and merchandise, and to require said companies, their officers, agents and employees to deliver freight, goods, wares and merchandise 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."

Have carefully examined said bill and find the same correctly enrolled, and I have this day, at 10:50 o'clock a.m., presented the same to the Governor.

COLLINS, Chairman.

Mr. Sutherland moved to take a recess until 3 o'clock p.m. today, and Mr. Schluter until 2:30 p.m. today.

Mr. Henderson of Lamar moved to adjourn until 2:30 p.m. today.

Mr. Henderson of DeWitt county, Hon. John H. Bailey of DeWitt county, Hon. E. W. H. Shelburne of Denton county and Hon. Rosser Thomas of Fannin county, are selected to deliver eulogies to the deceased.

BAILEY, SAVAGE, MCKAMY, DIES, COLLINS, Committee.

SIXTY-EIGHTH DAY.

Hall of the House of Representatives, Austin, Texas, Thursday, March 30, 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—119.

Resolved, That it is the sense of the House of Representatives that the unanimous disposition of our sister State of Indiana to join us in committing to oblivion the passions and prejudices that inevitably flow from civil contention, is worthy of both the emulation and appreciation of brave and patriotic citizens, without reference to whether they followed the fortunes of the stars and bars or of the stars and stripes; that the progeny of both should find in the restoration of a profound peace, which can only come to estranged sections from an enlightened and Christian civilization, a wholesome and perpetual impetus to the best and noblest standard of citizenship to which a generous and loyal people can rise; that we acknowledge with emotions of sincerity and pleasure the fraternal spirit which finds happy expression in the splendid impulse that has prompted the great State of Indiana to tender to the surviving heroes of Terry’s Texas Rangers their tattered battle flag, which in the awful days of ’64 was torn from their hands by the whirlwind of civil war; that it is with regret that we have received the information that the Legislature of Indiana cannot attend the ceremonies that shall mark this epoch in the returned era of national peace, never again to be disturbed by fratricidal strife; that to the commission appointed by Governor Mount, to Governor Mount himself, and to such other distinguished and patriotic Indiana as shall visit Texas on the return of this honored and beloved flag, around which linger the eternal memories of an heroic period in our national history, we renew our invitation with assurances of that warm and hospitable welcome that brave people extend to brave people when they come to a deed of rare magnanimity and to re-establish a comradeship, without which American brotherhood cannot exist, and without which the Spanish-American war would not have found the opposing survivors of the war between the States marching shoulder to shoulder and step to step to carry with their mingled blood and chivalry the blessings of liberty to an oppressed and foreign people. That the Chief Clerk of the House transmit a copy of this report to the Senate and House of the Legislature of Indiana.

E. R. Tarver, Chairman:
Corporal Co. G, Terry Rangers.
T. H. C. Peery,
W. R. McClellan,
Co. F, 21st Texas.
Wm. Howard,
J. T. Tucker,
Co. G, 30th Texas Cavalry.

On motion of Mr. Tarver the report was adopted.
Speaker's Table.

(Pending business.)

The Speaker laid before the House, as pending business from last Thursday, on its 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;"

With amendment by Mr. Shropshire and amendment to the amendment by Mr. Beaty pending.

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

"Strike out all of Section 1, down to and including the word 'dollars' in line 30, page 1, and insert in lieu thereof the following:

'Section 1. That any druggist or person who shall knowingly give or sell, except on the prescription of a practicing physician, cocaine in any of its forms, or opium or morphine, or preparations of either, in which the dose of opium shall exceed one-eighth of a grain, or morphine one-twentieth of a grain, except laudanum, parergoric of the standard preparations of the United States Dispensatory; or any druggist or person who shall give or sell, except on the prescription of a practicing physician, to any person any patent or proprietary medicine, or other compound, which contains cocaine as one of its ingredients, or in sufficient quantity to produce intoxication, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than fifteen nor more than fifty dollars.'"

Mr. Ayers offered the following amendment:

"Amend the bill by striking out the enacting clause."

Mr. Oliver moved to postpone further consideration until Thursday, April 20th.

The motion was lost.

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

Question first recurring on the amendment by Mr. Ayers, yeas and nays were demanded by Mr. Shropshire, Mr. Teagle and Mr. Barbee.

The amendment was lost by the following vote:

Yeas - 33.

Adams.
Allen of Colorado.
Ayers.
Beaty.
Bolin.
Childers.
Childs.
Clements.
Coke.
Dean.
Derden.

Murray.
Oliver.
Pfeiffer.
Rogers.
Schulter.
Monroe.
Scurry.
Smith of Grayson.
Walton.
Wells.
Willrodt.

Nays - 71.

Allen of Hopkins.
Barbee.
Barrett.
Bean.
Blount.
Browne.
Caldwell.
Calvin.
Chambers.
Cole.
Collins.
Conolly.
Cross.
Culp.
Doroh.
Ells.
Evans.
Frost.
Gill.
Goodman.
Gordon.
Graham.
Grogan.
Grubbs.
Henderson, Lamar.
Howard.
Jones.
Kennedy.
Kittrell.
Little.
Looney.
Loyd.
Maxwell.
McAnally.
McDowell.

Absent.

Bennett.
Decker.
Garner.
Lake.
Lillard.
Marsh.
McClellan.
McDowell.

Absent - Excused.

Bailey.
Bridgers.
Dies.
Parish.

Question next recurring on the substitute by Mr. Poole for the pending amendments, upon which yeas and nays were demanded by Mr. Savage, Mr. Shropshire and Mr. Ellis.

Adopted by the following vote:
Yeas—55.

Nays—53.

Absent—Excused.

Yeas—67.

Nays—42.

Question next recurred on the amendment as substituted, and it was adopted.

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

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

Yeas—67.
On motion of Mr. McKellar 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. 212, A bill to be entitled "An Act to authorize the Houston East & West Texas Railroad Company to lease and operate under lease the Houston & Shreveport Railroad, extending from the State boundary line at Logansport, Louisiana, thence through the parishes of De Soto and Caddo into the city of Shreveport, in said State."
The bill was laid before the House, was read second time and passed to a third reading.
Mr. McKellar moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 212 be put on its third reading and final passage.
The motion prevailed by the following vote:

Yeas—92.
Adams.
Allen of Colorado.
Allen of Hopkins.
Barbee.
Barrett.
Bean.
Beaty.
Bennett.
Blount.
Bolin.
Browne.
Caldwell.
Calvin.
Chambers.
Childs.
Clements.
Cole.
Collins.
Conoly.
Crawford.
Cross.
Dorroh.

McFarland.
McKamy.
McKellar.
Mercer.
Monroe.
Morris.
Morrow.
Murphy.
Murray.
Neff.
Nolan.
Oliver.
Palmer.
Peery.
Pfeuffer.
Phillips, Lampasas.
Phillips of Camp.
Poole.
Prince.
Ratcliff.
Robertson, Harrison.
Robertson of Bell.
Rogers.

Russell.
Sansom.
Scurry.
Shropshire.
Staples.
Stripeling.
Sutherland.
Tarkington.
Tarver.
Tate.
Teagle.
Thomas of Wise.
Thomas of Fannin.
Tompkins.
Tucker.
Vaughan.
Wallo.
Wells.
Wheless.
Willacy.
Willrodt.
Willrodt.

Yeas—15.
Dean.
Grogan.
Henderson, Brazos.
Howard.
Kennedy.
Lillard.
Livsey.
McAnally.

Ayers.
Garrett.
Cocke.
Culp.
Decker.
Derden.
Garner.

Nays—15.

We vote against the passage of Senate bill No. 212, because we do not fully understand what might be the result to commerce in the section of the State traversed by this road, should the lease or temporary consolidation asked for be granted. Again, we fear that the passage of the law granting a twenty-five year lease, as asked for, would be in conflict with Section 6, of Article 10, of the Constitution, which prohibits any railroad company organized under the laws of this State from consolidating, by sale or otherwise, with any railroad company organized under the laws of any other State, like the Houston & Shreveport Railroad Company evidently is organized.

"SHANNON.
"LILLARD."
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“[I vote ‘pea’ to take up and pass this bill with some hesitancy, not because I do not favor its passage, but because I fear the Governor will veto the bill, and the members of this House have not the moral courage to pass it over the Governor’s head, even if they think the bill a wise and just measure.

“LANE.”

Senate bill No. 212 laid before the House, on its third reading and final passage.

Read third time and passed.

Mr. McKellar moved to reconsider the vote by which Senate bill No. 212 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Nolan 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. 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.’”

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

Mr. Grogan moved to postpone further consideration of the bill until next Wednesday, April 5th.

Mr. Nolan moved as a substitute for the above motion that further action be postponed until next Wednesday, April 5th, 3 p.m., and that the bill be made a special order for that hour.

Mr. Grogan accepted the substitute.

The motion of Mr. Nolan prevailed, and the bill was made a special order for said hour.

Mr. Powell moved that Mr. Nolan be allowed to have printed in the Record of today, proposed amendments to House bill No. 228, and the motion prevailed.

On motion of Mr. Shropshire 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. 192, A bill to be entitled “An Act to provide and equip certain eleemosynary institutions of the State with an efficient and permanent system of fire escapes, authorizing the purchase of such fire escapes by the board of managers of the institutions herein named, with the approval of the Governor of the State, and making an appropriation therefor.”

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

Mr. Adams offered the following amendment:

“Section 4. And there shall be no ‘take off.’”

Mr. Decker offered the following substitute for the amendment:

“Ammend the bill by striking out the enacting clause.”

Pending consideration, Mr. Phillips of Lampasas moved to take a recess until 2:30 p.m. today.

MESSAGE FROM THE SENATE.

(Received this forenoon.)

Senate Chamber,

Austin, Texas, March 30, 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. 540, A bill to be entitled “An Act to diminish the civil and criminal jurisdiction of the County Court of Shelby county, to confirm the jurisdiction of the district court thereof, and to repeal all laws in conflict herewith.”

House bill No. 124, A bill to be entitled “An Act to amend Chapter 5, Title CU, of the Revised Civil Statutes of Texas of 1895, by adding thereto Articles 500la and 500lb, providing for elections in a county or subdivision of a county to determine whether hogs, sheep and goats shall be permitted to run at large in such county or subdivision,” with Senate amendments.

House bill No. 204, A bill to be entitled “An Act to permit any insurance company organized and doing business on the mutual life plan under the laws of any State of the United States, insuring against loss or damages resulting from burglary, robbery or any attempt thereof, and also insuring against the loss of money and securities in transportation when shipped by registered mail, to do business in the State of Texas.”

Senate bill No. 243, 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 here­tofore incorporated in Victoria county,
including within its limits the municipal corporation of the town 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.

Senate bill No. 260, A bill to be entitled "An Act to provide for the establishment, maintenance and government of a State normal school to be located at San Marcos, in Hays county, Texas, to be known as the Southwest Texas Normal School."

And Senate bill No. 248, A bill to be entitled "An Act to reorganize the Forty-first Judicial District of Texas, to prescribe the time of holding the District Court therein; to make the terms of the Thirty-fourth Judicial District in El Paso county to conform thereto, and to provide for a clerk for the District Court of the Forty-first Judicial District in said El Paso county, and empowering the District Court of the Thirty-fourth Judicial District to empanel the grand jury for said county and giving authority to the judges of either of said two courts in said El Paso county to transfer causes from their respective courts to the other of said courts, and to repeal all laws and parts of laws in conflict herewith."

Also the Senate has adopted the report of the Free Conference Committee on Senate bill No. 29.

J. P. Pool,
Secretary of the Senate.

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House this forenoon, after giving due notice thereof, and their captions had been read severally, the following bills:

Senate bill No. 145, "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 Normal College."

Senate bill No. 130, "An Act to amend Sections 1 and 2, of Chapter 15, of the general laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, entitled 'An Act to prohibit the taking of fish from the fresh water streams and lakes of this State otherwise than by means of the ordinary hook and line and trot line, and to prohibit the sale or shipment of game fish in this State, and to provide penalties for the violation thereof, and to exempt the counties of Stephens, Eastland and Palo Pinto from the provisions of said chapter.'"

Senate bill No. 188, "An Act to provide a uniform method of electing school trustees in independent districts, defining the duties of such trustees in reference to the election of superintendent of school 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 general and special, in conflict with the provisions of this act, and providing an emergency."

COMMITTEE REPORTS.

(Filed this forenoon.)

Committee Room,
Austin, Texas, March 29, 1899.

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

SIR: Your Committee on Finance, to whom was referred House bill No. 111, A bill to be entitled "An Act making appropriations for support of the State government for the years beginning September 1, 1899, and ending August 31, 1901, and for other purposes,"

have had the same under consideration, and I am instructed to report it back to the House with the recommendation that the accompanying committee substitute do pass in lieu of the original bill, and that only the substitute be printed.

HENDERSON of Lamar, Chairman.

Committee Room,
Austin, Texas, March 29, 1899.

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

SIR: Your Committee on Claims and Accounts, to whom was referred The petition of the "Kerr County Minute Men Company," and who served as such on the frontier from the 8th day of November, 1874, to February 28, 1877, praying that an appropriation be made to pay them for such service.

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

CHILDs, Chairman.
Committee Room, Austin, Texas, March 29, 1899.

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

Sir: Your Committee on Claims and Accounts, to whom was referred House bill No. 674. A bill to be entitled "An Act for the relief of the heirs of J. H. Coleman, deceased, for interest on $4213.41 at eight per cent, interest per annum from January 1, 1875, to September 29, 1881, on claims of teachers of public schools of Texas for services rendered by said teachers prior to July 1, 1873, and owned by said J. H. Coleman, deceased, prior to his death,"

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.

CHILDS, Chairman.

Committee Room, Austin, Texas, March 28, 1899.

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

Sir: Your Committee on Claims and Accounts, to whom was referred House bill No. 592. A bill to be entitled "An Act for the relief of A. Wyschetzki for work done in the counties of La Salle, Dimmit, Maverick, Zavalla, Kinney and Webb as special surveyor of the General Land Office of the State of Texas."

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

CHILDS, 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. 260 to the Committee on Education.

Senate bill No. 248 to the Committee on Judicial Districts.

Mr. Phillips of Lampasas moved to take recess until 2:30 p. m. today, and Mr. Crawford until 3 p. m. today.

Question recurring on the longest time first, the motion was lost, and the House, at 12:40 p. m., took recess until 2:30 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. 192, on its passage to a third reading, with amendment by Mr. Adams and substitute therefor by Mr. Decker pending.

On motion of Mr. Conoly, the amendment by Mr. Decker was tabled.

Mr. Adams, by consent, withdrew his amendment.

Mr. Wooten offered the following amendment:

"Amend by inserting in line 10, page 2, after the word 'end,' the following: 'Provided, that the choice of suitable fire escapes and the contract for furnishing and erecting the same shall be let to the lowest and best bidder, with right to reject any and all bids, after at least thirty days notice, published in at least three daily papers of the State, sealed bids to be filed with the Governor and opened and passed upon in his presence, and that of the board of managers of the several institutions above named in Section 1, and the Governor shall require a solvent bond, payable to the State of Texas, from the contractor, conditioned for the faithful compliance with his contract, in such amount as to the Governor shall seem proper.'"

Mr. McDowell offered the following amendment to the amendment:

"Add to the amendment: 'And provided further, all material and labor used in building said fire escapes under the provisions of this act shall be furnished as far as practicable from and by the penitentiaries of Texas.'"

[Signed "McDowell, "Dorrole, "Palmer."]

Accepted by Mr. Wooten.

The amendment as amended was adopted.

Mr. Powell offered the following amendment:

"Amend by striking out all of bill in Section 2, after the word 'end,' in line 10, on page 2."

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

The amendment was adopted.

The bill was passed to a third reading.

Mr. Shropshire moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 192 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—89.

Adams. Bolin.
Allen of Hopkins. Caldwell.
Barbee. Calvin.
Beaty. Chambers.
Decker. Childers.
Blount.
Read third time, and Mr. Pfeuffer offered the following amendment:

"Amend page 2, Section 3, line 15, by striking out the words and figures
'\$14,000' and insert '\$16,000' in lieu thereof, or so much thereof as may be necessary."

Tabled on motion of Mr. Calvin.

Mr. Staples offered the following amendments:

(1) "Amend on page 1, in line 29, after the words 'Terrell, Texas,' 'also penitentiaries at Rusk and Huntsville, Texas.'"

(2) "Also amend the caption by inserting after the word 'institution,' in line 17, page 1, the words 'and penitentiaries.'"

Tabled on motion of Mr. Adams.

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

The bill was passed by the following vote:

Yeas—86.

Adams. Mc Clellan.
Allen of Colorado. McDowell.
Allen of Hopkins. McKamy.
Barrett. Mc Kellar.
Beaty. Mercer.
Blount. Monroe.
Browne. Morris.
Caldwell. Murphy.
Calvin. Neff.
Chambers. Oliver.
Childers. Peery.
Childs. Pfeuffer.
Crawford. Poole.
Dean. Powell.
Derden. Prince.
Dorroh. Ratcliff.
Eckols. Shropshire.
Ellis. Smith of Grayson.
Frost. Staples.
Garrett. Tarkington.
Gill. Tarver.
Goodlett. Tate.
Goodman. Teagle.
Greenwood. Thomas of Wise.
Grubbs. Tompkins.
Hamilton. Tucker.
Henderson, Lamar. Vaughan.
Howard. Walton.
Jones. Wells.
Kennedy. Wooten.
Kittrell."

Absent—5.

Bean. Loyd.
Little. Terrell.

Absent—Excused.

Ayers. Henderson, Brazos.
Bennett. Masterson.
Clements. McFarland.
Collins. Meiten.
Cross. Pitts.
Decker. Rogers.
Evans. Shannon.
Garner. Smith of Collin.
Garrett. Stripling.
Gordon. Sutherland.
Graham. Thomas of Fannin.

Senate bill No. 192 laid before the House, on its third reading and final passage.
Mr. Masterson moved to table the amendment, and the motion was lost. The amendment was adopted.

Mr. Livsey offered the following amendment:

"Amend by striking out all after the word "way" in line 4, page 2, up to the word 'provided' in line 6, page 2."

Lost.

Mr. Derden offered the following amendment:

"Amend by adding after the word 'town' in line 8, page 2, the words 'or village.'"

Lost.

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

Mr. Goodlett moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 223 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—77.

The bill was laid before the House, on its second reading. (Mr. Schuler in the chair.)

The bill was read second time, together with majority favorable report and minority unfavorable report with amendment. On motion of Mr. Smith of Grayson the majority report was adopted.

Mr. Smith of Grayson offered the following amendments:

1. Amend by striking out first paragraph Article 4471, page 3, lines 10, 11 and 12, and inserting in lieu thereof the following:

   "First.—It shall pay to the defendant the amount of damages awarded or adjudged against it by the commissioners, or deposit the same in money in court, subject to the order of the defendant; and also pay the costs awarded against it."

   [Signed "SMITH of Grayson."
   "DIES."]

   Adopted.

2. "Add a third condition after the second, beginning after the word 'appeal,' line 21, page 2, to read as follows:

   "Third.—Should it be determined on final decision of the case that the right to condemn the property in question does not exist, the plaintiff shall surrender possession thereof (if he has taken possession pending litigation) and the court shall so adjudge and order a writ of possession for the property in favor of the defendant, and the court may also inquire what damages, if any, have been suffered by the defendant by reason of the temporary possession of the plaintiff, and order the same paid out of the award or other money deposited; provided, that in any case where the award paid the defendant or appropriated by him exceeds the value of the property as determined by the final judgment, the court shall adjudge the excess to be returned to the plaintiff.

   [Signed "SMITH of Grayson."
   "DIES."]

   Adopted.

3. "Amend second paragraph of Article 4471, on page 2, lines 16 and 17 of the bill, by striking out the words 'any further,' and inserting in lieu thereof the word 'all,' also by adding between the words 'awarded' and 'again'—t on line 17, page 2, the words 'or adjudged.'

   [Signed "SMITH of Grayson."
   "DIES."]

   Adopted.

Mr. Decker offered the following amendment:

"Amend the bill by adding at the end..."
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of line 27, page 2, the following: 'Provided, railroad corporations shall not have the right of entry as provided herein, until said corporation shall be the owner of at least one locomotive and five cars.'

Mr. Masterson moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Smith of Collin, Mr. Decker and Mr. Robertson of Harrison.

Tabled by the following vote:

Yeas—68.

Allen of Colorado. Masterson.
Ayers. McAnally.
Barbee. McClellan.
Barrett. McKamy.
Blount. McKellar.
Browne. Monroe.
Calvin. Morrow.
Chambers. Murphy.
Clements. Murray.
Cole. Neff.
Collins. Nolan.
Conoly. Palmer.
Crawford. Peery.
Dean. Phillips of Camp.
Derden. Poole.
Dorroh. Ratcliff.
Eckols. Robertson of Bell.
Ellis. Rogers.
Evans. Russell.
Frost. Sansom.
Garrett. Savage.
Gill. Schlueter.
Goodlett. Tarver.
Gordon. Tate.
Graham. Teagl.
Greenwood. Terrell.
Grogan. Thomas of Fannin.
Grubbs. Tompkins.
Hamilton. Tucker.
Jones. Vaughan.
Kennedy. Willacy.
Kittrell. Willrodt.
Lane.

Nays—30.

Allen of Hopkins. McDowell.
Bean. Morris.
Caldwell. Oliver.
Childers. Pfeuffer.
Decker. Powell.
Goodman. Prince.
Henderson, Lamar. Robertson, Harrison.
Howard. Shannon.
Hurley. Smith of Grayson.
Lake. Smith of Collin.
Lillard. Stripling.
Little. Thomas of Wise.
Livesey. Walton.
Loyd. Wells.
Marsh. Wooten.

Absen.

Adams. Maxwell.
Beaty. McFarland.
Bennett. Meitzen.
Bolin. Merrer.
Childs. Pitts.
Cooke. Scarry.
Cross. Shropshire.
Garner. Staples.
Henderson, Brazos. Sutherl.
Looney. Tarkington.

Absent—Excused.

Bailey. Rochelle.
Bridgers. Shelburne.
Dies. Stewart.
Parish. Wright.

Mr. Smith of Grayson offered the following amendment:

"Amend by striking out the word 'legislation' in line 24 of the caption, and insert in lieu thereof the word 'litigation.'"

Adopted.

Mr. Smith of Collin offered the following amendment:

"Amend by striking out the enacting clause."

Tabled on motion of Mr. Teagle.

Mr. Derden offered the following amendment:

"Amend by striking out all of lines 22, 23 and 24, on page 2."

Mr. Phillips of Lampasas moved the previous question, and the main question was ordered.

The amendment was lost.

On passage of the bill to a third reading, yeas and nays were demanded by Mr. Smith of Collin, Mr. Robertson of Harrison and Mr. Decker.

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

Yeas—64.

Adams. Greenwood.
Allen of Colorado. Grubbs.
Ayers. Hamilton.
Barbee. Jones.
Bolton. Kennedy.
Bolin. Kittrell.
Browne. Lake.
Caldwell. Lane.
Clements. Lilin.
Cole. Looney.
Collins. Marsh.
Conoly. Masterson.
Culp. Maxwell.
Dean. McKellar.
Eckols. Merrer.
Ellis. Monroe.
Frost. Morrow.
Garrett. Murphy.
Gill. Murray.
Graham. Nolan.
COMMITTEE REPORTS.
(By unanimous consent.)

Committee Room,
Austin, Texas, March 29, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred
House bill No. 161, A bill to be entitled
"An Act to amend Article 801, Chapter 3, Title XVII, of the Penal Code of the State of Texas, relating to unlawfully taking or removing rock, earth, sand, coal, slate or mineral from the land of another, and prescribing a penalty therefor."

Have had the same under consideration, and 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 repealing clause."

COCKE, Acting Chairman.

Committee Room,
Austin, Texas, March 29, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred
House bill No. 579, A bill to be entitled
"An Act to prevent any person from taking or carrying away from the enclosed lands of another any tree or wood suitable for fuel, and prescribing a penalty therefor."

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

COCKE, Acting Chairman.

Committee Room,
Austin, Texas, March 29, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred
Senate bill No. 142, A bill to be entitled
"An Act to prohibit any person from charging or taking from another any rate of interest greater than ten per cent. per annum, and to fix a penalty for the violation of this act."

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

COCKE, Acting Chairman.
March 30, 1899

Committee Room,
Austin, Texas, March 29, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred
House bill No. 750, A bill to be entitled
"An Act to amend Article 361, Penal Code, and to add to said code Articles 361a, 361b, 361c, relating to the offense of keeping disorderly houses."

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.

COCKE, Acting Chairman.

MAJORITY REPORT.

Committee Room,
Austin, Texas, March 29, 1899.

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

Sir: Your Committee on Counties and County Boundaries, to whom was referred
House bill No. 750, A bill to be entitled
"An Act to abolish the unorganized counties of Winkler and Loving, and to incorporate their territory in the county of Ward; to provide for the payment of certain bonds held by the State against the said unorganized counties of funds now on hand to their credit, and for the transfer and payment of balance of said funds to the proper officers of said Ward county."

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.

MORROW, Acting Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, March 29, 1899.

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

Sir: A minority of your Committee on Counties and County Boundaries, to whom was referred
House bill No. 750,
Do not concur in the report of the majority, and recommend that it do pass.

SAVAGE, SMITH of Collin, HOWARD.

On motion of Mr. Savage, the House, at 5:30 p.m., took recess to 8 o'clock p.m. today.

EVENING SESSION.

MEMORIAL SERVICES IN HONOR OF THE LATE HON. S. P. EVANS OF GRAYSON COUNTY.

The House met at expiration of recess, and was called to order by the Speaker. After a song by the choir of the Institute for the Blind, Rev. W. J. Gatlin, Chaplain of the House, offered prayer.

Hon. Norman G. Kittrell of Harris county, rose and stated that he had been requested by Hon. E. W. Shelburne of Denton county, who is absent on account of sickness, to take his place on the program for this evening's memorial exercises.

Mr. Kittrell then addressed the audience, and said:

MR. SPEAKER: The distinguished gentleman from Denton being unable, owing to sickness, to be present tonight to pay in person his tribute to our departed friend and fellow-member, has requested me to act in his stead, and to read the brief address he had prepared, prefaced by such remarks of my own as the occasion might suggest.

I have no desire or design to mar the programme so appropriately prepared, but I trust I will be pardoned if out of the fullness of my heart I speak briefly of him who in the prime and vigor of life, e'er the sun of his splendid manhood had touched its noon, passed from this vale of tears and shadows "to where beyond these voices there is peace."

He went down before the relentless sickle of the Grim Reaper and an honorable and honored citizen; an able and honored citizen; an able and faithful legislator and a devoted adherent of the party — the faith of which he professed — has been gathered and garnered into the democracy of death.

Yonder stands a vacant desk and an
The heart they have saddened; the life they leave dreary!
Hush! the seven fold heavens to the voice of the spirit
Echo! he that o'er cometh shall all things inherit."

Mr. Speaker, I will now read the tribute prepared by the Honorable member from Deiton.

It is with the utmost regret that I am forced to announce my inability, by reason of sickness, to comply with your request that I should deliver an address tonight upon the subject of the recent death of the Hon. S. P. Evans, a late honored member of this House. I cannot, however, refrain from adding a brief tribute to the memory of one with whom I was associated both in the Twenty-fifth and Twenty-sixth Legislatures, and whom I learned to know as one of nature's noblemen, and whom I learned to respect as one of the grandest works of God—an honest man, a good citizen, an honest man, and a loving husband and father. I am moved to say this as a man whose convictions were above any selfish consideration of personal interests, and who had at heart the desire to better the condition of the people of Texas generally, and especially the poor people. The last time his voice was raised in this Hall, it was in behalf of the poor people of Texas, more especially seeking to benefit them by the extension of the educational system of the State. I followed him to his last resting place, and I found that wherever he was known, he was known to be loved and respected. As an Odd Fellow, a tribute was paid to his memory by the Odd Fellow lodges of not only his own home and community, but also Odd Fellow lodges from surrounding communities and counties united with his friends at home in paying a last tribute to his memory. The chain of friendship, love and confidence broken by the chill hand of death, has taken from our midst a worthy and able legislator, a good citizen, an honest man, and a loving husband and father. By the grace of God we may emulate the virtues of his life, and bury with him every fault, cherishing his memory so long as reason shall be enthroned.

Respectfully,

E. W. H. SHELBURNE.

After a solo by Wm. H. Stacy of Austin, Mr. Thomas of Karnes addressed the audience, and said:

Mr. Speaker: It is the function of the living to care for the dead, to emulate their virtues, to forget their frailties, to drop the tear of sorrow upon their new-made graves, and hallow their memories until we ourselves are covered in the oblivion of the tongueless dust; Sorrow for our dead is the only sorrow from which the human heart refuses to be divorced. Like the wounded dove clasping down its quivering wings upon the arrow which has penetrated to its vitals, so we cover up and cherish the memory of our departed, though every recollection is a pang.

There is a weird halo surrounding death. There is a dread of the journey to that undiscovered country from whose bourne no traveler e'er returns. The soul shudders at the thought of dissolution from this tenement of clay. With all its cares, life is still sweet and they are indeed few who court the desolation of the silent tomb. But in the solemn hour of death, Christian philosophy rises to
the height of its sublimity. Like the
voice which stilled the tempest upon deep
Galilee, the voice of the Father whispers
to us in our last hour, "I am the resurrec-
tion and the life. In my Father's
house are many mansions; if it were not
so, I would have told you."

It is sad to see an infant die. How
we hate the cankerous worm which cuts
the rosebud just as it exhales its first
perfume, but the child called away by
the remorseless angel, may be saved the
turnoil of a stormy life. It is sad to
see an old man die, but he has performed
his mission, has lived out his allotted
years, and must obey the imperious man-
date of nature. But, the saddest picture
ever held before human gaze is the un-
timely death of him who has successfully
buffeted the cares of childhood and the
trials of youth and just attained matur-
ity of his manhood. Simpson P. Evans' sun
of life had not reached its noon, and
its shadows still were leaning toward the
West. In the prime of life, in the health-
ient glow of mental vigor, in the hour
when his wife and children most needed
the tender care of husband and father,
life. To a voice rich, resonant and musical
was added a clear accent as clean cut
its noon, and
its shadows still were leaning toward the
West. In the prime of life, in the health-
ient glow of mental vigor, in the hour
when his wife and children most needed
the tender care of husband and father,
he was ever true to himself. As the cus-
todian of a public trust, he was often in
the position where vice would have
yielded more pecuniary profit than vir-
tue, but against his integrity no enemy
even has ever made a charge. Too manly
to be mean, too honest to be venal, too
proud to be corrupt, he has left a legacy
of any public man than this,
the knowledge that he is now no more
the wretch to
weep.

Mr. Speaker, the Bible tells us that
"He who provideth not for his own is
worse than an infidel." The sacred book
means to impress upon us that business
industry is a cardinal virtue. In that
virtue, our departed member was rich.

For the patriotic citizens of Texas who
has fallen from his high place among us,
and who now sleeps beneath the sod of
the State he loved and served so well, I
shall pronounce a eulogy brief so as to
comport with his own life, dictated by
the knowledge that I have lost a friend,
this House a zealous member, and the
commonwealth a broad and generous citi-
en.

Of his charming personality I need not
speak. He was a familiar figure at the
capitol for the past five years. Tall and
distinguished, he was conspicuous in any group.

From my personal acquaintance with him whose memory we are here to honor, I am proud to say that the most con-
spicuous characteristic of Hon. S. P. Evans was his devotion to his friends.

The recollection of him who so lately
walked among us with stately tread and
the knowledge that he is now no more
forever, vividly recalls those potent lines—

"Tis the wink of an eye,
A draught of the breath.
From the blossoms of life.
To the pallor of death.
In a flash of the lightning.
Or a break of the wave.
Man passes from life,
To his rest in the grave."

Simp. Evans is lost to this chamber,
to home, to country, and to friends. We
can honor his memory, but all the ne-
cromancy of eloquence can not recall his

With him friendship was a sacred phi-
losophy, a hallowed religion. No night
was ever so dark, no storm ever so fierce,
no lightening ever so lurid as to drive
Simp. Evans from the side of his friend.
In this day when policy seems paramount
to principle, when selfishness so often
snaps the strongest ties, and blots out
the heaviest weight of gratitude, no
grander epitaph can emblazon the tomb
of any public man than this, "He never
abandoned a righteous cause or forsook
a friend."

The great English statesman, John
Bright, was once interrupted in the
midst of a campaign speech by news of
the death of his opponent. "This teaches
us," said he, "what shadows we are, and
what shadows we pursue."

Sir, as I gaze upon the vacant seat
before mine, draped in the somber
emblems of death, I can but muse upon the
uncertainty of life and the certainty of
the common end.

A draught of the breath.
From the blossoms of life.
To the pallor of death.
In a flash of the lightning.
Or a break of the wave.
Man passes from life,
To his rest in the grave."

Simp. Evans is lost to this chamber,
to home, to country, and to friends. We
can honor his memory, but all the ne-
cromancy of eloquence can not recall his
gracious presence. I would stifle the sentiment of my heart and perhaps violate the duty of the hour if I learned no lasting lesson from this melancholy occasion.

Xerxes once wept when he gazed upon his splendid army of a million men, richly capprisoned in the habiliments of ancient warfare, and reflected that in one short century they would all have passed to the Great Beyond, and nothing would remain of that magnificent army but a handful of ashes and the empty honor of mere historical memory. That same contemplation, as I look into the faces of this assembly, fills me with an emotion which knows no language for its utterance. As the closing sentiment of these brief remarks, may I indulge the hope that this solemn service will strengthen us all in the determination to so live as did our dead, I trust—

"That when the summons comes, To join the innumerable caravan Which moves forward to the pale realms of shade Where each shall take his chamber In the silent halls of death, We shall not go like the quarry slave Scourged to his dungeon at night, But sustained and sothed by an unaltering trust, May we approach our graves like one Who wraps the drapery of his couch about him And lies down to pleasant dreams."

After a solo by Mrs. —— and a song by the girls’ choir of the Institute for the Blind, Mr. Smith of Grayson addressed the audience, and said:

Mr. Speaker: "To every man on this earth death cometh soon or late," and when friend after friend wraps the drapery of his couch about him and lies down to pleasant slumber, we are profoundly impressed, and questions that are as old as Adam come surging up and refuse to silence. The Sphinx still sits at the cross-roads and propounds her riddle to every passer-by and still the answer comes not. Death! What is death? Where goes the soul on its mysterious appeal to his friendship was ever given was as strong as steel. Surely such a creed and such a life could not fail to find heavenly favor. All life was better for his kindly presence, his genuine companionship and his tender sympathies. He was my desk-mate, my colleague, my friend. I had the most intimate knowledge of him in all the rela-
Mr. Speaker, he was an honest man; may he rest in peace.

After a song, "Nearer My God to Thee," by a volunteer choir of ladies, Mr. Prince addressed the audience, and said:

"There is no death; what seems so is transition."

That vacant chair, with its sombre trappings of woe, is a silent witness that one of our number has gone from among us, but he is not dead. The mighty hand that fashioned the universe; the immeasurable power that swung out the North, and hung it upon nothing; the Divine Mind that, in its own council chamber, conceived and created man, in the image of God, hath decreed that beyond the grave there is yet immortal life. All nature cries aloud against unending death. The full bearded grain is but the fullness of the doctrine that through burial and resurrection comes the ripening harvest. All nature, wrapt for a season beyond the grave we all shall live again. What attributes carried our departed brother with him?

It was not my fortune to know him well; but during our casual acquaintance there occurred in this House an incident that lit up his life and foreshadowed the man, like a lurid flash of lightning lights up impending darkness.

During the discussion of the uniform text-book bill he made his last appearance here, for a final struggle to extend its operation to cities of 10,000 and over. Then, in the thraldom of disease and, perhaps, having a premonition of his approaching death, wretched in mind and body from torturing pain, he made his last appeal in the people's cause. Firmly believing that education was the moving force of the world, and that it should be brought to the door of the humblest citizen, he came forth to champion its cause and to favor what he believed would make it easier for the poorest to receive its benefits. And during this discussion, as an incident thereto, he believed it necessary to defend an absent and a distant friend from the attack thought was a covert attack. Drawing together all his shattered strength, and defying the great strain on his nervous force, with the robes he and fevered hand, he snatched up the blazing banner of the Ivanhoe of Democracy, and bore it aloft beyond attack, where in its perfect purity it commanded the admiration of friend and foe alike.

In that one incident there were three great and cardinal virtues, that were the corner stones of what could but be a stalwart and a noble life—self-sacrifice, love of country and love of friend. With these noble attributes he has "crossed over the river to rest under the shade of the trees," and in dying has carried with him these great virtues that will brighten and make more enticing a glorious immortality.

It is said of the people of Alsace and Lorraine that they are more French than Paris, they are more loyal than the king. Occupying a strip of territory that has always been a matter of contention between opposing nations, under the varying fortunes of war, they have first been the subjects of one, then of the other. But no matter what flag has floated over their State house, no matter what officials have been in power, their hearts have always turned to France like the old time Jew's has turned to Jerusalem, the holy city of the kings.

So let us believe of our departed comrade, that no matter what peril environed him, no matter how forbidding the surroundings, with a like devotion his heart always turned to friends and country, and in dying he carried them as his last earthly remembrance. And so believing, let us emulate his virtues.

May Almighty God in infinite mercy blot out all evil in his life, and deal with him, as we would have Him deal with us.

At the close of the last address, prayer was offered by Elder J. W. Lowber of Austin.

The choir of the Institute for the Blind then sang "Sweet By and By," after which the benediction was pronounced by Rev. W. C. Denson, Chaplain of the Senate.

On motion of Mr. Browne, the House adjourned until 9:30 o'clock a. m. tomorrow.