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.

Roll called, and the following members present: Present—115.

Adams. McDowell.
Ayers. McKamy.
Bailey. McKellar.
Barbee. Meitzen.
Barrett. Mercer.
Bean. Monroe.
Beaty. Morrow.
Bolin. Murphy.
Caldwell. Neff.
Calvin. Nolan.
Chambers. Palmer.
Childers. Parish.
Childs. Pfeuffer.
Cocker. Phillips of Camp.
Collins. Pitts.
Crawford. Poole.
Cross. Prince.
Culp. Ratoliff.
Dean. Robertson, Harrison.
Decker. Robertson of Bell.
Darden. Rochelle.
Dess. Rogers.
Eckols. Russell.
Ellis. Sansom.
Evans. Savage.
Frost. Schlater.
Garner. Scurry.
Garrett. Shannon.
Gill. Shelburne.
Goodlett. Shropshire.
Goodman. Smith of Grayson.
Gordon. Smith of Collin.
Graham. Staples.
Greenwood. Stewart.
Grogan. Stripling.
Grubbs. Sutherland.
Hamilton. Tarkington.
Henderson, Brazos. Tarver.
Henderson, Lamar. Tate.
Howard. Teagle.
Hurlay. Terrell.
Jones. Thomas of Wise.
Kennedy. Thomas of Pannin.
Kittrell. Tompkins.
Lane. Tucker.
Lillard. Vaughan.
Little. Walton.
Livsey. Wells.
Looney. Wheelwright.
Loyd. Willacy.
Masterson. Willrodt.
Maxwell. Wooten.
Mcaulay. Wright.
McClellan. Absent.

Bridgers. Morris.
Absent—Excused.
Bennett. Marsh.
Blount. Oliver.
Dorothy. Powell.
Lake.

A quorum was announced present.

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

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

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Allen of Colorado until Monday, on motion of Mr. Monroe.
Mr. Vaughan for last Tuesday, on motion of Mr. Palmer.
Mr. Morris for today, on motion of Mr. McDowell.
Mr. Conoly for today, on motion of Mr. Beaty.

PENDING BUSINESS.

When the House adjourned yesterday, it had under consideration Senate bill No. 188, on its passage to a third reading. Pending question—The motion of Mr. Savage to reconsider the vote by which the amendment by Mr. Henderson of Brazos to Section 10 was adopted.

On motion of Mr. Poole, pending business was suspended to take up and place on its second reading and passage to a third reading.

Senate bill No. 77, A bill to be entitled "An Act to regulate the sale of cocaine, opium, and other poisons."
The bill was laid before the House, and was read second time.

Mr. Shropshire offered the following amendments:
"Amend by striking out the words 'or opium, or morphine, or preparations of either in which the dose of opium shall exceed one-eighth grain, or morphine one-twentieth grain,' as appearing in lines 22 and 23, page 1.
"Strike out the words 'morphine, opium,' in line 2, page 2; strike out the words 'opium, morphine, arsenic, strychnine,' in line 7, page 2."

Mr. Beaty offered the following amendment to the amendment:
"Amend the amendment by striking out all in Section 2, page 2, after the word 'address,' in line 14."
The Speaker here announced as special order for this hour, 10 a. m., Senate bill No. 145, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State normal school to be located at Denton, Texas, and to be known as the North Texas State Normal College," on its second reading and passage to a third reading.
The bill was laid before the House, and was read second time.

Mr. Pfeuffer offered the following amendment:
"Amend the bill by inserting after Section 6 the following:
"Section 6a. And that there shall be established at San Marcos, Hays county, Texas, and on a plat of ground containing about eleven (11) acres, and known as Chautauqua Hill, a State normal school, to be known as the Southwest Texas Normal School, provided, the said city of San Marcos, and the citizens thereof, shall, without charge or cost to the State, and within sixty days after this act takes effect, convey or cause to be conveyed unto the State of Texas, a good and perfect title in and to the aforesaid eleven (11) acres of land known as Chautauqua Hill, situated in said city of San Marcos, together with all buildings and improvements incident or appertaining thereto. The sufficiency of said conveyance to be passed upon and determined by the Governor and the Attorney-General."
"That the deed of conveyance aforesaid upon being approved by the Governor and Attorney-General shall pass said property to the State, and thereafter the same shall be under the management and control of the State Board of Education for the purpose of establishing and maintaining the aforesaid Southwest Texas Normal School, which shall be done so soon as the said State Board of Education shall deem it advisable, and suitable provisions are made to carry into effect this act."

(Mr. Murray in the chair.)
Mr. Thomas of Fannin raised the point of order that the amendment is not germane to the bill for the reason that the bill provides for the "establishment, maintenance and government of a State normal school," while the amendment provides for the acceptance of a grant of land.
The Chair held the point of order not well taken.

(Speaker in the chair.)
After discussion by the House, Mr. Pfeuffer, by consent, withdrew his amendment.

REASONS FOR WITHDRAWING THE AMENDMENT TO SENATE BILL NO. 145.

"We, the friends of the San Marcos
Normal recognize the fact that some of the friends of and those who were urging the establishment of a normal school at Denton were under the impression that the amendment was sought to be added to the bill in order to defeat it. This is not true. The friends of San Marcos want a normal, and believe the amendment could have been adopted without injuring the cause of Denton. But rather than be placed in a false light and to have the friends of San Marcos misunderstood, and for the further purpose of throwing nothing in Denton's way, the amendment is withdrawn. "PFEUFTER. "COCKE."

Mr. Meitzen moved the previous question, and the main question was ordered.

On passage of the bill to a third reading, yeas and nays were demanded by Mr. Phillips of Lampasas, Mr. Barbee and Mr. Cross.

The bill was passed to a third reading by the following vote:

Yea—66.


Yea—66.


Nay—41.


Nay—41.
Mr. Shelburne moved to reconsider the vote by which Senate bill No. 145 was passed to a third reading, and to table the motion to reconsider.

The motion to table prevailed.

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

Whereas, There has already been considerable obstruction and delay in taking up and properly considering House bill No 342, being the Dallas city charter bill, resulting in a manifest injustice to said measure, and

Whereas, Under the rules of the House there remain but few more local bill days on which said bill can be considered, and the delay and obstruction above spoken of is likely to be continued, to the detriment of defeat of said bill and of other local bills pending in the House; therefore, be it

Resolved, That said House bill No. 342 be now taken up and considered until disposed of.


The resolution was read second time.

Mr. Lane raised the point of order that it is not proper to take up and consider a House bill today, since the two houses had passed a concurrent resolution setting apart certain days for consideration of bills coming from the other House until such bills are disposed of.

Mr. Shropshire also raised the point of order:

1. That the rules provide that local bills be considered on Saturdays.

2. That a concurrent resolution adopted by both houses has set apart Wednesdays and Thursdays for the consideration of bills coming from the opposite house, and that it would not be proper, without consent of the Senate, to consider House bills on these days as long as there are Senate bills in the House not disposed of.

The Speaker held that the first point of order was not well taken, but sustained the second and that raised by Mr. Lane.

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

Lost.

Mr. McKamy then moved that House bill No. 342 be made a special order for tomorrow at 10 o'clock a.m., and to be considered from day to day until disposed of.

The motion prevailed.

NOTICE.

Mr. Schluter gave notice that he would call up next Monday a motion by Mr. Decker to reconsider the vote by which Section 1, of Substitute House Bill No. 136, etc., the general occupation tax bill, was so amended as to make the annual occupation taxes therein provided for payable quarterly, which motion was spread on the Journal of February 24th.

BILL SIGNED BY THE SPEAKER.

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

House bill No. 338, "An Act to create a more efficient road system for Robertson county, Texas."

COMMITTEE REPORTS.

MINORITY REPORT.

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

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

Sir: A minority of your Committee on State Affairs, to whom was referred House bill No. 745, A bill to be entitled "An Act to prescribe the compensation of members of the Legislature, reducing the mileage, and providing that no member shall draw pay for any day that he is absent from attendance upon the session, unless he is prevented from such attendance by sickness or absent on committee work."

Do not concur in the report of the majority, and recommend that it do pass.

THOMAS of Wise.

(For majority report see Journal of yesterday.)

Committee Room, Austin, Texas, March 23, 1899.

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

Sir: Your Committee on Education, to whom was referred House bill No. 741, A bill to be entitled "An Act validating the incorporation, for school purposes only, of Victoria independent school district, an independent incorporated public school district herefore incorporated in Victoria county, including within its limits the municipal corporation of the town or city of Victoria; adding to the same certain territory, so as to make the same hereafter co-extensive with the ancient and original town tract of Victoria; validating the acts of the board of trustees thereof; authorizing the board of trustees to levy, assess and collect special taxes; conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites.
and erecting, furnishing and equipping school buildings within the same; and further prescribing the duties and authority of said board,
Having had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

COLE, Chairman.

Committee Room,
Austin, Texas, March 22, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred
House bill No. 153, A bill to be entitled
"An Act to require life insurance companies doing business in the State, to invest three-fourths of their annual reserve fund in real estate or real estate mortgages, within the State."

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass, because the member who introduced the bill desires said action for good and sufficient reasons.

KITTRELL, Chairman.

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

Sir: Your Committee on Public Buildings and Grounds, to whom was referred
Concurrent Resolution providing for the lease of certain property belonging to the State, situated in the city of Austin, Texas.

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.

Caldwell, Chairman.

Committee Room,
Austin, Texas, March 22, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred
House bill No. 740, A bill to be entitled
"An Act to amend Sections 2 and 5, of an act passed by the Twenty-sixth Legislature of the State of Texas, approved March 6, 1899, and entitled 'An Act to restore and confer upon the County Court of Bexar county the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act, and declaring an emergency.'"

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

McANALLY, Acting Chairman.

Committee Room,
Austin, Texas, March 22, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred
House bill No. 742, A bill to be entitled
"An Act to diminish the civil and criminal jurisdiction of the County Court of Coke county, and to conform the jurisdiction of the district court of said county to such change."

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

McANALLY, Acting Chairman.

Committee Room,
Austin, Texas, March 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred
House bill No. 402, A bill to be entitled
"An Act granting the city of Austin a block of land within said city for public free school purposes."

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

McANALLY, Acting Chairman.

Committee Room,
Austin, Texas, March 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Towns and City Corporations, to whom was referred
Senate bill No. 235, A bill to be entitled
"An Act to amend Sections 7 and 137, 138, 139, 140, 141 and 142, of an act entitled 'An Act to grant a new charter to the city of El Paso,' approved March 2, 1889, and the acts amendatory thereof, relating to streets, alleys, sidewalks and other public improvements, and the levy and collection of a tax to pay therefor, and fixing the time of holding elections."

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

McKamy, Chairman.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 23, 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, to wit:

Substitute Senate bill No. 119, A bill to be entitled "An Act to amend Article 4368, Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, prescribing the duties of railway companies with respect to their general and public offices, and the residence of their officers to be kept and maintained within this State."

Senate bill No. 233, A bill to be entitled "An Act to amend Section 23, of 'An Act for certain county and precinct officers, to fix the fees and compensation of the clerks of the district court, district attorneys, county attorneys, sheriffs and constables in felony cases, to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and regulate the compensation of assessors and collectors of taxes, and to limit and regulate the compensation of sheriffs, clerk of the county court, county judge, district and county attorney, clerk of the district court, assessor and collector of taxes, justices of the peace and constables, and to prescribe penalties for the violations of this act, and to repeal all laws in conflict herewith,' approved June 16, 1897, so as to fix and limit the compensation of clerks of the county courts for certain purposes."

Senate bill No. 280, A bill to be entitled "An Act to change and fix the times of holding courts in the Fifty-fourth Judicial District, and to amend an act passed at the Regular Session of the Twenty-sixth Legislature."

Senate bill No. 273, A bill to be entitled "An Act to incorporate the city of Paris, and to prescribe its duties and liabilities, adopted by the Twenty-first Legislature."

J. P. Pool,
Secretary of the Senate.

SPECIAL COMMITTEES ANNOUNCED.

Special committee on Senate bill No. 2: Messrs. Kittrell, Marsh, Smith of Grayson, Shropshire and Mercer.

Special committee to acknowledge receipt of the communication from W. S. Haggard, President of the State Senate of Indiana, conveying resolutions adopted by that body: Messrs. Tarver, Peery, Tucker, Howard and McClellan.

At 12:55 p. m., on motion of Mr. Childers, the House took a recess until 3 o'clock p. m. today.

AFTERNOON SESSION.

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

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. 119, to the Committee on Internal Improvements.

Senate bill No. 280, to the Committee on Judicial Districts.

Senate bill No. 273, to the Committee on Towns and City Corporations.

Senate bill No. 233, to the Committee on State Affairs.

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

Resolved, That the courtesies of the House be, and are hereby, extended to Hon. T. H. Ball, Representative in Congress from the First Congressional District.

The resolution was read second time, and Mr. Shelburne moved that it be adopted by a rising vote.

The motion prevailed, and the resolution was adopted unanimously.

FREE CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 20.

Mr. Bolin, for the committee on part of the House, submitted the following report:

Committee Room.
Austm, Texas, March 23, 1899.

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

Your Free Conference Committee, to whom was referred the differences of the two houses upon Senate bill No. 20, have had the same under consideration, and after adjusting said differences, report back to the respective houses the following as the action of the said committee:

We recommend that the House recede from all its amendments to said Senate bill, and that the following be adopted as a substitute therefor:

"Section 3a. Where any person or persons, not a corporation, have bought lands from the person, firm or corporation, who originally located such land and paid full value therefor, without actual knowledge of any defect in the title to said land, prior to the time of the institution of proceedings on the part of the State to recover such land, and not having been made a party to the suit, such land is now here declared not to be embraced within any of the preceding provisions of this act, that the same shall hereafter be disposed of by the Legislature; said land shall not be subject to location, lease or sale, unless hereafter so provided by the Legislature. Said persons, or their assigns, claiming such
land, shall have ninety days and no more, from and after the taking effect of this act, to file with the Commissioner of the General Land Office, proof of such purchase, and payment of full value of said land; and that at the time of such purchase, such purchaser was an innocent purchaser, for full value and without notice, and was not a party to such proceeding; provided, that nothing herein contained shall be construed as voiding this proceeding; provided, that all such claimants shall, within ninety days after the taking effect of this act, and not thereafter, file their applications and field notes in the General Land Office, together with their proof of continued occupancy; provided, that those who have attempted in good faith to acquire any such lands under the homestead donation act, shall have a preference right of six months, regardless of the provisions of this section, to purchase such lands at one dollar per acre.

"Amend by inserting in line 1, on page 2, after the word 'acres, the word 'more.'

"Amend line 2, Section 3, engrossed bill, by striking out the word 'survey,' and insert in lieu thereof the word 'recovery.'"

Respectfully submitted,

TURNEY,
POTTER,
SEBASTIAN,
DAVIDSON,
GOSS,
On part of Senate.
BOLIN,
DECKER,
WRIGHT,
GARNER,
GROGAN,
On part of House.

On motion of Mr. Garner, the report was adopted.

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

MESSAGE FROM THE GOVERNOR.

To the Honorable, the House of Representations:

I herewith return House bill No. 571, without my approval. The accompanying communication from the Railroad Commission of Texas, to which I invite attention, will furnish some of the reasons that have influenced my action in the premises.

JOSEPH D. SAYERS,
Governor.

RAILROAD COMMISSION OF TEXAS.

Austin, Texas, March 16, 1899.

Governor Joseph D. Sayers, Executive Office.

DEAR SIR: We are in receipt of your letter of yesterday, enclosing to us House bill No. 571, and asking our opinion thereon.

The Gulf, Beaumont & Kansas City Railway was chartered March 21, 1893, being before our stock and bond law was passed. It extends from Beaumont northward to a point in Jasper county, with fifty-one miles of its road built. It has a considerable amount of outstanding indebtedness.

The Gulf, Beaumont & Great Northern Railway was chartered on the 5th of August, 1898. It contemplates the construction of a railway extending from Sabine Pass through a number of counties in Eastern Texas to Paris, in Lamar county, a distance of 350 miles, and is authorized to issue $350,000 in stock. But this Commission has not been called on to authorize it to issue any of either stock or bonds, from which fact we suppose it has none of either outstanding. It has been stated in the newspapers that ten miles of its road have been constructed, but this Commission has no official information as to what work has been done, if any, on the road.

As the two roads would occupy, in part at least, the same territory, their consolidation would seem to be desirable, but the bill should not be allowed to become a law in its present shape. In its caption, stating what the corporation may do, we find the following words, "and to regulate the reports of such property and the operation thereof." The Railroad Commission is authorized and required to prescribe the regulation of the reports of railroad companies. These words, it would seem, are intended to confer that authority on this company, and is not permissible.

In the first section of the bill we find these words, to wit: "The Gulf, Beaumont & Kansas City Railway Company, in the name of the Gulf, Beaumont & Great Northern Railway Company, shall be and is hereby authorized to issue first mortgage bonds," etc. The corporation could only issue such bonds as might be authorized by the Railroad Commission,
and it has no authority to authorize the issue of first mortgage bonds. The bonds it is authorized to issue are all intended to represent dollars, and are not to be classed as first or second class. This provision should not be allowed to become law.

And in the same section we find a provision providing that after authorizing the issue of bonds equal to the value of the road, the issue of fifty per cent of additional bonds are to be authorized. To do that would be to violate Article 12, Section 6, of the Constitution. This could only be done under the authority of the proviso to Article 4584b, of the Revised Statutes, to meet an emergency which might occur after the road has been constructed, when by some casualty, such as the destruction of its property by fire or flood or the like, it became necessary to renew or to preserve its property.

On the fourth page of this bill, where it provides for the cancelation of the bonds of the Gulf, Beaumont & Kansas City Railway, it makes no provision for the cancelation of its stock, if it has any, and if the bill should become a law in this form, this corporation might be charged with its value in bonds and still have outstanding stock, which, with the bonds, would aggregate more than the value of the road, its property and franchises, and would violate Article 12, Section 6, of the Constitution. We do not think that this bill should become a law in its present form.

Very respectfully
(Signed) JOHN H. REAGAN,
Chairman.

PENDING BUSINESS.

The House returned to consideration of Senate bill No. 188, relating to school trustees in independent school districts, on its passage to a third reading, with motion of Mr. Savage to reconsider the vote by which the amendment by Mr. Henderson of Brazos to Section 10 was adopted, pending.

The motion to reconsider was lost.

Mr. Lillard offered the following amendments:

(1) "Amend Section 11, page 4, by striking out of line 5 the numbers 4018, 4019, 4020 and 4021, and amend the caption accordingly."

Adopted.

(2) "Strike out Section 8 of the bill and insert in lieu thereof the following: "Section 8. Each board of trustees provided for in this act shall elect a superintendent or principal of schools of such independent district for not more than two years, and such election of

superintendent or principal shall be held between the 15th day of April and the 15th day of August of each year, or each alternate year, as may be necessary. The election of a superintendent or principal to fill any vacancy in said position arising from any cause whatever shall be for the unexpired term only."

Mr. Dies offered the following substitute for the amendment (2) by Mr. Lillard:

"Amend by striking out all of Section 8."

The amendment (2) by Mr. Lillard was adopted.

The bill was passed to a third reading.

Mr. Livsey moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 188 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yea—95.

Allen of Hopkins. Masterson. 
Ayers. Maxwell. 
Bean. McClellan. 
Bolte. McDowell. 
Bolin. McKamy. 
Browne. McKellar. 
Caldwell. Mercer. 
Calvin. Monroe. 
Chambers. Morrow. 
Childers. Murphy. 
Cocke. Murray. 
Cole. Neff. 
Collins. Nolan. 
Crawford. Palmer. 
Dulp. Parish. 
Dix. Peery. 
Duerden. Pfeuffer. 
Ellis. Phillips, Lampasas. 
Frost. Pitts. 
Garner. Poole. 
Gill. Prince. 
Goodman. Ratcliffe. 
Gordon. Robertson, Harrison. 
Graham. Robertson of Bell. 
Greenwood. Rochelle. 
Grogan. Russell. 
Grubbs. Sansom. 
Gustafson. Savage. 
Henderson, Brazos. Shafter. 
Henderson, Lamar. Sourcy. 
Howard. Shannon. 
Hurley. Shelburne. 
Jones. Shropshire. 
Kittrell. Smith of Collin. 
Lane. Smith of Grayson. 
Lillard. Staples. 
Lively. Stripling. 
Looney. Sutherland.


March 23, 1899  HOUSE JOURNAL  841

Tarkington.  Tompkins.
Tarver.  Walton.
Tate.  Wells.
Teagle.  Whelless.
Terrell.  Wills.
Thomas of Wise.  Wooten.
Thomas of Fannin.  Wright.


Bridgers.  Garrett.
Clements.  Littie.
Cross.  McAnally.
Dean.  Meitz.
Dyes.  Vaughan.
Eckols.  Absent.

Adams.  Hamilton.
Bailey.  Kennedy.
Barrett.  McFarland.
Childs.  Rogers.
Goodlett.  Willrodt.

Absent—Excused.
Allen of Colorado.  Lake.
Bennett.  Marsh.
Blount.  Morris.
Conoly.  Oliver.
Dorroh.  Powell.

Senate bill No. 188 laid before the House on its third reading and final passage.
Read third time, and passed by the following vote:

Yeas—102.

Ayers.  Gordon.
Barbee.  Graham.
Bean.  Grogan.
Beaty.  Grubbs.
Bolin.  Hamilton.
Bridgers.  Henderson, Brazos.
Caldwell.  Howard.
Calvin.  Jones.
Chambers.  Kennedy.
Childers.  Kittrell.
Cocke.  Lane.
Cole.  Lillard.
Collins.  Little.
Crawford.  Livsey.
Cross.  Loyd.
Culp.  Masterson.
Decker.  Maxwell.
Deren.  McAnally.
Dyes.  McKamy.
Eckols.  Meitz.
Ellis.  Mercer.
Evans.  Monroe.
Frost.  Morrow.
Garner.  Murphy.
Garrett.  Neff.
Gill.  Nolan.
Goodlett.  Palmer.

Mr. Lillard moved to reconsider the vote by which Senate bill No. 188 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Bailey called up Senate bill No. 44, reported from the Senate yesterday, with the veto of the Governor thereon.

The veto message was laid before the House, and was read as follows:

To the Senate:

After a most careful consideration of Senate bill No. 44, I feel constrained by a sense of public duty to return the same without my approval.

The measure has for its object the increase of the fees of sheriffs and constables, as prescribed in the Act of June 16, 1897. It will be borne in mind that after a long and arduous struggle, the law sought to be amended was enacted by the Twenty-fifth Legislature at a special session. Its consummation was procured only after earnest and persistent effort by my predecessor, notwithstanding the reform which he sought to secure through it had been endorsed and pledged.
by the Democratic State Convention of August, 1896. Many will remember the struggle that finally resulted in the Act of June 16, 1897. The Democratic State Convention of last year approved the law, as will be seen in the sixteenth plank of its platform. Disclaiming any intention whatever to call in question or to reflect upon the motives of any one who may have supported or voted for the bill under consideration, I will venture to express the opinion that good faith to the political party, whose honors and confidence we enjoy, and to the people generally, forbids an increase at the present time of the fees of office as contemplated by the bill. Should it become a law, the fees of the sheriffs will, I am informed, be practically restored to what they were under Article 1083, Code of Criminal Procedure, and prior to the reform Act of 1896. I am also advised that it will require an increase in the public expenditure aggregating annually from $20,000 to $25,000, and that this is a conservative estimate.

Attention is invited to the accompanying communication from the Comptroller of Public Accounts upon the subject, and especially to that portion which refers to the pay of sheriffs and constables when in pursuit of fugitives from justice beyond the State borders. The expense thus incurred and chargeable to the treasury, says he, cannot be estimated with any degree of accuracy. But is this the time for increasing official salaries and fees? Is the condition of the people such that they can easily bear the additional burden sought to be imposed upon them by the bill? These are questions that are pertinent to the issue, and should be answered the one way or the other. It will not be sufficient to say that these officers are not well enough compensated. That will be only an answer in part. Its effect upon the tax-payer must also be considered. Nor will it suffice to say that the increase of expense is but small as compared with three millions of people and the taxable values of the State. The great bulk of the annual appropriations is made mostly of small items and yet they aggregate more than two and a half millions of dollars, exclusive of the amount collected for the support of the public free schools.

When prices are falling in almost every branch of industry and when the exercise of strict economy is required in the matter as well of public as private expenditures, I do not feel inclined to approve any measure involving a draft on the treasury unless proceeding from an undoubted necessity. But were I so disposed, the condition of the treasury, it occurs to me, is such as will not warrant the expenditure called for in the bill. True it is, that my predecessor, in his message to the Legislature, reported a cash balance of $848,534.52 on January 10, 1899, and to the credit of the general revenue. This was, indeed, a most creditable showing under the circumstances, and the retiring executive merits the gratitude of the people for the economy that was exercised under his administration. But this balance was apparent and not real, and in order to ascertain the true status of the public funds, there must be deducted therefrom the following amounts:

- The general deficiency act...$247,743.42
- Advertising constitutional amendments $10,000.00
- Amount paid through mistake $45,125.56
- Amount due by the United States to Texas

There may be other deficiencies yet to be paid, but dealing with the question as shown by the foregoing figures, there remains an actual surplus of $545,065.54 as existing on the 10th day of January, last.

It must also be borne in mind that the surplus shown by my predecessor was in part created by the payment of $101,113.27 to the State by the United States, and by the amount of penalties collected from railways, $67,500. In estimating the revenue that is to accrue to the treasury during the present and the next year, it would not be prudent to take into account any funds to come from like sources.

Already has the Legislature appropriated $214,250, besides the amount carried in the general deficiency bill, and in that for payment of the expense incurred in the publication of proposed amendments to the Constitution, and the general appropriation bill, as passed by the Senate, carries $2,589,718.45 for the first year and $2,107,547.20 for the second year, or $4,697,666.65 for the entire period. The total net receipts of the treasury for the year 1899 is estimated by the Comptroller at $2,600,000, and for the year 1900, $2,600,000, or $5,190,000, which is but $292,333.35 in excess of the amount carried by the Senate appropriation bill, and deducting therefrom $214,250 already appropriated and not embraced in the deficiency acts, we find that if the Senate appropriation bill should pass in its present form, we will have approached within $78,083.35 of the full estimated receipts of the present and coming years. Prudence requires that there should be a margin of at least ten per cent. of the estimated receipts, and of which there should be no appropria-
tion; and further, that there should always be a working balance in the treasury of not less than $300,000, so as to guard against the depreciation of State warrants.

It will also be well to bear in mind that should the Legislature at its present session enact a law to pension ex-Confederate soldiers, there will be required an additional appropriation for the two years of not less than $400,000. The condition of our several eleemosynary institutions is such as to imperatively demand extensive repairs. One of them—the deaf and dumb asylum—is scarcely tenable. The University and the Agricultural and Mechanical College deserve and should have increased appropriations over those of the past two years. A failure to provide for the insane, amounting to fully one thousand, who are confined in the county jails, would be reprehensible, indeed.

Considering the condition of the revenue—that which is in the treasury and that anticipated—and the character and amount of the demands that will be very properly made upon it, I have felt it my duty to submit the foregoing facts in connection with the pending bill for such consideration as the Legislature may be pleased to record.

JOSEPH D. SAYERS,
Governor.

OFFICE OF COMPTROLLER,
Austin, Texas, March 11, 1899.

His Excellency J. D. Sayers, Governor.

DEAR SIR: I have the honor to acknowledge receipt of yours of the 10th. enclosing Senate bill No. 44, with request that I furnish you information as to the changes in the present law by each section and subdivision, and also an estimate as to the increase in expenditures should the bill become a law.

The bill seeks to amend Section 4, of Chapter 5, Laws of 1897, which fixes the fees of sheriffs or constables in felony cases in all counties in this State where there shall have been cast, at the next preceding presidential election, 3000 votes or over.

The changes in fees are as follows:

- Subdivision 1 increases the fee for executing a death warrant from 30 cents to $1.00, and increases the mileage going to the place of arrest from 4 cents to 5 cents.
- Subdivision 2 increases the fee for summoning witnesses from 40 cents to 50 cents.
- Subdivision 3 increases the fee for summoning a jury from $1.60 to $2.00.
- Subdivision 4 makes no change in the fee for executing a death warrant.
- Subdivision 5 adds 2 cents to each mile traveled for removing a prisoner when traveling by rail or by private conveyance.
- Subdivision 6 also provides pay for services of sheriffs or constables in pursuit of a fugitive from justice beyond the State line. Under the present law, the only compensation allowed an officer who goes beyond the limits of the State is when he goes on requisition of the Governor, and is limited to the amount prescribed by the Governor in such cases. It is impossible to estimate with any degree of certainty this character of expense.
- Subdivision 7 increases the mileage from 4 cents to 5 cents.
- Subdivision 8 increases the per diem allowance of officers in conveyance of prisoners.
- Subdivision 9 increases the rate of fees provided for under Chapter 25, Laws 1897.

It is believed that $20,000 to $25,000 per annum would be a conservative estimate of the increase in the expense of this character.

Trusting the above is sufficiently explanatory, I am,

Very truly,

(Signed) R. W. Finley,
Comptroller.

PENDING QUESTION—

Shall Senate bill No. 44 pass, notwithstanding the objections of the Governor?

After consideration by the House, Mr. Dies moved the previous question, and it was not seconded.

Mr. Dies then moved to postpone further consideration of the executive veto until next Wednesday, 10 o'clock a. m.

Pending consideration, Mr. Hamilton moved to adjourn until 9:30 o'clock a. m. tomorrow.

BILL INTRODUCED

(By unanimous consent.)

By Mr. Coke:

House bill No. 769, A bill to be entitled "An Act to amend Article 1880, Chapter 4, Title XXXIX, of the Revised Civil Statutes of the State of Texas, adopted by the Twenty-fourth Legislature of Texas, relating to applications for the grant of letters testamentary or of administration."
(Amends by adding to said Article the following clause: "Or by the occupation or taking of their property by troops enlisted in or belonging to the United States army.")

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

CONFERENCE COMMITTEE ON SENATE BILL NO. 130.

The Speaker announced the following committee on part of the House on Senate bill No. 130:

MESSAGE FROM THE SENATE.

(Received this afternoon.)

Senate Chamber,
Austin, Texas, March 23, 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:

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 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 performance 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 a conflict, this act to govern as to Bell county, Texas," with Senate amendments.

House bill No. 233, A bill to be entitled "An Act to prohibit railroad companies, their officers, agents and employees from making excessive charges for carrying and transporting freight, goods, wares and merchandize, and to require said companies, their officers, agents and employees to deliver freight, goods, wares and merchandize on the payment of the freight charges due as shown by the bill of lading, and to provide penalties for the violation of this act."

J. P. Pool,
Secretary of the Senate.

House bill No. 444, A bill to be entitled "An Act to authorize and create a more efficient system of public roads and bridges for Liberty county, for the issuance of bonds for said county for the purpose of constructing permanent public roads; to authorize the investment of the permanent school fund of the State and of said county in such bonds; to prescribe and limit the expenditures of moneys arising from the sale of such bonds; to prescribe and define the powers and duties of the commissioners court in reference thereto, and to validate public roads heretofore laid out and established in said county."

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 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 for the construction of such ditches, drains and water courses, and providing for assessment and collection of such tax, and declaring an emergency."

House bill No. 281, A bill to be entitled "An Act to amend an act known as Senate bill No. 236, Chapter 57, of the General Laws, passed at the Regular Session of the Twenty-fifth Legislature of the State of Texas, regulating the time of holding the district courts in Jasper, Newton, Orange, Jefferson and Tyler counties, so as to reduce the terms in Tyler and Newton counties, and to extend the terms in Jefferson county," with Senate amendments.

And that the Senate refuses to concur in House amendments to Senate bill No. 130, and asks for the appointment of a free conference committee, and that Senators Sebastian, Lloyd, McGe, Ross and Linn have been appointed as the committee on the part of the Senate.

House bill No. 233, A bill to be entitled "An Act to prohibit railroad companies, their officers, agents and employees from making excessive charges for carrying and transporting freight, goods, wares and merchandize, and to require said companies, their officers, agents and employees to deliver freight, goods, wares and merchandize on the payment of the freight charges due as shown by the bill of lading, and to provide penalties for the violation of this act."

J. P. Pool,
Secretary of the Senate.
The Speaker signed, in the presence of the House this afternoon, after giving due notice thereof, and their captions had been read severally, the following bills:

Senate bill No. 214, "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."

Senate bill No. 94, "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 herewith."

Senate bill No. 160, "An Act to amend Article 642, of the Revised Civil Statutes, and the Acts relating thereto Section 57, regarding the purposes for which private corporations may be created."

Substitute Senate bill No. 1. "An Act to amend Articles 497 and 450, of the Revised Civil Statutes of the State of Texas of 1895, originally enacted in 1887, relating to furnishing cars for the shipment of freight and the time within which the same shall be loaded."

Senate bill No. 116, "An Act to amend Articles 529, 529e, 529i, of Chapter 5, Title XIII, of the Revised Penal Code of the State of Texas of 1895, and adding thereto Article 529u, and amending Articles 529g and 529a, and repealing subdivision 18, of Article 529g, of Chapter 98, of the General Laws of the State of Texas of 1897, relating to the offenses for the protection of fish, birds and game, and to repeal all laws in conflict herewith."

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

On motion of Mr. Hamilton, at 5:45, the House adjourned until 9:30 o'clock a. m. tomorrow.

"I vote 'no' on the motion to adjourn, because I rose to a question of privilege, and now state the following proposition, to be spread upon the Journal:

"It is a privilege of every member of this House to demand that the constitutional rule for the consideration of bills be observed, and under that privilege I object to the system of the Assistant Reading Clerk in skipping long and important parts of bills when reading thereof has been demanded and ordered by the Speaker. When the Dallas charter, House bill No. 342, was under consideration, that Clerk, according to the estimate of several members of this House and several gentlemen of the State press who sat near the Reading Clerk, is said to have skipped from forty to sixty pages.

This flagrant outrage upon the legislative procedure of this House is calculated to perpetrate upon the people of Texas the most vicious legislation without the intelligent consideration of this House.

"Concerning this gross and outrageous conduct the House Journal of March 11th has the following correct account:

"After the Clerk had read the bill, and the Speaker announced the pending question—Shall the committee report be adopted?

"Mr. Kennedy rose to a point of order and said:

"Mr. Speaker: For the third time I demand that the Clerk read the bill in full. He has omitted at least two-thirds of it, and I protest against the disregard of the plain mandates of the Constitution in this manner."

"The Speaker stated that the Chair is not responsible for the manner in which the Clerk reads a bill, and announced the pending question—Shall the committee report be adopted?"

"No one knows how many bills already passed have been thus partially read. It is a privilege of every member of this House to claim a hearing upon such flagrant violations of our rules, our statutes and our Constitution."

"It is enough to condemn this Legislature in the eyes of the people, and to vitiate any legislation that may be rushed through the House under such a monstrous system of whip and spur.

"Let us return to the established rules of other Legislatures, and if we are allowed a full discussion as the law provides, and if we demand that the bills be read fully and fairly without any efforts to conceal vicious portions thereof by skipping important parts, then the Governor will not be compelled to veto our enactments, nor can any citizen point to them as 'iniquitous.' Under our constitutional privilege to have all bills read, I contend that such did not constitute a reading of the bill. At this morning's session the Chair ruled that the Dallas charter bill could be taken up out of its regular order without the usual one day notice in advance, and upon that motion the Chair held that sixty voted for the motion, and as no others voted, there appeared to be no quorum present.
The Speaker then caused a count to be made of members in their seats, and after such count was made the Chair announced that there were 103 members present, and that the motion prevailed.

"This was done upon the rule of the House (No. 18), which provides that those who are present and fail or refuse, after having been requested to vote by the Speaker, shall be recorded under direction of the Speaker as voting with the minority on the subject or question voted upon.

"It is the privilege of every member to demand the record of the vote so counted, and it is hereby requested that the said vote so counted and announced be recorded as sixty for the motion and 103 present, which being recorded according to Rule 18 would show forty-three votes against the motion, and that it failed because it did not have the necessary two-thirds vote, and as a matter of privileged records I ask that it be so recorded.

"PITTS."

COMMITTEE REPORTS.

(Filed this afternoon.)

Committee Room,
Austin, Texas, March 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Federal Relations, to whom was referred Senate bill No. 119, A bill to be entitled "An Act to amend Article 4368, Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, prescribing the duties of railroad companies with respect to their general and public offices to be kept and maintained within this State."

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

SMITH of Grayson, Chairman.

Committee Room,
Austin, Texas, March 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Internal Improvements, to whom was referred 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."

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

SMITH of Grayson, Chairman.

MAJORITY REPORT.

Committee Room,
Austin, Texas, March 22, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Public Lands and Land Office, to whom was referred Senate bill No. 228, A bill to be entitled "An Act ratifying and confirming an ordinance passed by the city council of the city of Galveston on the 4th day of February, 1899, entitled "an ordinance abandoning, discontinuing and closing certain streets, avenues and alleys of the city of Galveston, and authorizing and empowering Collis P. Huntington, his heirs or assigns, perpetually to construct, and maintain piers on the shores of Galveston Bay, within the corporate limits of the city of Galveston, upon certain specified conditions, and conditionally relinquishing any claim the State of Texas may have to a part of the property therein described."

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

WRIGHT, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, March 22, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: We, a minority of your Committee on Public Lands and Land Office, to whom was referred Senate bill No. 228,

Do not concur in the majority report, and wish to report the same back to the House with the recommendation that it do not pass.

GARNER, GROGAN, DIES, LAKE, HAMILTON.

Committee Room,
Austin, Texas, March 23, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred House bill No. 338, A bill to be entitled "An Act to create a more efficient road system for Robertson county, Texas, and

"PITTS,"

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making county commissioners of said county ex-officio road commissioners, and
prescribing their duties as such, and providing for their compensation as road
commissioners, and providing for the appointment of deputy road commissioners,
and defining the powers and duties of such county commissioners, and providing
for the appointment of road overseers and defining their duties, and for
working of county convicts upon the public roads of said county, and providing
for officers' fees and rewards for the capture of escaped convicts, and to provide
for the manner of training hedges along any public road, and to provide for an
allowance of time of road service for same, and fixing a penalty for a violation
of this act; and to repeal all laws in conflict with this act,'"
Have carefully examined said bill and find the same correctly enrolled, and I have this day, at 3:35 o'clock p. m., presented the same to the Governor.

COLLINS, Chairman.

Committee Room, Austin, Texas, March 23, 1899.

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

Sir: Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 273, A bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Paris, and to prescribe its duties and liabilities,' adopted by the Twenty-first Legislature of Texas, and approved March 27, 1889, by amending Section 4 of said act, so as to make all officers created by said act, elective by the qualified voters of said city."

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

McKAMY, Chairman.

SIXTY-FOURTH DAY.

Hall of the House of Representatives, Austin, Texas,

Friday, March 24, 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—115.


Absent—Excused.

Allen of Colorado. Dorroh.

A quorum was announced present.

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