so, the consolidation, for which the pending measure provides, comes within the inhibition imposed by Section 5, Article X, of the Constitution, as interpreted by the Supreme Court in the case of the East Line & Red River Railway Company vs. The State of Texas, Volume 75, Supreme Court Reports.

The fact that the Tyler Southeastern Railway only extends to Lufkin—a distance of but 88.61 miles from Tyler—does not become a factor in the case, because under Section 1, Article X, of the Constitution, it has the right to intersect, connect with or cross the Houston East & West Texas Railway, which passes through Lufkin, thence to Houston, and it is made the duty of the Houston East & West Texas Line to receive and transport the passengers, tonnage and cars, loaded or empty, without delay or discrimination, of the Tyler Southeastern Railway. It cannot but be evident to every one, who will consider the question for a moment, that if the pending bill should become law, the probable, if not certain effect, will be to destroy all competition between Tyler and Galveston in the matter of railway traffic and travel, arrest it over the International & Great Northern Railway or the St. Louis Southwestern Railway, both of which roads, as I have already stated, belong to the same system and are controlled by the same persons. Having already, in a former message, presented my views touching the decision of the Supreme Court in the case of the East Line & Red River Railway Company vs. The State of Texas, I need not repeat them here.

2. I am advised that the mortgage records of McLennan county show subsisting and uncanceled deeds of trust covering all the lines of the St. Louis Southwestern Railway, having a total length of about 572.5 miles, to secure the payment of $14,167,500, exclusive of interest. These mortgages not only embrace all of the property of whatever character and description owned by the St. Louis Southwestern Railway Company at the time of their execution, but also every kind and character of property that may thereafter be acquired. The length of the Tyler Southeastern Railway is 88.61 miles, and its net indebtedness, as shown in the Sixth Annual Report of the Railroad Commission, was $1,246,156.80, or $14,064.97 per mile, on June 30, 1897. It is not probable that this indebtedness has materially decreased, if at all, since that date. Should the consolidation take place, as contemplated in the bill, the Tyler Southeastern Railway will become subject to said deeds of trust and, limiting its liability thereunder to its proportional share of the indebtedness secured by them, its obligations will become thereby increased to at least $231.16 per mile at the present time, and that too, by the mere operation of law and without any consideration whatever accruing to it. As respects this road, such a policy upon the part of the State cannot be considered wise even from a sound financial standpoint, to say nothing of its evident ill effects in other very important directions.

JOSEPH D. SAYERS,
Governor.

EIGHTY-FIRST DAY.

Hall of the House of Representatives,
Austin, Texas,
Friday, April 14, 1899.

The House met at 9 o'clock a.m., pursuant to adjournment.
Speaker Sherrill in the chair.
Roll called, and the following members present:

Present—109.

Adams.
Allen of Hopkins.
Allen of Travis.
Bailey.
Barbee.
Barrett.
Beaty.
Bennett.
Blount.
Bolin.
Bridgers.
Brown.
Caldwell.
Calvin.
Chambers.
Childers.
Childs.
Clements.
Coke.
Cole.
Collins.
Conoly.
Crawford.
Cross.
Dean.
Decker.
Derden.
Dias.
Dorroh.
Eckols.
Ellis.
Evans.
Garner.
Gil.
Goodlett.
Goodman.
Graham.
Greenwood.
Groogan.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Jones.
Kennedy.
Kittrell.
Lane.
Lillard.
Little.
Looney.
Loyd.
Marsh.
Maxwell.
McAulay.
McClaran.
McDowell.
McFarland.
McKamy.
McKellar.
Meitzner.
Mecer.
Monroe.
Morris.
Morrill.
Murphy.
Murray.
Neff.
Nolan.
Oliver.
Palmer.
Parish.
Peery.
Pfuuffer.
Phillips, Lampasas.
Pitts.
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. Willacy until next Monday, on motion of Mr. Mercer.
Mr. Grubbs from yesterday until next Monday, on motion of Mr. Eckols.
Mr. Hamilton for yesterday and today, on motion of Mr. Caldwell.
Mr. Frost for today, on motion of Mr. Howard.

On account of sickness in family:
Mr. Gordon for yesterday and until next Monday, on motion of Mr. Henderson of Lamar.
Mr. Hurley indefinitely, on motion of Mr. Howard.
Mr. Schluter indefinitely, on motion of Mr. Allen of Hopkins.

SPEAKER'S TABLE.

The Speaker laid before the House, as pending business, on its passage to engrossment,
Substitute House bill No. 111, the general appropriation bill, with amendment by Mr. Grogan, amendment by Mr. Savage to the amendment, and substitute for both by Mr. Decker, pending.

(Mr. Smith of Grayson in the chair.) Mr. Jones raised the point of order that the substitute by Mr. Decker was not germane to the item under consideration, and therefore not in order at this time.

Sustained by the Chair.

Question then recurred on the amendment by Mr. Savage to the amendment by Mr. Grogan, and it was lost.

The amendment by Mr. Grogan was lost.

Mr. Childers offered the following amendment:

"Amend in line 14, by striking out $1080' and insert $1000."

Lost.

Mr. Thomas of Wise offered the following amendment:

"Amend line 15, by striking out '1300' and inserting $1200."

Lost.

Mr. Childers offered the following amendment:

"Amend in line 16, page 3, by striking out $1080' and insert $1000."

Mr. Clements offered the following amendment to the amendment:

"Amend by striking out $1080' and inserting $999.90."

Lost.

The amendment by Mr. Grogan was lost.

Mr. Ratcliff offered the following amendment:

"Amend by striking out '1300' in line 17, and insert $1200."

Lost.

Mr. Childers offered the following amendment:

"Amend in line 18, page 3, by striking out $1080' and inserting $1000."

Lost.

Mr. Terrell offered the following amendment:

"Amend line 19, by striking out $1250' and insert $1200."

Lost.

Mr. Childers offered the following amendment:

"Amend line 21, page 3, by striking out $1140' and inserting $1040."

Yeas and nays were demanded by Mr. McAnally, Mr. Childers and Mr. Chambers.

Lost by the following vote:
Yeas—30.

Barbee. Chambers.
Beaty. Childers.
Bennett. Cooke.
Blount. Crawford.
Calvin. Cross.

| Powell | Sutherland | Ratcliff | Tarkington | Robertson, Harrison | Tarver | Robertson of Bell | Tate | Rochelle | Teage | Rogers | Terrell | Russell | Thomas of Wise | Sansom | Thomas of Fannin | Savage | Tompkins | Scurry | Tucker | Shannon | Vaughn | Shelburne | Walton | Shropshire | Wells | Smith of Grayson | Whelless | Smith of Collin | Willrodt | Staples | Wooten | Stewart | Absent | Absent—Excused | Allen of Colorado | Poole | Garrett | Stripling | Livsey | Wright | Phillips of Camp |
|--------|------------|---------|-------------|---------------------|-------|------------------|-----|----------|-------|--------|---------|--------|-----------------|-------|------------------|--------|---------|--------|--------|---------|--------|----------|-------|---------------|-----------|---------------|--------|-------------|--------|---------|----------|---------|--------|----------------|
Mr. Beaty offered the following amendment:

"Amend by striking out ‘$1000’ in line 22, and insert ‘$2000’.”

Mr. Bennett offered the following substitute for the amendment:

“Amend by striking out ‘$1000’ in line 22, and insert ‘$900.’”

(Mr. Smith of Grayson in the chair.)

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

The substitute was lost.

On the amendment by Mr. Beaty, yeas and nays were demanded by Mr. Ratcliff, Mr. Lillard and Mr. Childers.

The amendment was lost by the following vote:

Yeas-2.

Beaty. Loyd.

Nays-05.

Adams. McClellan.
Allen of Hopkins. McDowell.
Bailey. McClary.
Barbee. McColl,
Barrett. Meitzen.
Bean. Monroe.
Bennett. Monroe.
Blount. Murphy.
Bridgers. Murray.
Brown. Neff.
Calder. Nolan.
Calvin. Oliver.
Chambers. Palmer.
Childers. Parish.
Childs. Peery.
Clements. Pfeuffer.
Collins. Powell.
Conolly. Ratcliff.
Crawford. Robertson, Harrison.
Cross. Robertson of Bell.
Dean. Roehl.
Derden. Sansom.
Dorothy. Savage.
Greenwood. Shannon.
Henderson, Brazos. Shilburne.
Henderson, Lamar. Shropshire.
Jones. Staples.
Kittel. Stewart.
Lake. Sutherland.
Lane. Teagle.
Looney. Tucker.
Maxwell. Walton.
McClaran. Walls.
Mckamy. Willrodt.
McFarland.

Absente—Excused.

Allen of Colorado. Masterson.
Garrett. Poole.
Gordon. Prince.
Grubbs. Schluter.
Hamilton. Stripling.
Hurla. Willacy.
Livsey. Wright.

(Speaker in the chair.)

Mr. Beaty offered the following amendment:

"Amend by striking out ‘$1000’ in line 22, page 3, and insert in lieu thereof ‘$2000.’"
Absnet.

Bolin. Mercer.

Cole. Morris.

Culp. Pitts.

Decker. Rogers.

Dies. Russell.

Garner. Shannon.

Grogan. Wooten.

Absent—Excused.

Allen of Colorado. Masterson.


Garrett. Poole.

Gordon. Prince.

Grubbs. Schluter.

Hamilton. Stripling.

Hurley. Willacy.

Livsey. Wright.

"I vote 'aye' on the amendment to raise salary of mailing and filing clerk from $1000 to $2000, for the reason that a majority of the members of the House seemed by their vote determined to pay extravagant prices for clerks; paying about 25 to 33 1/3 per cent. more than merchants and other business men pay for clerks and bookkeepers, yet clerks and bookkeepers for merchants and other business men perform from 25 to 50 per cent. more work daily than bookkeepers and clerks in these departments, as a rule. Myself and a few others have tried in vain to practice what we preached last fall, that is, that we favored economy, and have voted for reasonable salaries for all officials, but we were clearly in the minority each and every time we amended by reducing a salary to a reasonable price consistent with the condition of the people to pay taxes to meet these salaries. Another reason, many of these clerks have no property on which they pay a tax; and further, some of them get from $1080 to $1500 with no capital invested. A farmer to have such a dividend would have to own a farm worth from $8000 to $12,000, and this may be said of almost any other business at this time. I sought, in this amendment, to make what I term extravagant members sick at their own game, but they seem unusually healthy yet, and continue to vote for extravagant salaries, having entirely forgotten that they told their constituents last fall that they favored economy. The difference is now, that they are associating with the incumbents of these different departments in Austin, many of them have blind bridles on and cannot see the people back at home. I hazard the prediction that if they were surrounded by their constituents while the appropriation bill is being considered, the State would save $50,000. To prove this prediction, I refer the members to vote of the people on the proposition to raise salary of representatives. I shall continue to vote for reduction of salaries even if I should be alone. When I told the people that I favored economy, I mean just what I said.

"BEATTY."

REPORT OF COMMITTEE ON RULES

REPORTING RULE NO. 83.

Committee Room,

Austin, Texas, April 14, 1899.

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

SIR: Your Committee on Rules, to whom was referred the following resolution by Mr. Powell:

Resolved, That the Rules of the House be so amended as to add the following as Rule 83:

Rule 83—When the rules are suspended as to the consideration of appropriation bills in Committee of the Whole, during the consideration of such bill in the House the motion to table shall not be invited, nor shall the motion for the "previous question" be made on more than one clause or item when the bill contains more than one subject matter.

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

AYERS, Chairman.

The report was adopted.

On motion of Mr. Oliver pending business was suspended to take up, for present consideration, Senate Concurrent Resolution No. 21.

The resolution was then laid before the House, and was read as follows:

Senate Concurrent Resolution No. 21:

Whereas, The Texas division of the United Confederate Veterans will hold their reunion in the city of Austin on the third and fourth days of May, 1899, and

Whereas, It is the purpose of the Daughters of the Confederacy to give a musical entertainment to the Confederates of Texas during their stay in the Capital City, and there being no suitable hall procurable for that purpose, be it

Resolved by the Senate, the House of Representatives concurring, that the hall of the Senate and House of Representatives be given for the use of the United Confederate Veterans on the night of the third or fourth of May, 1899, under the supervision of the Superintendent of Public Buildings and Grounds.

The resolution was adopted.
The House resumed consideration of the general appropriation bill, on its passage to engrossment, and

Mr. Phillips of Lampasas offered the following amendment:

"Amend by striking out ‘$1000' in line 22, and insert in lieu thereof ‘$1200.'"

Lost.

Mr. Crawford offered the following amendment:

"Amend line 2, page 3, by striking out ‘$1000' and insert ‘$900.'"

Mr. Sutherland offered the following substitute for the amendment:

"Amend by changing ‘$11,000' in line 24, to read ‘$9900,' and strike out ‘$1000' and insert ‘$900.'"

On the substitute yeas and nays were demanded by Mr. Sutherland, Mr. Chil­ders and Mr. Ratcliff.

The substitute was lost by the following vote:

Yeas—32.

Nays—55.


Mr. Little offered the following substitute for the amendment:

"Amend the bill by striking out lines 24 and 25, page 3, and insert in lieu thereof the following:

‘Salaries of eighteen assistant clerks, $950 each, $17,100.‘"

Lost.

Mr. Lane, by request, offered the following substitute for the amendment:

"Amend by striking out line 24, page 3, and insert in lieu thereof the following:

‘Salaries of five first assistant clerks, $1200 each, $6000. Salaries of six additional first assistant clerks, $1000 each, $6000.'"

Mr. Peery moved the previous question on the pending amendments, and the motion was not seconded.

The substitute was lost.

Question recurred on the amendment by Mr. Crawford, and it was lost.

Mr. Sutherland offered the following amendment:

"Strike out ‘eleven' in line 24, and insert ‘nine,' and by changing ‘$11,000' to ‘$9000.'"

Lost.

Mr. Phillips of Lampasas offered the following amendment:

"Amend by striking out ‘$300' in line 28, page 3, and insert ‘$360' in lieu thereof."

Lost.

Mr. Decker offered the following amendment:

"A mend by striking out all of line 28, pag. 4."

Lost.
Mr. Childers offered the following amendment:

"Amend in line 32, by striking out '3500' and insert '2500.'"

Lost.

Mr. Conoly offered the following amendment:

"Amend by striking out on page 4, lines 5, 6 and 7, '300.'"

Yeas and nays were demanded by Mr. Conoly, Mr. Scurry and Mr. Decker.

Lost by the following vote:


Absent—Excused.


Yeas-44.


Absent—Excused.


Yeas-44.


Absent—Excused.


Yeas-44.


Absent—Excused.


Yeas-44.


Absent—Excused.


Yeas-44.


Absent—Excused.


Yeas-44.


Absent—Excused.


Yeas-44.


Absent—Excused.


Yeas-44.


Absent—Excused.


Yeas-44.


Absent—Excused.


April 14, 1899

DIES.

Dorroh.
Ellis.
Garner.
Goodlett.
Henderson, Brazos.
Henderson, Lamar.
Lake.
Marsh.
Maxwell.
McClellan.
Monroe.

Nolan.
Pfeuffer.
Phillips, Lampasas.
Pitts.
Robertson of Bell.
Rogers.
Sansom.
Shropshire.
Staples.
Stewart.
Whelless.

NAYS—61.

Adams.
Barbee.
Bean.
Beaty.
Bennett.
Calvin.
 Chambers.
Childers.
Clements.
Cocke.
Cole.
Collins.
Conoly.
Crawford.
Cros.
Dean.
Decker.
Derden.
Eckols.
Evans.
Goodman.
Howard.
Jones.
Kittrell.
Lane.
Lillard.
Little.
Looney.
Loyd.
McAnally.
McDowell.

Blount.
Bridgers.
Culp.
Gill.
Graham.
Greenwood.
Grogan.
Kennedy.
Masterson.

McFarland.
McKellar.
Morris.
Russell.
Tarver.
Tomkins.
Tucker.
Wooten.

Allen of Colorado.
Frost.
Garrett.
Gordon.
Grubbs.
Hamilton.
Hurley.
Livsey.

Phillips of Camp.
Poole.
Prince.
Schluter.
Stripling.
Willacy.
Wright.

Question then recurred on division (2) of the amendment by Mr. Savage, whereupon.
Mr. Thomas of Fannin moved to take a recess until 2:30 p.m. today, and Mr. Pitts until 3 p.m. today.

BILL INTRODUCED.
(By unanimous consent.)

By Mr. Terrell:
House bill No. 803, A bill to be entitled "An Act to prevent lobbyists from attending the sessions of the Legislature, defining the word 'lobbyists,' and prescribing a penalty for the violation of this act, and declaring an emergency."
(Provides that any person who lobbies shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $25.00 nor more than $500.00.)

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

RESOLUTION.

By Mr. Kittrell:
Resolved, That beginning Monday, April 17th, this House do hold night sessions, beginning at 8 p.m. every night except Saturday, at which sessions there shall be considered local bills and railroad bills.

[Signed—Kittrell, Oliver, Calvin, Tate, Bean, Clements.]

The resolution was read second time, and went over.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 13, 1899.

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

Sir: Your Committee on Internal Improvements, to whom was referred House bill No. 703, A bill to be entitled "An Act to amend Section one (1) of 'An Act to enable the Railroad Commission of Texas to make emergency freight rates to prevent the evil effects of interstate rate wars upon the business and interests of the people and railroads of 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.

MAJORITY REPORT.

Committee Room,
Austin, Texas, April 13, 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. 765, A bill to be entitled
"An Act to create and organize the county of Ross."
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.

DIES, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, April 14, 1899.

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

Sir: We, a minority of your Committee on Counties and County Boundaries, to whom was referred House bill No. 765, do not concur in the report of the majority, and beg leave to recommend that it do pass.

PALMER, SAVAGE, TEAGLE.

Committee Room,
Austin, Texas, April 14, 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. 243, A bill to be entitled "An Act validating the incorporation for school purposes only of Victoria independent school district and independent incorporated public school district here­tofore 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."

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, and that it be not printed, for the reason that House bill No. 741, on the same subject, has been printed.

MCKAMY, Chairman.

Committee Room,
Austin, Texas, April 14, 1899.

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

Sir: Your Committee on Towns and City Corporations, to whom was referred House bill No. 801, A bill to be entitled "An Act to repeal an act entitled 'An Act to incorporate the town of San Pat­ricio, in the county of San Patricio, Texas,' approved February 7, 1853."

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.

On motion of Mr. Pitts, the House, at 12:30 p. m., took 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.

The Speaker then laid before the House, as special order for the hour, 3 p. m., on engrossment,

Substitute House bill Nos. 136, etc., the general occupation tax bill.

On motion of Mr. Pitts, the pending business was suspended to take up and place on its second reading,

House bill No. 387, A bill to be entitled "An Act to authorize the city council of all cities and towns incorporated under the general laws of this State to regulate the charges and fix the rates to be charged by all water companies and all other corporations engaged in supplying water or other commodities to the public, or engaged in any other public business within the limits of said cities or towns, and occupying the streets and other public places for that purpose, and to prescribe reasonable rules and regula­tions herein contemplated shall only apply to the local business of the various persons, firms and corporations..."
herein mentioned operating under municipal grants or franchises.'
After consideration by the House, Mr. Oliver moved the previous question, and the main question was ordered.
Question first recurred on the substitute, and it was adopted.
The amendment as substituted was lost.
On engrossment of the bill, yeas and nays were demanded by Mr. Morrow, Mr. Pitts and Mr. Phillips of Lampasas.
The bill was ordered engrossed by the following vote:

Yeas—72.
Allen of Hopkins.               McDowell.
Bailey.                        McKamy.
Barbee.                        MeKellav.
Barrett.                       Meitzcn.
Bean.                          Mercer.
Beaty.                         Morrow.
Bennett.                       Murphy.
Browne.                       Murray.
Caldwell.                     Nelf.
Calvin.                       Nolan.
Chambers.                     Oliver.
Cook.                          Parish.
Cole.                          Peery.
Conoly.                       Powell.
Cross.                        Ratcliff.
Debn.                         Robertson, Harrison.
Decker.                       Robertson of Bell.
Derden.                       Rochelle.
Dics.                         Russell.
Doroh.                        Sansom.
Eckols.                       Savage.
Goodlett.                     Shannon.
Goodman.                      Shetburne.
Greenwood.                    Smith of Grayson.
Howard.                       Smith of Collin.
Jones.                        Stewart.
Kittrell.                     Tate.
Lake.                         Teple.
Lane.                         Terrell.
Lillard.                      Thomas of Wise.
Little.                       Tucker.
Loyd.                         Vaughan.
Maxwell.                      Walton.
Mclnally.                     Willrodt.
McClellan.                    Wooten.

Nays—17.
Adams.                        Pitts.
Childers.                     Rogers.
Childs.                       Shropshire.
Grogan.                       Staples.
Sutherlon, Brazos.            Sutherlon.
Kennedy.                      Tarkington.
Looney.                       Tarver.
Palmer.                       Wells.
Pfeuffer.                     Absent.

Ayers.                        Clements.
Blount.                       Crawford.
Bolin.                        Culp.

Ellis.                         McFarland.
Evans.                        Monroe.
Garner.                       Morris.
Gill.                         Scurry.
Graham.                       Thomas of Fannin.
Henderson, Lamar.             Tompkins.
Marsh.                        Wahoo.
Masterson.                    Wheeler.

Absent—Excused.
Frost.                        Poole.
Garrett.                      Prince.
Gordon.                       Schuler.
Grubbs.                       Stripling.
Hamilton.                     Willacy.
Hurley.                       Wright.
Livsey.

"We vote 'no' on the engrossment of House bill No. 387, because we believe the Legislature has not the authority under our Constitution to grant such power to city councils, and because we believe it would not be right to do so even if the Legislature could grant such power.

"CHILDS.

"STAPLES."

"I vote 'aye' on the engrossment of House bill No. 387, because I believe there is merit in it, but I protest against its final passage in its present form, because it will place all persons, aside from corporations, using the streets and public grounds of said cities under the regulation of city councils, and will, in my opinion, work a serious hardship and an unjust limitation on a class of people not intended to be reached in the bill.

"SAVAGE."

Mr. Robertson of Bell moved to reconsider the vote by which House bill No. 387 was ordered engrossed, and to table the motion to reconsider.

The motion to table prevailed.
The Speaker laid before the House, as special order for the hour, 4 p.m., on its second reading.
House bill No. 447, A bill to be entitled "An Act to amend an act of the Twenty-fifth Legislature, approved March 20, 1897, entitled 'An Act to amend Article 867, Chapter 1, Title XXV, of the Revised Civil Statutes, relating to county finances, and providing that in counties without banking facilities a certificate of the cashier of any reputable bank of this State may be considered as actual cash.'"

The bill was read second time, and Mr. Lillard offered the following amendment:

"Add after the end of Section 1, page 2, a new Article, to be numbered Article 867a, to read as follows: "'Article 867a. It shall be the duty of each district judge of this State, at each
regular term of the district court, to specially charge the grand jury to summon before them the county judge, county clerk, or one or more of the county commissioners of the county in which such term of district court is being held, and learn from them whether or not this law has been strictly complied with since the preceding term of the grand jury, and if found to have been neglected or violated to indict such officials as may be responsible for such neglect or violation.""

Mr. Kittrell offered the following amendment:

"Amend Section 1 by adding after the word 'cash,' in line 10, the following words: 'Provided, that no such certificate of the bank shall be held to exempt the treasurer or his sureties from liability on his bond in case of failure or default on the part of the bank to pay over the money on demand.'"

Mr. Phillips of Lampasas moved the previous question, and the motion was not seconded.

The amendment by Mr. Kittrell was adopted.

Mr. Smith of Collin offered the following amendment:

"In line 10, page 2, Section 1, add after the word 'cash,' 'provided, that three-fourths of the stockholders of any bank having public funds deposited with them shall sign the bonds of treasurers and any other public officer that shall deposit public money in said banks.'"

Pending consideration, the House received the following

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, April 14, 1899.

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

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed the following bills, to wit: Senate bill No. 595, A bill to be entitled "An Act providing a more efficient system for working the public roads of Lamar county, regulating the fees of officials where convicts serve their time by labor on such public roads, and to repeal all laws in conflict herewith."

Senate bill No. 292, A bill to be entitled "An Act to appropriate $100,000 to pay the officers and men of the Texas Volunteer Guard prior to the inmustering into the service of the United States in the late war with Spain; to pay those who were rejected, to pay for the necessary supplies, subsistence, transportation prior to ther being mustered into service; to authorize the Governor to collect from the United States all monies expended under this act."

Senate bill No. 307, A bill to be entitled "An Act to diminish the criminal jurisdiction of the County Court of Titus county, and to conform the jurisdiction of the district court of said county to said change."

Senate bill No. 290, A bill to be entitled "An Act to amend Article 4968 (4584), Title CII, Chapter 4, of the Revised Statutes of 1895, relating to estrays."

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

Senate bill No. 221, A bill to be entitled "An Act to amend Article 3071, of Chapter 3, Title LVIII, of the Revised Civil Statutes of the State of Texas, relating to insurance."

J. P. Pool,
Secretary of the Senate.

Mr. Shropshire offered the following amendment to House bill No. 447:

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

After consideration by the House, Mr. Thomas of Wise moved the previous question on the pending amendment, and the main question was ordered.

Yeas and nays were demanded by Mr. Shropshire, Mr. Pitts and Mr. Phillips of Lampasas.

The amendment was lost by the following vote:

Yeas—32.

Allen of Hopkins. Dorroh.
Barbee.
Bean.
Beatty.
Calvin.
Chambers.
Childers.
Dean.

Nays—30.

Henderson, Brazos.
Henderson, Lamar.
Jones.
Lake.
Lan.
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Meitzen. Smith of Grayson.
Parish. Sutherland.
Pitts. Tarkington.
Powell. Teagl.
Ratcliff. Terrell.
Rogers. Thomas of Wise.
Shelburne. Vaughan.
Shropshire. Wells.

Nays—56.

Bailey. McClellan.
Barrett. McDowell.
Browne. McKellar.
Caldwell. Meeker.
Childs. Morrow.
Clements. Murray.
Coke. Neff.
Cole. Oliver.
Collins. Palmer.
Conoly. Peery.
Crawford. Pfeffer.
Decker. Robertson, Harrison.
Derden. Robertson of Bell.
Eckols. Rochelle.
Ellis. Russell.
Garner. Sansom.
Goodman. Scurry.
Greenwood. Shannon.
Grogan. Smith of Collin.
Hamilton. Staples.
Howard. Stewart.
Kennedy. Tate.
Kittrell. Tucker.
Lillard. Walton.
Looney. Willrodt.
Loyd. Wooten.
McAnally. Wooten.

Absent.

Adams. Marsh.
Ayers. Masterson.
Bennett. McFarland.
Blount. McMaky.
Bolin. Monroe.
Bridgers. Morris.
Culp. Murphy.
Dies. Nolan.
Evans. Savage.
Gill. Tarver.
Graham. Thomas of Fannin.
Little. Tompkins.

Absent—Excused.

Prost. Poole.
Garrett. Prince.
Gordon. Schlieter.
Grubbs. Stripling.
Hurley. Willacy.
Livsey. Wright.

Question then recurred on the amendment by Mr. Smith of Collin, and it was lost.

Mr. Jones offered the following amendment:

"Amend Section 2 by adding at the end of line 10 the following, ‘and that said certificate shall state the amount of money on hand, and shall be under oath.’"

Mr. Dies offered the following substitute for the amendment:

"Amend by striking the words ‘a certificate’ out of lines 7 and 8, of page 2, and insert in lieu thereof ‘an affidavit.’"

Lost.

The amendment by Mr. Jones was adopted.

Mr. Scurry offered the following amendment:

"Amend by striking out the word ‘of’ where it occurs the second time in line 8, page 2, and inserting in lieu thereof the word ‘in.’"

Lost.

On engrossment of the bill, yeas and nays were demanded by Mr. Shelburne, Mr. Powell and Mr. Allen of Hopkins.

The bill was ordered engrossed by the following vote:

Yeas—63.

Bailey. Maxwell.
Bean. McClellan.
Beaty. McDowell.
Browne. McKamy.
Calwell. McKellar.
Childs. Meitzen.
Collins. Mercer.
Conoly. Morrow.
Crawford. Murray.
Dean. Parish.
Decker. Peery.
Eckols. Robertson, Harrison.
Ellis. Rochelle.
Garner. Russell.
Goodman. Sansom.
Grogan. Scurry.
Hamilton. Shannon.
Henderson, Brazos. Tarkington.
Henderson, Lamar. Tate.
Howard. Teagle.
Jones. Terrell.
Kittrell. Tucker.
Lake. Vaughan.
Lane. Walton.
Lillard. Willrodt.
Little. Wooten.
Looney. Wooten.
Loyd. Wooten.

Nays—23.

Allen of Hopkins. Dies.
Calvin. Kennedy.
Chambers. Neff.
Mr. McKellar offered the following amendment:

"Amend the bill, after the word 'and,' page 1, line 25, as follows, to wit: 'Provided, that nothing in this act shall apply to pending litigation.'"

Lost.

The bill was ordered engrossed.

Mr. Kittrell moved to reconsider the vote by which House bill No. 334 was ordered engrossed, and to table the motion to reconsider.

The motion to table prevailed.

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

Substitute House bill Nos. 30, etc., the public weighers’ bill.

The bill was laid before the House.

Whereupon, Mr. Palmer moved to adjourn until 9 a. m. tomorrow.

SENATE BILLS ON FIRST READING.

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

Senate bill No. 83 to Judiciary Committee No. 1.

Senate bill No. 221 to the Committee on Insurance, Statistics and History.

Senate bill No. 252 to the Committee on Claims and Accounts.

Senate bill No. 294 to the Committee on Roads, Bridges and Ferries.

Senate bill No. 290 to the Committee on Agricultural Affairs.

Senate bill No. 307 to the Committee on Judicial Districts.

By unanimous consent, the Speaker laid before the House, on its third reading and final passage.

Substitute Senate bill No. 133, A bill to be entitled “An Act to prescribe the time for holding the terms of the district court of the Thirty-sixth Judicial District of the State of Texas, and to repeal all laws and parts of laws in conflict with this act.”

Read third time, and passed.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 14, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 149, A bill to be entitled “An Act to amend Article 244, of Chapter 2, Title IV, of the Code of Criminal Procedure of the State of Texas,”

Have had the same under consideration, and I am instructed to report id
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Committee Room,
Austin, Texas, April 14, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred House bill No. 459, a bill to be entitled "An Act to amend Articles 308 and 309, Chapter 4, Title V, Code of Criminal Procedure, Revised Statutes, 1895."

Have carefully examined said bill and find the same correctly enrolled, and I have this day, at 11:20 o'clock a. m., presented the same to the Governor.

COLLINS, Chairman.

Committee Room,
Austin, Texas, April 14, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred 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 provide for and limit the expenditure 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."

Have carefully examined said bill, and find the same correctly enrolled, and I have this day, at 11:20 o'clock a. m., presented the same to the Governor.

COLLINS, Chairman.

NOTICE.

Mr. Terrell gave notice that on tomorrow he would call up for consideration House Concurrent Resolution No. 20, relating to the establishment of a university for the colored race.

Mr. Palmer moved to adjourn until 9 a. m. tomorrow, Mr. Conoly until 9:30 a. m. next Monday, Mr. Smith of Grayson until 9:30 a. m. tomorrow, and Mr. Decker moved to take a recess until 8 p.m. today.

Question recurring on the longest time first, the motions were lost.

On motion of Mr. Palmer, the House, at 6:13 p.m., adjourned until 9 o'clock a.m. tomorrow.

EIGHTY-SECOND DAY.

Hall of the House of Representatives,
Austin, Texas,
Saturday, April 15, 1899.

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

Speaker Sherrill in the chair.

The roll was called, and there was not a quorum present, whereupon:

On motion of Mr. Collins, the House adjourned until 9:30 a.m. today.

The House was called to order by the Speaker, pursuant to adjournment.

(Mr. Bailey in the chair.)

Mr. Powell moved a call of the House for the purpose of obtaining a quorum.

The Chair directed the Clerk to call the