., the Confederate pension bill, was ordered engrossed, and which motion to reconsider was spread upon the Journal today.

On motion of Mr. Masterson, the House, at 5:55 p. m., adjourned until 9:30 o'clock a. m. tomorrow.

SIXTY-THIRD DAY.

Hall of the House of Representatives, Austin, Texas, Thursday, March 23, 1899.

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

Speaker Sherrill in the chair.