Mr. Tarver moved to adjourn until 9:30 a. m. tomorrow, Mr. Little until a. m. tomorrow, and Mr. Rochelle moved to take a recess until 8:30 p. m. today.

Question recurring on the longest time first, yeas and nays were demanded by Mr. Rochelle, Mr. Goodman and Mr. Decker.

The motion prevailed by the following vote:

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Accordingly, the House, at 6:37 p. m., adjourned until 9:30 o'clock a. m. tomorrow.

EIGHTY-FOURTH DAY.

Hall of the House of Representatives, Austin, Texas, Tuesday, April 18, 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—108.

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Phillips, Lampasas, Smith of Collin.  
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Poole.  
Powel.  
Prince.  
Rochelle.  
Ratcliff.  
Robertson, Harrison, Terrell.  
Robertson of Bell.  
Russell.  
Sansom.  
Savoy.  
Shannon.  
Shelburne.  
Shropshire.  
Smith of Grayson.  

P.-tian appropriation bill, with amendment by Mr. Ayers pending.

[Mr. Smith of Grayson in the chair.]

On motion of Mr. Savage the amendment was referred to the Committee on Finance.

Mr. Lane called up the following resolution offered by him yesterday:

Whereas, It is to be supposed that each member of this House understands how he desires to vote on each item in the appropriation bill as it is read, and whereas, Much time is consumed by a few members speaking to each amendment offered to said bill, therefore be it

Resolved. That no member be allowed to speak longer than two minutes on any amendment offered thereto. This resolution does not relate to the main question of adoption or rejection of the item under consideration.

The resolution was laid before the House, read second time, and, on motion of Mr. Savage, was referred to the Committee on Rules.

Returning to consideration of Substitute House bill No. 111, Mr. Kittrell offered the following amendment:

"Insert between lines 18 and 19: 'For stenographer, $900 for each year.'"

Lost.

Mr. Calvin offered the following amendment:

"Amend page 5, line 20, by striking out '$1400' and insert '$1300.'"

Lost.

Mr. Phillips of Lampasas offered the following amendment:

"Amend by striking out '$1350' in line 21, page 5, and insert '$1500' in lieu thereof."

Lost.

Mr. Calhoun offered the following amendment:

"Amend by striking out '$1300' in line 22, page 5, and insert '$1350.'"

Lost.

Mr. Childers offered the following amendment:

"Amend in line 23, page 5, strike out the words 'salary of legal examiner,' also the '$1500' in said line.

Yeas and nays were demanded by Mr. Childers, Mr. Phillips of Lampasas and Mr. Barbee.

Lost by the following vote:

Yeaes-9.

Barbee.  
Beatty.  
Childers.  
Childs.  
Pitts.  
Grogan.  

Naues-77.

Adams.  
Allen of Hopkins.  
Bolin.  

Absence—Excused.

Allen of Colorado.  
Blount.  
Garner.  
Graham.  

A quorum was announced present.


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

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Clements for today, on motion of Mr. McKellar.

Mr. Weless for today, on motion of Mr. Nolan.

Mr. Metzten for today, on motion of Mr. Lane.

Mr. Tompkins for yesterday and today, on motion of Mr. Derden.

Mr. Willrodt for today, on motion of Mr. Derden.

Mr. Ellis until next Monday, on motion of Mr. Kennedy.

Mr. Rogers until next Thursday, on motion of Mr. Lane.

On account of sickness:

Mr. Lake indefinitely, on motion of Mr. Henderson of Brazos.

Mr. Bennett indefinitely, on motion of Mr. Doornick.

SPEAKER'S TABLE.

The Speaker laid before the House, on its passage to engrossment.

Substitute House bill No. 111, the general appropriation bill, with amendment by Mr. Ayers pending.
April 18, 1899 HOUSE JOURNAL. 1057

Mr. Calvin offered the following amendment:

"Amend page 5, line 24, by striking out $1140 and insert $1240."

Mr. Terrell offered the following substitute for the amendment:

"Amend by striking out $1140' in line 24, page 5, and insert $1100.'"

The substitute was lost, and the amendment was lost.

Mr. Henderson of Lamar offered the following amendment:

"Amend in line 27, page 5, by adding after 'clerks,' $1100 each.'"

Adopted.

Mr. Caldwell offered the following amendments:

1. "Amend by striking out $2200' and inserting $2280, in line 28, page 5."

Lost.

2. "Amend line 29, page 5, by striking out $1100' and inserting $1140.'"

Lost.

Mr. Henderson of Lamar offered the following amendment:

"Amend in line 30, page 5: '1080 each,' after the word 'clerk.'"

Adopted.

Mr. Caldwell offered the following amendments:

1. "Amend by striking out $2200' and inserting $2280, in line 28, page 5."

Lost.

2. "Amend line 29, page 5, by striking out $1100' and inserting $1140.'"

Lost.

Mr. Henderson of Lamar offered the following amendment:

"Amend in line 30, page 5: '1080 each,' after the word 'clerk.'"

Adopted.

Mr. Terrell offered the following amendment:

"In line 30, page 5, amend by striking out $2100' wherever it occurs, and insert in lieu thereof $2200.'"

Lost.

Mr. Childers offered the following amendment:

"Amend in line 31, page 5, strike out $1500' and insert $1300.'"

Lost.

Mr. Henderson of Lamar offered the following amendment:

"Amend line 32, page 5, by adding $1200 each, after the word 'draughtsmen.'"

Adopted.

Mr. Wright offered the following amendment:

"Amend page 5, line 32, by striking out the word 'six' and inserting the word 'five, in lieu thereof and by striking out $7200' wherever it occurs and inserting in lieu thereof $6500.'"

Mr. Pfeuffer offered the following substitute for the amendment:

"Amend the bill, page 5, line 32, by striking out the word 'six' and inserting in lieu thereof the word 'five,' and by striking out the figures $7200 and placing in lieu thereof $6000 for each year,'"

The substitute was accepted.

Question then recurred on the amendment as substituted.

After consideration by the House, Mr. Wells moved the previous question on the amendment, and the main question was ordered.

Yea and nay's were demanded by Mr. Shelburne, Mr. Goodman and Mr. Wells.

Lost by the following vote:
Mr. Henderson of Lamar offered the following amendment:

"In line 3, page 6, insert "$1100 each," after the word "draughtsmen."

Adopted.

Mr. Childers offered the following amendments:

(1) "Amend in line 6, page 6, strike out "$600" and insert "$720."

Lost.

(2) "Amend in line 7, page 6, strike out "$500" and insert "$600."

After consideration by the House, Mr. Ratcliff moved the previous question on the amendment (2) by Mr. Childers, and the main question was ordered.

Yeas and nays were demanded by Mr. Peery, Mr. Shropshire and Mr. Loyd.

Lost by the following vote:

Yeas-13.

Calvin. Calvin. Calvin.
Dean. Dean. Dean.
Eckols. Eckols. Eckols.
Lane. Lane. Lane.
Livsey. Livsey. Livsey.

McAnally. McAnally. McAnally.
Neff. Neff. Neff.
Pitts. Pitts. Pitts.
Robertson, Harrison. Robertson, Harrison. Robertson, Harrison.
Tarver. Tarver. Tarver.
Teagle. Teagle. Teagle.
Wright. Wright. Wright.

Nays-77.

Caldwell. Caldwell. Caldwell.
Little. Little. Little.
McClellan. McClellan. McClellan.

Nolan. Nolan.
Peery. Peery.
Poole. Poole.
Robertson of Bell. Robertson of Bell. Robertson of Bell.
Savage. Savage. Savage.
Staples. Staples. Staples.
Thomas of Fannin. Thomas of Fannin. Thomas of Fannin.
Tarkington. Tarkington. Tarkington.

Absent—Excused.

Bennett. Bennett. Bennett.
Ellis. Ellis. Ellis.
Gill. Gill. Gill.
Lake. Lake. Lake.
Rogers. Rogers. Rogers.
Slater. Slater. Slater.

Mr. Henderson of Lamar offered the following amendment:

"In line 3, page 6, insert "$1100 each," after the word "draughtsmen."

Adopted.

Mr. Childers offered the following amendments:

(1) "Amend in line 6, page 6, strike out "$600" and insert "$720."

Lost.

(2) "Amend in line 7, page 6, strike out "$500" and insert "$600."

After consideration by the House, Mr. Ratcliff moved the previous question on the amendment (2) by Mr. Childers, and the main question was ordered.

Yeas and nays were demanded by Mr. Peery, Mr. Shropshire and Mr. Loyd.

Lost by the following vote:

Yeas-13.

“I vote ‘aye’ on the amendment by the gentleman from Cooke, for two reasons: “First.—The gentleman from Cooke is the economist of the House, and I am led to believe by this that the amendment increasing the porter’s salary is in some way (it is true I do not see just how) in the interest of economy. “Second.—It has developed in the discussion of the amendment that the porter is a white man, and has to carry wood upstairs, and I am in favor of ‘alleviating the white man’s burden.’”

"DECKER."

Mr. Childers offered the following amendment:

"Amend in line 9, page 6, strike out ‘$1700’ and insert ‘$1200.’"

Lost.

Mr. Savage offered the following amendment:

"Amend by adding after the word ‘expenses’ in line 9, page 6, the following: ‘Provided, that not more than $200 be used for contingent expenses.’"

Adopted.

Mr. Phillips of Lampasas moved to take a recess until 3 p. m. today. (Speaker in the chair.)

PETITIONS AND MEMORIALS.

By Mr. Smith of Grayson and Mr. Wells:

Petition of 400 members of Live Oak Camp Woodmen of the World of Denison, Texas, protesting against the passage of any law placing a tax on fraternal insurance orders, especially the bill entitled “An Act to amend Article 3096, of the Revised Statutes of Texas.”

Read, and referred to Committee on Insurance, Statistics and History.

BILLS AND RESOLUTIONS.

(By unanimous consent.)

By Mr. Murray:

House bill No. 807, A bill to be entitled “An Act to amend Article 200, Chapter 2, Title VII, of the Penal Code of 1895, relating to selling goods on Sunday, and defining the exceptions from the operations of said law.”

The bill changes Article 200, Chapter 2, Title VII, of the Penal Code of 1895, to read as follows: “Article 200. The preceding article shall not apply to markets or dealers in provisions as to the sale of provisions made by them before 9 o’clock a. m., nor to the sale of burial or shrouding material, newspapers, ice, ice cream, milk, drugs or medicine; nor to the sending of telegraph or telephone messages; nor to hotels, boarding houses, restaurants, livery stables or bath houses.”

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

By Mr. Phillips of Lampasas:

House bill No. 808, A bill to be entitled “An Act to amend Section 1 of an Act granting permission to B. F. Gohlson and J. W. Benson, or their assigns, to bring suit against the State of Texas in the District Court of Lampasas county to ascertain the amount, if any, due them for services rendered the State of Texas as rangers or soldiers, passed on the 13th day of March, 1899, and became a law on the 24th day of March, 1899.”

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

By Mr. Frost:

House bill No. 809, A bill to be entitled “An Act to amend Section 1, of Chapter 5, of laws passed at the First Special Session of the Twenty-fifth Legislature, relating to the fees of sheriffs and other officers to be paid by the State in felony cases, and to make the basis vote 5000.”

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

By Mr. Savage (by request):

House bill No. 810, A bill to be entitled “An Act to amend Article 3325, Title CIX, of the Revised Civil Statutes of the State of Texas, changing the number of pounds of unshucked corn in the ear from seventy-two pounds to seventy-four pounds, and declaring an emergency.”

Read first time, and referred to the Committee on Agricultural Affairs.
By Mr. Pfeuffer:
House bill No. 811, A bill to be entitled "An Act to require all dealers in wheat, oats, barley, rye, corn and all grain products in original packages or all manufacturers of flour or meal from the above enumerated grain products, and all other grain products, when offering the same for sale, and the net weight on each package, and providing a penalty for the violation of the provisions of this act."
(Provides that any person violating any of the provisions of this act shall, on conviction, be fined in any sum not less than $25.00 nor more than $1000.)
Read first time, and referred to Judiciary Committee No. 2.

By Mr. Grubbs:
House bill No. 812, A bill to be entitled "An Act to amend Article 5049, of the Revised Civil Statutes, relating to occupation taxes, having for its object the suppression of trusts."
(Provides that a retail merchant who sells merchandise, produce or other commodity produced or controlled by a trust as defined by Title CVIII, Revised Civil Statutes of Texas, shall pay an annual tax of $100, and every merchant who sells exclusively in job lots or at wholesale merchandise, produce or other commodity manufactured, produced or controlled by a trust as defined by above title of the Revised Civil Statutes, shall pay an annual tax of $500.)
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Grubbs:
House bill No. 813, A bill to be entitled "An Act to amend Article 5049, of the Revised Civil Statutes of Texas, relating to occupation taxes, having for its object the suppression of trusts."
(Provides that a traveling or commercial agent selling produce or commodities in job lots or at wholesale, when such commodities or merchandise are manufactured, produced or controlled by a trust, as defined by Title CVIII, Revised Civil Statutes of Texas, shall pay an annual tax of $1000.)
Read first time, and referred to Judiciary Committee No. 1.

By Mr. Powell:
House Concurrent Resolution No. 47:
Be it resolved by the House of Representatives of the Twenty-sixth Legislature of the State of Texas, the Senate concurring, that the Twenty-sixth Legislature of the State of Texas do adjourn sine die on the 25th day of April, 1899.
[Signed—Powell, Shannon, Tarkington, Walton, Dorroh, Lake, Hamilton, Prince, Adams, Bridgers, Bean, Calvin, Livsey, Loyd, Oliver, Peery, Raindell, Robertson of Harrison, Rochelle.]
Read, and went to the Speaker's table.

Mr. Wooten moved to reconsider the vote by which the enacting clause was stricken out of House bill No. 380 yesterday, and asked to have the motion to reconsider spread upon the Journal.

By Mr. Terrell:
House Concurrent Resolution No. 48:
Resolved by the House of Representatives, the Senate concurring, that the Twenty-sixth Legislature do stand adjourned sine die at 12 o'clock, noon, Tuesday, May 2, 1899.
Read, and went to the Speaker's table.

By Mr. Childs:
Resolved by the House of Representatives of the State of Texas, that Mrs. Lathrop Knott be and is hereby granted permission to use the Hall of the House on Wednesday evening, April 19th, at 8 o'clock, for the purpose of delivering her celebrated lecture on "Metaphysics," and the members of the Texas Legislature, officers of the State government and citizens of Texas are invited to attend.
[Signed—Childs, Grogan, Staples, Tate, Kittrell, Wooten, Bailey.]
Read, and went to Speaker's table.

By Mr. McAnally:
Whereas, This session has already been extended far beyond the constitutional limit in spite of our promises for a short session, and in defiance of the wishes of the people of the State; therefore, be it Resolved, That the House hold night sessions beginning Wednesday night, April 19, 1899, on the appropriation bill, and continue the same, except as to Sat-
urday nights, until said bill is disposed of.
Read, and went to Speaker's table.
By Mr. Grubbs:
Whereas, This Legislature is rather slow about adjourning, and
Whereas, Quite a number of the Representatives have, with the assistance of
a few thieves whose names are unknown to the mover of this resolution, exhaust-
ed their supply of postage while keeping our constituents informed as to our mis-
takes, etc., while trying to serve the people to the best of our ability; therefore,
Resolved, That each member be allowed an additional five dollars worth of
postage or so much thereof as may be necessary for the purposes above stated.
Read, and went to the Speaker's table.
COMMITTEE REPORT.
Committee Room,
Austin, Texas, April 18, 1899.
Hon. Jas. N. Browning, President of the
Senate:
Sir: Your Committee on Public Lands and Land Office, to whom was re-
ferrer Senate bill No. 178, A bill to be entitled "An Act to amend Article 1153a, of the
Revised Civil Statutes of the State of Texas of 1895, relating to the relief of
actual occupants on homestead dona-
tions," Have had the same under consideration, and I am instructed to report it
back to the House with the recommenda-
tion that it do pass.
MONROE, Acting Chairman.
BILLS SIGNED BY THE SPEAKER.
The Speaker signed, in the presence of the House, after giving due notice there-
of, and their captions had been read sev-
erally, the following bills:
Senate bill No. 248, "An Act to reor-
ganize the Forty-first Judicial District of Texas; to prescribe the time of hold-
ing 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 Ju-
dicial 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 re-
spective courts to the other of said
courts, and to repeal all laws and parts
of laws in conflict herewith."
Substitute Senate bill No. 133, "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."
Senate bill No. 172, "An Act to create
the office of State Purchasing Agent for
the various eleemosynary institutions of
the State of Texas; to define his duties,
term of office, mode of qualification and
compensation; to abolish the office or po-
sition of steward, quartermaster or other
similar position in said institutions; to
require all supplies to be purchased by
said agent under competitive bids or con-
tracts; to provide for the appointment of
storekeepers or accountants in said in-
stitutions, and define the duties thereof:
to make an appropriation for the salary
of said Purchasing Agent; to provide for
the appointment of two clerks for said
Purchasing Agent, and to make appro-
piation for their salaries."
Mr. Phillips of Lampasas moved to
take a recess until 3 p. m. today, and Mr.
Peery until 2:30 p. m. today.
Question recurring on the longest time
first, the motion prevailed, and 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.
GRANTED LEAVE OF ABSENCE.
Mr. Goodlett for this afternoon, on mo-
tion of Mr. Wells.
SPEAKER'S TABLE.
Pending question—
Resolution by Mr. Shelburne, provid-
ing for a committee to investigate State
institutions during vacation, with amend-
ment by Mr. Shelburne pending.
Mr. Kennedy offered the following amend-
ment to the amendment:
"Amend by striking out 'five' and in-
sert 'three.'"
Mr. Lane offered the following substi-
tute for the pending amendments:
"Amend by striking out Section 2, the
same being the first section after the pre-
amble, and insert in lieu thereof the fol-
lowing: 'Resolved, By the House of
Representatives of the Twenty-sixth Leg-
islature now convened, that five members
thereof as a committee to visit and inves-
tigate all State institutions in this State,
said election to be held in the following
manner: All the members shall prepare
and cast their ballots as provided for the election of officers of the House, without nominations, and the five members receiving the highest number of votes shall be declared elected, which said committee shall convene during the vacation of said Legislature at such time and place as may be designated by the chairman of said committee, said chairman to be elected by the members thereof; and said committee is hereby empowered to employ a stenographic clerk for their use. Said committee shall not hold its term of office beyond the convening of the Twenty-seventh Legislature.

The substitute was adopted.

Amendments as substituted adopted.

Mr. Savage offered the following amendment:

"Provided, that said committee shall, when they visit any and all institutions, require a sworn statement of superintendent, setting forth an itemized account of the condition of the institution he has charge of; provided further, that if it becomes necessary to take testimony of inmates, students, convicts or employees of said institutions, such testimony shall be taken in the absence of superintendents, presidents, guards or other officers, and that said committee shall, as soon as practicable, make an itemized report, showing the result of their investigation."

(Mr. Bailey in the chair.)

Mr. Tarver offered the following amendment:

"Amend by adding to end of Section 2, 'and it is further provided that this committee shall also report to the next session of the Legislature whether these alleged corruptions and misappropriations grew up and were fostered under democratic administration of the State government.'"

After consideration by the House, Mr. Phillips of Lampasas moved the previous question, and the motion was not seconded.

(Speaker in the chair.)

Mr. Dorroh raised the point of order that the House has no authority to make the appointment of this committee, for the reason that Section 18, Article 3, of the Constitution reads, in part, as follows: "No member of either House shall, during the term for which he is elected, be eligible to any office or place, the appointment of which may be made, in whole or in part, by either branch of the Legislature."

The Speaker held the point of order not well taken, and stated that precedent and long established custom would sustain the House in adopting such resolution if it chose to do so.

After further consideration by the House, Mr. Feery moved the previous question, and the main question was ordered.

Question first recurring on the amendment by Mr. Tarver, the Speaker held the same out of order.

The amendment by Mr. Savage was adopted.

Question then recurring on the resolution as amended, yeas and nays were demanded by Mr. Decker, Mr. Robertson of Harrison and Mr. Goodman.

The resolution was adopted by the following vote:

Yeas-48.

Bailey.  McDowell.
Bean.  McKamy.
Caldwell.  Murphy.
Calvin.  Murray.
Chambers.  Neff.
Childers.  Parish.
Cross.  Russell.
Dorroh.  Savage.
Evans.  Shannon.
Gordon.  Shilburne.
Grubbs.  Shropshire.
Henderson, Brazos.  Smith of Grayson.
Henderson, Lamar.  Staples.
Howard.  Stewart.
Jones.  Terrell.
Kittrell.  Thomas of Fannin.
Marsh.  Tucker.
Masterson.  Walton.
Masterson.  Wilacy.

Nays-45.

Allen of Hopkins.  McKellar.
Ayers.  Metzten.
Barbee.  Morrow.
Beaty.  Nolan.
Bridgers.  Oliver.
Childs.  Peery.
Collins.  Pitts.
Crawford.  Poole.
Decker.  Powell.
Derden.  Ratcliff.
Eckols.  Robertson, Harrison.
Goodman.  Robertson of Bell.
Greenwood.  Rochelle.
Hamilton.  Sansom.
Kennedy.  Scarry.
Lane.  Smith of Collin.
Lillard.  Tarkington.
Little.  Tate.
Lively.  Teagle.
Loyd.  Thomas of Wise.
McAnally.  Tompkins.
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<th>Vaughan.</th>
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- Absent—Excused.
- Bennett. Lake.
- Blount. Morris.
- Conoly. Rogers.
- Ellis. Schuter.
- Garner. Sutherland.
- Gill. Whelers.
- Goodlett. Willrodt.
- Graham.

"We vote 'no' on the Shelburne resolution for the appointment or election of six members of the House to inquire into and investigate the mismanagement of the different State institutions. The resolution provides for six members at five dollars per day, when one man at five dollars per day would answer the same purpose. In the first place it looks to us like a nice, neat paying, summer job for a select few. Further, there is no provision in the resolution for the appointment of another committee to see that they do their duty. New commissions or offices are being continually created, carrying large and small appropriations, which will result in the tax rate being raised to meet expenses at a time when the people are not able to stand the raise."

"As a rule the members who are so willing to create new offices, carrying good pay, are not willing and have never offered in any way to assist in passing or preparing a bill to secure the rendition of money, notes and bonds for the purpose of raising revenue for the State. Our opinion is that, if the Governor has good reason to believe that there is stealing or fraud being practiced at any institution, he should secretly appoint a detective to shadow the supposed evil doer and bring him before the courts; it will be much cheaper and more effective."

"I vote 'no' on this resolution, because '1st. I believe it to be contrary to Article 3, Section 18, of the Constitution, which provides in these words 'No member of either house shall, during the term for which he is elected, be eligible to any office or place, the appointment of which may be made, in whole or in part, by either branch of the Legislature.' '2nd. The Legislature has no authority, except by bill or joint resolution, to create a committee vested with powers sought to be given the committee proposed by this resolution. '3rd. I am opposed to creating such committees to act after adjournment of the Legislature. '4th. I oppose this resolution for other and numerous reasons not given here."

"I vote 'no' on the adoption of this resolution because '1st. I think it is in violation of Article 3, Section 18, of the Constitution. '2nd. The powers and duties of the State Revenue Agent have, by law passed by this Legislature, been extended so that he may be required by the Governor to perform these same duties, and, therefore, the appointment of this committee in not only unconstitutional, but useless."

"We vote 'no', because we believe such a committee and the payment thereof is clearly in violation of Section 18, Article 3, of our State Constitution."
among its own membership. If the creation of this committee were followed to its logical conclusion, this House would have the power to create places of emolument for every member thereof during his term of office, whether in or out of session. I believe Section 18, Article 3, of the Constitution was intended to expressly inhibit the creation of such places or positions as this resolution creates.

"BRIDGERS."

"I vote 'no' against the Shelburne investigating traveling committee resolution for two reasons:

1st. I do not think there is any authority in the Constitution for one house of the Legislature to create such a committee as is provided for and give it the power delegated in the resolution. Such committees, at best, can only be created by a concurrent resolution of both houses, approved and signed by the Governor, as the Constitution provides. Such a committee would be absolutely without power to enforce any action it saw proper to take, if opposition was met with in its investigations.

2nd. I doubt the wisdom and good policy of thus sending a committee round about over the State, in vacation of the Legislature. It looks like voting extra compensation to favored members, which is, at least, against the spirit of the Constitution, if not its direct language. If the proposed investigation is really necessary (and I do not say it is not) let a suitable and competent committee of outside persons, with undoubted power to act, be created by a concurrent resolution of both houses. Such a resolution I would vote for.

"LILLARD."

Mr. Bailey moved to reconsider the vote by which the resolution was adopted, and asked to have the motion to reconsider spread upon the Journal.

Mr. Shropshire moved to suspend the regular order of business to take up, and place on its second reading, Substitute House bill No. 497, relating to fraternal beneficiary associations.

The motion to suspend was lost.

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

House Concurrent Resolution No. 49:

Whereas, House bill No. 179, being a bill to change the time of holding court of the Twenty-third Judicial District of Texas, which was finally passed by the House, there was offered and passed by the Senate a substitute bill which is contrary to the wishes of the people of the said Twenty-third Judicial District; and

Whereas, During the absence of its author, said substitute was reported to the House, and on motion of Mr. Wooten, who does not reside in said Twenty-third Judicial District, nor in anywise affected by said bill, called said bill up and had adopted said substitute; and

Whereas, Said bill as substituted and finally passed, creates a great hardship upon the people of said Twenty-third Judicial District; therefore be it

Resolved by the House of Representatives, the Senate concurring, that the Governor is hereby respectfully requested to return said bill to the House for further action thereon.

The resolution was read second time, and adopted.

Mr. Wright called up
House bill No. 745, relating to the Fifty-first and Thirty-third Judicial Districts, with Senate amendments.

The bill was laid before the House, and the amendments were read.

On motion of Mr. Wright the House concurred in the Senate amendments.

On motion of Mr. Kittrell the regular order of business was suspended to take up, and place on its second reading:

House bill No. 624, A bill to be entitled "An Act to amend Chapter 54, of the Acts of the Twenty-fifth Legislature, the same being an act entitled 'An Act to amend Article 2601, Chapter 6, Title Ll., of the Revised Civil Statutes of Texas, relating to bonds of guardians and sureties thereon,' so as to authorize the giving of such bonds by companies organized in other States, and authorized to do business in this State, and to validate bonds of guardians heretofore given in this State by companies organized under the laws of other States."

The bill was laid before the House, was read second time and Mr. Shropshire offered the following amendment:

"Amend by adding after the word 'and' in line 18, page 2, the following: 'Imperative.'"

Adopted.

The bill was ordered engrossed.

Mr. Kittrell moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 624 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—84.

Mr. Powell offered the following amendment:  
"Amend by striking out all of lines 27, 28, 29 and 30, on page 1."

Lost.

Mr. Wright offered the following amendment:
"Amend by adding in line 30, after the word 'sufficient,' the following, 'provided, that in all cases where such bond is made by any corporation authorized to issue and execute guaranty or indemnity bonds the premium on such bond shall be paid by the guardian, and shall not be paid out of the estate of his ward.'"

Adopted.

The bill was passed by the following vote:

Yeas—80.  
Adams.  
Ayers.  
Barbee.  
Bridgers.  
Cocke.  
Culp.  
Died.  
Garrett.  
Goodman.  
Greenwood.  
Grogan.  
Alen of Colorado.  
Allen of Hopkins.  
Bennett.  
Blount.  
Clements.  
Conoly.  
Ellis.  
Garner.  
Gill.  
Goodlett.  
Graham.  

Nays—9.  
Allen of Hopkins.  
Beaty.  
Crawford.  
Eckols.  
Little.

Mr. Powell offered the following amendment:
"Amend by striking out all of lines 27, 28, 29 and 30, on page 1."

Lost.

Mr. Wright offered the following amendment:
"Amend by adding in line 30, after the word 'sufficient,' the following, 'provided, that in all cases where such bond is made by any corporation authorized to issue and execute guaranty or indemnity bonds the premium on such bond shall be paid by the guardian, and shall not be paid out of the estate of his ward.'"

Adopted.

The bill was passed by the following vote:

Yeas—80.  
Adams.  
Ayers.  
Barbee.  
Bridgers.  
Cocke.  
Culp.  
Died.  
Garrett.  
Goodman.  
Greenwood.  
Grubbs.  
Hamilton.  
Henderson, Brazos.  
Henderson, Lamar.  
Howard.  
Jones.  
Kittrell.  
Lane.  
Lillard.  
Little.  
Livesey.  
Marsh.  
McAnally.  
McClaran.  
McDowell.  
McFarland.  
McKeller.  
Meitzen.  
Mercer.  
Monroe.  
Murphy.  
Murray.  
Neff.  
Nolan.  
Oliver.  
Palmer.  
Parish.  
Peery.  
Pfeuffer.  
Phillips, Lampasas.  
Pitts.  
Pfeuffer.  
Phillips, Lampasas.  
Pitts.  
Powell.  
Poole.  
Robertson, Harrison.  
Robertson of Bell.  
Rochelle.  
Russell.  
Sansom.  
Savage.  
Scurry.  
Shannon.  
Shelburne.  
Shropshire.  
Smith of Grayson.  
Staples.  
Stewart.  
Tarkington.  
Tate.  
Teagle.  
Terrell.  
Thomas of Wise.  
Thomas of Fannin.  
Tompkins.  
Tucker.  
Walton.  
Wells.  
Willacy.  
Wooten.  
Wright.  

Nays—9.  
Allen of Hopkins.  
Beaty.  
Crawford.  
Eckols.  
Little.
Hall of the House of Representatives, Austin, Texas.

Wednesday, April 19, 1899.

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

Speaker Sherrill in the chair.

Roll called, and the following members present:

Present—115.

Mr. Kittrell moved to reconsider the vote by which House bill No. 624 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Shropshire, the regular order of business was suspended to take up and place on its second reading, Substitute House bill No. 497, relating to fraternal beneficiary associations. The bill was laid before the House, whereupon Mr. Powell moved to adjourn until 9 a.m. tomorrow, and Mr. Greenwood until 9:30 a.m. tomorrow.

Mr. Masterson, by unanimous consent, moved to reconsider the vote by which the House concurred in Senate amendments to House bill No. 116, and asked to have the motion to reconsider spread upon the Journal.

BILL RECOMMENDED.

House bill No. 604 (reported adversely) to the Committee on State Affairs, on motion of Mr. Shelburne.

BILL ORDERED PRINTED.

House bill No. 765 (with majority adverse and minority favorable reports), on motion of Mr. Frost.

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

House Concurrent Resolution No. 50.

Whereas, House bill No. 444, providing a more efficient road system for Liberty county, and now in the hands of the Governor, contains an objectionable feature relating to the issuance of bonds of said county; therefore, be it

Resolved by the House of Representatives, the Senate concurring, that the Governor be and he is hereby requested to return House bill No. 444, for the purpose of making the necessary corrections therein.

The resolution was read second time, and adopted.

On motion of Mr. Greenwood, the House at 6:06 p.m., adjourned until 9:30 o'clock a.m. tomorrow.

EIGHTY-FIFTH DAY.

Mr. Kittrell moved to reconsider the vote by which House bill No. 624 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Shropshire, the regular order of business was suspended to take up and place on its second reading, Substitute House bill No. 497, relating to fraternal beneficiary associations. The bill was laid before the House, whereupon Mr. Powell moved to adjourn until 9 a.m. tomorrow, and Mr. Greenwood until 9:30 a.m. tomorrow.

Mr. Masterson, by unanimous consent, moved to reconsider the vote by which the House concurred in Senate amendments to House bill No. 116, and asked to have the motion to reconsider spread upon the Journal.

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