back to the House with the recommendation that it do pass.

DIES, Chairman.

Committee Room,
Austin, Texas, April 4, 1899.

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

Sir: Your Committee on Irrigation, to whom was referred
House bill No. 764, A bill to be entitled
"An Act to amend Article 496, Chapter 2,
Title XIII, of the Penal Code of the State
of Texas, relating to irrigating canals,
wells, reservoirs, etc., and the protection
thereof,"

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

MASTERN, Chairman.

SEVENTY-THIRD DAY.

Hall of the House of Representatives,
Austin, Texas,
Wednesday, April 5, 1899.

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

Speaker Pro. Temp. Prince in the chair.

Roll called, and the following members
present:

Present—112.

Adams.
Allen of Colorado.
Allen of Hopkins.
Ayers.
Bailey.
Barbee.
Barrett.
Bean.
Beatty.
Bennett.
Blount.
Bolin.
Bridgers.
Brown.
Caldwell.
Calvin.
Chambers.
Childs.
Childs.
Clements.
Coke.
Cole.
Collins.
Cross.
Dean.
Decker.
Derden.
Dies.
Dorroh.
Rekols.

McFarland.
McKamy.
McKellar.
Meitzen.
Mercer.
Monroe.
Morris.
Morrow.
Murphy.
Murray.
Neff.
Nolan.
Oliver.
Parish.
Peery.
Pfeiffer.
Phillips, Lampasas.
Phillips of Camp.
Pitts.
Powell.
Ratcliff.
Robertson, Harrison.
Robertson of Bell.
Russell.
Sansom.
Savage.
Conoly.
Crawford.
Culp.
Garrett.
Lake.

Ellis.
Evans.
Garner.
Gill.
Goodlett.
Goodman.
Graham.
Greenwood.
Grogan.
Grubbs.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Kennedy.
Kittrell.
Lillard.
Little.
Loney.
Loyd.
Marsh.
Masterson.
Maxwell.
McAnally.
McClellan.
McDowell.

Sclater.
Scurry.
Shannon.
Sheburne.
Shropshire.
Smith of Grayson.
Smith of Collin.
Staples.
Stewart.
Stripling.
Sutherland.
Tarleton.
Tarver.
Teague.
Terrell.
Thomas of Wise.
Thomas of Fannin.
Tompkins.
Vaughan.
Walton.
Wholess.
Willacy.
Willrodt.
Wooten.
Lane.
Livsey.
Palmer.
Rogers.

Absent.
Absen—Excused.

A quorum was announced present.
Prayer by Rev. W. J. Gatlin, Chaplain.

Pending reading of the Journal of yesterday, on motion of Mr. Sutherland, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Conoly until Friday, on motion of Mr. Kittrell.
Mr. Culp for today, on motion of Mr. McFarland.
Mr. Livsey for today, on motion of Mr. Clements.
Mr. Lane for today, on motion of Mr. Meitzen.
Mr. Rogers for today, on motion of Mr. Goodlett.

On account of sickness:
Mr. Poole for today, on motion of Mr. Blount.
Mr. Shelburne for today, on motion of Mr. Masterson.
Mr. Lake indefinitely, on motion of Mr. Henderson of Brazos.

On account of sickness in his family:
Mr. Crawford for yesterday, and indefinitely, on motion of Mr. Shropshire.
SENATE MESSAGE.

Senate Chamber,
Austm, Texas, April 5, 1899.

To R. E. Prince, Speaker Pro Tem. 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, towit:

Senate bill No. 265, A bill to be entitled "An Act to amend Article 3064, of the Revised Civil Statutes of 1895, as amended by the Twenty-fifth Legislature, and providing for taking the scholastic census biennially."

Substitute Senate bill No. 162, A bill to be entitled "An Act to define white-capping, and fixing a punishment therefor." Passed by two-thirds vote, ayes 21, noes 0.

J. P. Pool,
Secretary of the Senate.

SPEAKER'S TABLE.

The Speaker laid before the House, on its third reading and final passage, Senate bill No. 45, A bill to be entitled "An Act to amend Article 4471, of Chapter 8, Title XCIV, of the Revised Civil Statutes of the State of Texas of 1895, so as to permit railroad and other corporations having the right of eminent domain to enter upon and take possession of property sought to be condemned pending litigation, upon payment or security of the award of the commissioners appointed to appraise, and costs, and the deposit of money sufficient to cover additional damage that may be adjudged, and the giving of bond for future costs, and to repeal all laws in conflict herewith."

Read third time.

Pending consideration of above bill, the Speaker laid before the House, as special order for this hour, 10 a.m., on its passage to a third reading.

Senate bill No. 211, A bill to be entitled "An Act to provide for the creation of level premium mutual life insurance companies in this State, and for the regulation thereof."

Which bill was referred to a special committee of five, on March 22, with instruction to report within two weeks, and on that date the bill was made a special order for today, at 10 o'clock a.m.

The special committee having not yet reported, Mr. Teagle moved to postpone further action on the bill one week, and that the special committee be granted further time.

Mr. Masterson moved as a substitute for above motion that further action on the bill be postponed indefinitely.

Mr. Savage moved to table the substitute, and the motion to table was lost.

The motion of Mr. Masterson prevailed, the motion as substituted was adopted, and further action on the bill was postponed indefinitely.

The House resumed consideration of Senate bill No. 45, on its third reading and final passage.

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

Pending consideration of Senate bill No. 45,

Speaker Pro Tem. Prince in the chair,
Mr. McAnally yielding the floor, the Speaker laid before the House, as special order, on its second reading and passage to a third reading.

Senate bill No. 68, A bill to be entitled "An Act to promote agriculture and stock-raising, and to prohibit the hunting with fire-arms or dogs upon the enclosed lands of another in all counties within this State not specially named as exempt from the provisions of this act, and to provide a penalty therefor."

The bill was read second time, with favorable committee report recommending amendments.

The committee report was adopted.

Mr. Bailey offered the following amendment:

"Amend by striking out in line 11, page 2, the words 'less than' and strike out in line 12, the word 'nor.'"

Adopted.

Mr. Smith of Collin offered the following amendment:

"Strike out all of line 7, page 2, and Section 1, and insert in lieu thereof: 'Said land is owned in fee simple by the party that has it fenced.'"

Mr. Decker offered the following substitute for the amendment:

"Amend by adding after Section 2, in line 12, page 2: 'Provided, it shall be a complete defense to any prosecution or suit under this section or any, if it be shown that the fence or enclosure embraces or surrounds any lands not owned or leased by the owner of such fence or enclosure.'"

Mr. Smith of Collin accepted the substitute.

Question then recurred on the amendment as substituted, and Mr. Powell offered the following substitute for the amendment by Mr. Decker:

"Add to the end of line 7, page 2, the following words, viz.: 'And all lands so enclosed are owned by the person owning the said enclosure.'"

Mr. Shropshire offered the following amendment:

"Amend the bill by striking out all of line 29, page 1, the enacting clause."
QUESTION OF PERSONAL PRIVILEGE.

Pending consideration of above amendment, Mr. Dies rose to a question of personal privilege, and sent up to the Clerk’s desk and had read the following, which he asked to have printed in the Journal:

"MR. SPEAKER: I regret using any language this morning that the gentleman from Orange may have taken exception to. Having a high regard for him, I know any difference of opinion between us on the question, is a result of misunderstanding of the facts."

After lengthy consideration by the House, Mr. Calvin moved the previous question on the amendment by Mr. Shropshire, and the motion was not seconded.

Mr. Meitzen moved to table the amendment striking out the enacting clause.

Pending action, Mr. Scurry moved to take a recess until 2:30 p.m. today, and Mr. Adams until 3 p.m. today.

SENATE BILLS ON FIRST READING.

The following bills reported from the Senate were, by unanimous consent, read first time, and referred to appropriate committees, viz.:

Senate bill No. 265, to the Committee on Education.
Substitute Senate bill No. 162, to Judiciary Committee No. 2.

BILLS INTRODUCED.

(By unanimous consent.)

By Mr. Kittrell:
House bill No. 780, A bill to be entitled "An Act to regulate and prescribe the manner of bringing suits for taxes, and to protect the defendants in tax suits, by prohibiting duplication of suits and preventing the increase and unnecessary litigation and cost, and to repeal all laws and parts of laws, general and special, in conflict herewith, and to declare an emergency."
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Smith of Grayson:
House bill No. 781, A bill to be entitled "An Act to amend Article 3089, Chapter 3, Title LVIII, of the Revised Civil Statutes of the State of Texas, relating to fire insurance policies."
(The bill amends by adding that if the property insured is not a total loss, then the policy shall be held and considered a liquidated demand against the company, subject to be credited with the value of such property remaining after such fire.)
Read first time, and referred to Judiciary Committee No. 1.
Mr. Smith of Collin (present) who would vote nay, with Mr. Looney (absent) who would vote yea.

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

Question first recurring on the motion of Mr. Scurry, it prevailed, and the House, at 1 o'clock p.m., took a recess until 3 p.m. today.

**AFTERNOON SESSION.**

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

The Speaker laid before the House, on its second reading and passage to a third reading, as special order for this hour, 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.”

Which bill was, on March 30, read second time, together with a favorable majority report and adverse minority report, and was made a special order for today at 3 p.m.

Mr. Nolan moved to adopt the majority report.

Mr. Garner moved to substitute the minority report for the majority report.

Mr. Henderson of Lamar raised the point of order that

First.—Lands sought to be conveyed constitute a part of the common free school fund. (See Supreme Court’s decision in Hogue vs. Baker, Commissioner).

Second.—That said lands are to be disposed of by general statute. (See Article 7, Section 4, State Constitution).

Overruled.

Mr. Nolan moved to table the motion of Mr. Garner to substitute the minority report for the majority report.

Mr. Garner raised the point of order that Senate bill No. 228, is a local bill, and that the proper notice required by the Constitution has not been given.

Overruled.

Mr. Wooten raised the point of order that this bill is a local bill, as recognized by its authors in giving notice by advertisement, and it affects every locality through which any and all of Collis P. Huntington’s railroads pass. Therefore, it ought to have been advertised in every locality affected by the proposed law, which has not been done. The notice has only been published in Galveston, whereas it ought to have been advertised in all the towns and counties whose railroad connection are affected by the Huntington wharves.

Overruled.

Mr. Garner raised the further point of order that Senate bill No. 228, is a local bill, and should be considered on a Saturday, which is local bill day.

Overruled.

Mr. Garner, by consent, withdrew his motion to substitute the minority report for the majority report.

The majority report was then adopted.

Mr. Kennedy moved to recommit the bill.

Mr. Stewart moved as a substitute for above motion that further consideration of the bill be postponed until next Wednesday, April 12, 3 p.m.

Mr. Kennedy accepted the substitute.

Question then recurred on the motion of Mr. Stewart; and on motion of Mr. Bridgers it was tabled.

The bill was read again.

Mr. Blount moved to take a recess for one hour in order that members might find the right bill.

Lost.

Mr. Wooten moved to recommit the bill.

On motion of Mr. Calvin the motion to recommit was tabled.

Mr. Wooten raised the further point of order that there were several printed bills on the desks of the members, all numbered Senate bill No. 228, that they were dissimilar, and that the bill is not before the House properly, according to...
Mr. Nolan offered the following amendments:

1. "Amend the bill by inserting after the words 'Railroad Commission of Texas,' in line 15, on page 6, the following:

   'And thereupon the said C. P. Huntington, his heirs, assigns or successors shall make an annual report to the said Railroad Commission of Texas in such manner and on such forms, and under such rules and regulations, and at such time as the Railroad Commission may prescribe.'"

   Adopted.

2. "Amend by adding on page 6, at the end of Section 1, line 30, the following:

   'Section 2. The said Collis P. Huntington, his heirs or assigns, or the person, company or corporation owning or controlling the above described property and all the improvements thereon situated shall never consolidate said property or the stock or franchise of such corporation as may own or control the same with the stock or property of the Galveston Wharf Company, or any company or corporation succeeding to the rights of the said Galveston Wharf Company, nor shall the owner of said property enter into any agreement with the Galveston Wharf Company, its successors or assigns, by which the wharf or other terminal charges shall be regulated or fixed, and this prohibition upon the said Collis P. Huntington, his heirs or assigns, or the person, company or corporation owning or controlling the above described property and all improvements thereon situated shall also apply to the property now owned by the Gulf, Colorado & Santa Fe Railway Company between Fourth and Tenth streets as now shown by the Galveston City Company's map of the said city of Galveston. Nor shall any person owning or holding any interest, in the form of stock or otherwise, in the wharf or bay frontage between Fourth and Forty-first streets as now shown by the Galveston City Company's map of the said city of Galveston, and all sales, conveyances and transfers of whatever character in violation of this section shall be null and void; the object of this section being to keep the control, ownership or management, direct or indirect, of the property hereinbefore described, and the control, ownership or management of the wharf or bay frontage between said Fourth and Forty-first streets entirely distinct and independent of each other. And no charter formed for the use, operation and management of the property hereinbefore described, shall be granted unto the said Collis P. Huntington, or his assigns, unless this section be incorporated therein, and all certificates of stock that may be issued by the company formed for the use, operation or management of the property hereinbefore described shall also contain this section on the back thereof.'"

   Mr. Shelburne offered the following amendment to the above amendment (2):

   "Amend Section 2, line 11, page 7, by adding after the word 'assigns' the words: 'Or any other wharf company which may now exist or which may be hereafter organized.'"

   Mr. Nolan accepted the amendment to the amendment.

3. "Amend line 31, page 6, by striking out 'Sec. 2,' and inserting in lieu thereof the following: 'Sec. 3.'"

   Adopted.

4. "Amend line 18, page 4, by striking out the word 'northwesterly,' and inserting in lieu thereof the word 'northeastery.'"

   Adopted.

5. "Amend by adding after the word 'confirmed,' line 6, page 6, the following: 'Except in so far as the provisions of said ordinance may be in conflict with the provisions of this act.'"

   Adopted.

6. "Amend lines 12 and 13, on page 2, by striking out the word 'conveyances,' and inserting in lieu thereof the word 'conveyances.'"

   Adopted.

Mr. Kennedy offered the following amendment:

"Amend by striking out the following wherever it occurs in the bill: 'But this shall not be so construed as to permit any person or corporation to use said property, or any portion thereof, without the consent of said C. P. Huntington, his heirs or assigns, owning the same at the time,' and insert in lieu thereof the following: 'Provided further, that any transportation company of any kind whatever can use the wharfs or terminals to be built by said Huntington, his heirs or assigns, upon such terms as may be agreed upon, subject to such regu-
lations as may be prescribed by the Railroad Commission of Texas; and if the parties cannot agree upon the terms of such use, the State, through its Railroad Commission, shall have authority to require said Huntington, his heirs or assigns or successors, to permit such use upon such terms and regulations as said Commission may prescribe.'

[Signed "WOOTEN, "KENNEDY."

Pending consideration, Mr. Pitts moved to adjourn until 9:30 a. m. tomorrow, and Mr. Jones to 9 a. m. tomorrow.

After further consideration by the House, Mr. Tarver moved the previous question on the amendment, and the motion was not seconded.

Mr. Powell offered the following substitute for the amendment:

"Amend by adding at the end of line 21, page 5, the following: 'Provided, that the said Huntington, his heirs or assigns, shall receive from any and all steamers, vessels and railroads, which may desire to discharge their cargo at the said Huntington, all such freight and cargoes, upon such terms as may be agreed upon by and between the said Huntington and such steamers, vessels and railroads, and when such parties are unable to agree upon such wharfage charges, then upon such terms as may be prescribed by the Railroad Commission of Texas.'"

Pending consideration, Mr. Scurry moved to adjourn until 9:30 o'clock a. m., pursuant to adjournment. Speaker Sherrill in the chair. Roll called, and the following members present:

Present—113.