leased or owned as aforesaid to such lands on which sheep, hogs or goats have been prohibited from running at large and subject the same to the operations of said law."

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.

WILLACY, Chairman.

Committee Room,
Austin, Texas, April 25, 1899.

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

SIR: Your Committee on Engrossed Bills, to whom was referred House bill No. 719, A bill to be entitled "An Act to amend Articles 2941, 2945, 2946, 2948 and 2949, Title LIV, of the Revised Civil Statutes of the State of Texas, and to repeal Articles 2942, 2943, 2944, 2947 and 2950, Title LIV, of the Revised Statutes of the State of Texas, so as to place the House of Correction and Reformatory under the management and control of the Governor and Board of Penitentiary Commissioners of the State of Texas; to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency,"

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

McANALLY, Acting Chairman.

Committee Room,
Austin, Texas, April 26, 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. 238, A bill to be entitled "An Act to amend Chapter 4, Title XVIII, of the Revised Civil Statutes of the State of Texas of 1895, by adding after Article 418, Article 418a, empowering cities and towns incorporated under the general law and by special charter to condemn private property for use in laying water pipes and mains, establishment of public wells, pumps and pumping stations, and reservoirs; providing a method for such condemnation, and declaring an emergency,"

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 the same be not printed for the reason that House bill No. 722, which is identical, has been printed and laid upon the desks of members of this House some days since.

McKAMY, Chairman.

At 5:55 p. m., on motion of Mr. Dies, the House took recess until 8:30 o'clock p. m. today.

EVENING SESSION.

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

Pending question—Substitute House bill No. 111, the general appropriation bill, on its passage to engrossment, the items pertaining to the University of Texas, on pages 10 and 11, being that part of the bill under consideration, with amendment by Mr. Dies and substitute by Mr. McAnally for the amendment pending.

The Speaker laid the same before the House.

(Mr. Smith of Grayson in the chair.)

At 10:45 p. m., pending consideration of the amendments, on motion of Mr. Henderson of Lamar, the House adjourned until 9:30 o'clock a. m. tomorrow.

NINETIETH DAY.

Hall of the House of Representatives,
Austin, Texas,
Thursday, April 27, 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—118.

Adams. Derden.
Allen of Colorado. Dies.
Allen of Hopkins. Dorroh.
Ayers. Eckols.
Bailey. Ellis.
Barbee. Evans.
Barrett. Frost.
Bean. Garner.
Beaty. Garrett.
Bolin. Gill.
Bridgers. Goodlett.
Browne. Goodman.
Caldwell. Gordon.
Calvin. Graham.
Chambers. Greenwood.
Childers. Grogan.
Childs. Grubbs.
Clements. Hamilton.
Cocke. Henderson, Brazos.
Collins. Howard.
Conoly. Hurley.
Crawford. Jones.
Cross. Kennedy.
Culp. Kittrell.
Dean. Lake.
Decker. Lillard.
Hot Springs, Ark., April 26, 1899.
The President of the Senate or Speaker of the House of Representatives, Austin, Texas.

I wish to deny the allegations now current in Texas that I said that I never intended or expected the construction would be given to anti-trust bill so as to make it apply to trusts out of Arkansas, and that I refuse to amend law, because every judge and lawyer would so understand it. The anti-trust bill seeks to break up trusts everywhere, and the construction given it by the attorney-general of Arkansas was what the author of the bill, as well as the Legislature which passed it, understood and intended. That the law is constitutional I have no doubt.

(Signed) E. W. Rector.

Mr. Wooten rose to a question of personal privilege, and said:

"Mr. Speaker: The telegram just read may affect statements made by me to various members of the House upon what seemed to be good authority as to the views of Judge Rector of Arkansas in regard to his construction of the anti-trust law, which was framed by him and passed by the Legislature of that State. The St. Louis Globe-Democrat, about two weeks ago, contained what purported to be an interview with Judge Rector, in which he was made to express precisely what he denies in the telegram now read to this House. This incident is worth noticing, as illustrative of the degree of reliance that may be placed upon the publications of newspapers interested in advancing or defeating some special matter of legislation. I commend it to the attention of the House as an object lesson in connection with a good many measures now pending before us."

COMMITTEE REPORT.

Committee Room, Austin, Texas, April 26, 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. 327, A bill to be entitled "An Act to incorporate the city of Fort Worth, and to grant a new charter to said city."

Have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, and that it be not printed, for the reason that a copy of the printed Senate bill has been laid upon the desks of each member of the House several days ago.

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

Senate bill No. 327, A bill to be entitled "An Act to incorporate the city of Fort Worth, and to grant a new charter to said city."
The bill was laid before the House.

On motion of Mr. Ayers, House Rule No. 31, requiring that all bills reported favorably be printed and laid on the desks of members before being considered by the House, was suspended for the purpose of considering this bill.

Bill read second time, and passed to a third reading.

Mr. Ayers moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 327 be put upon its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102.
Adams.
Allen of Colorado.
Allen of Hopkins.
Ayers.
Bailey.
Barbee.
Barrett.
Bean.
Beaty.
Bolin.
Bridgers.
Browne.
Caldwell.
Calvin.
Chambers.
Childers.
Childs.
Clements.
Cole.
Collins.
Conoly.
Crawford.
Cross.
Culp.
Dean.
Decker.
Dies.
Dorrough.
Eckols.
Ellis.
Evans.
Garner.
Garrett.
Goodlett.
Goodman.
Gordon.
Graham.
Greenwood.
Grogan.

Nays—1.
Phillips, Lampassas.

Absent.
Cocke.
Derden.
Frost.
Kennedy.
Lake.
McKamy.
Mercer.

Absent—Excused.
Bennett.
Blount.
Lane.
Looney.
Meitzen.

Senate bill No. 327 laid before the House, on its third reading and final passage.

Read third time, and passed by the following vote:

Yeas—99.
Adams.
Allen of Colorado.
Allen of Hopkins.
Ayers.
Bailey.
Barbee.
Barrett.
Bean.
Beaty.
Bolin.
Bridgers.
Browne.
Caldwell.
Calvin.
Chambers.
Childers.
Childs.
Clements.
Cole.
Collins.
Conoly.
Crawford.
Cross.
Culp.
Dean.
Decker.
Dies.
Dorrough.
Eckols.
Ellis.

Terrell.
Scurry.
Shannon.
Shelburne.
Shropshire.
Smith of Grayson.
Smith of Collin.
Staples.
Stewart.
Striping.
Tate.
Teagle.

Gill.
Howard.
Jackson.
Kittrell.
Lake.
Bridgers.
Lillard.

Henderson, Brazos.
Henderson, Lamar.
Howard.
Jones.
Kittrell.
Lake.
Bridgers.

Henderson, Brazos.
Henderson, Lamar.
Howard.
Jones.
Kittrell.
Lake.
Bridgers.

Henderson, Brazos.
Henderson, Lamar.
Howard.
Jones.
Kittrell.
Lake.
Bridgers.

Henderson, Brazos.
Henderson, Lamar.
Howard.
Jones.
Kittrell.
Lake.
Bridgers.

Henderson, Brazos.
Henderson, Lamar.
Howard.
Jones.
Kittrell.
Lake.
Bridgers.

Henderson, Brazos.
Henderson, Lamar.
Howard.
Jones.
Kittrell.
Lake.
Bridgers.

Henderson, Brazos.
Henderson, Lamar.
Howard.
Jones.
Kittrell.
Lake.
Bridgers.

Henderson, Brazos.
Henderson, Lamar.
Howard.
Jones.
Kittrell.
Lake.
Bridgers.

Henderson, Brazos.
Henderson, Lamar.
Howard.
Jones.
Kittrell.
Lake.
Bridgers.
Mr. McClellan offered the following resolution:

RESOLUTION.

Resolved, That the House suspend the rule by which it agreed to consider the appropriation bill item by item, and that we consider appropriation for the North Texas Insane Asylum as a whole, beginning at line 26, page 19, down to and including line 4, on page 23.

[Signed MCCLELLAN, MCDOWELL.]

Read second time, and adopted.

In accordance with above resolution, the Clerk then read that part of the bill pertaining to the NORTH TEXAS INSANE ASYLUM,

And Mr. Henderson of Lamar offered the following amendment:

"Amend page 20, line 27, by adding at end of word 'nurses,' '$300 each.'"

Adopted.

Mr. Maxwell offered the following amendment:

"Amend by striking out all of line 26, on page 21, and '$500,' in line 22, page 21, and insert in lieu thereof '$1000.'"

Adopted.

Mr. Morrow offered the following amendment:

"Amend page 22, line 13, by so changing as to read as follows, 'salary of three laundresses at $240 each, $720 for the last year.'"

Adopted.

Mr. Little offered the following amendment:

"Amend line 15, page 20, by striking out all in said line and insert in lieu thereof the following, 'salaries of three farm hands at $300 each, $900 for each year.'"

Lost.

Mr. Savage offered the following amendment:

"Strike out line 14 and insert, 'salary of two assistant physicians, $2500.'"

Lost.

Mr. Masterson moved that the items under head of "Blind Asylum," be considered as a whole, and the motion prevailed.

BLIND ASYLUM.

That part of the bill pertaining to this institution was then read, and Mr. Henderson of Brazos offered the following amendment:

"Amend on page 24 by inserting between lines 21 and 22 the following, 'operating room, 1899, $250.'"

Adopted.
Mr. Henderson of Lamar offered the following amendment:

“Amend page 24, line 11, by inserting after the word ‘plank,’ ‘and replastering partition;’ amend page 24, line 12, by striking out all after ‘repainting.’”

Adopted.

Mr. Savage offered the following amendment:

“Amend by adding at end of line 10, page 24, the following, ‘provided, that contingent expenses and miscellaneous shall be limited to $500.’”

Adopted.

Mr. Powell moved that the items under head of “Deaf and Dumb Asylum” be considered as a whole, and the motion prevailed.

**DEAF AND DUMB ASYLUM.**

That part of the bill pertaining to this institution was then read, and Mr. Morrow offered the following amendments:

(1) “Amend line 28, page 25, by adding after the word ‘plumber’ the words ‘without board.’”

Adopted.

(2) “Amend line 29, page 25, by adding after the word ‘engineer’ the words ‘without board.’”

Adopted.

Mr. Phillips of Lampasas offered the following amendment:

“Amend by striking out the words ‘without board’ wherever they occur on pages 24 and 25.”

Lost.

Mr. Little offered the following amendment:

“Amend page 26, by striking out the following in line 20; ‘Erection of dormitory, $12,000.’”

Lost.

Mr. Savage offered the following amendment:

“Strike out line 7, page 26, and insert in lieu thereof the following: ‘Supplies, provisions and contingent expenses, $25,000 for each year; provided, that contingent expenses shall be limited to $500 for each year.’”

Adopted.

Mr. Shropshire offered the following amendment:

Amend by adding after line 22, page 26, the following:

**DEAF AND DUMB ASYLUM.**

Additional appropriation made to comport with provisions made for dormitory building:

**Year ending Feb. 28, 1901.**

Supplies, provisions, etc. $833 $33
Light and water .................. 400 00

Clothing and transportation for indigents .......................... 833 33
Bedsteads and furniture .............. 1250 00
Mattresses, blankets and bed clothing ...................... 1300 00
Tables, table linen and cutlery ......... 400 00
Three additional teachers at $655 each .................. 1965 00
One monitor .......................... 430 00
Two assistant monitors at $360 each ............. 720 00
One cook at $25 per month .................. 300 00

Adopted.

Mr. Masterson moved that the items under head of “House of Correction and Reformatory” be considered as a whole, and the motion prevailed.

**HOUSE OF CORRECTION AND REFORMATORY.**

That part of the bill pertaining to this institution was read, and Mr. Culp offered the following amendments:

(1) “Amend page 26, line 26, by striking out ‘$400’ and inserting ‘$500.’”

Adopted.

(2) “Amend page 26, line 27, by striking out ‘$300’ and inserting ‘$400.’”

Adopted.

(3) “Amend page 27, line 3, by striking out the words ‘druggist and;’ and by striking out ‘$400’ and inserting in lieu thereof ‘$360.’”

Adopted.

Mr. Savage offered the following amendment:

“Amend by adding after the word ‘painting,’ in line 16, the following: ‘Provided, that contingent expenses shall be limited to $100 for each year.’”

Lost.

Mr. Adams offered the following amendment:

“Amend by adding after line 19: ‘For apprehending escaped convicts, for first year only, $250.’”

Lost.

Mr. Crawford offered the following amendment:

“Amend line 17, page 27, by striking out ‘$250’ and inserting ‘$125.’”

Lost.

Mr. Rochelle moved that the items under head of “Confederate Home” be considered as a whole, and the motion prevailed.

Mr. Dies moved to take a recess until 2 p. m. today, Mr. Murray until 2:30 p. m. today, and Mr. Cross until 3 p. m. today.

**PETITIONS AND MEMORIALS.**

By Mr. Robertson of Bell and Mr. Shannon:

Petition from 121 citizens and voters
April 27, 1899

HOUSE JOURNAL.

of Rogers, Bell county, Texas, urging the passage of the anti-trust bill without any amendments, being House bill No. 804.

By Mr. Parish:

Petition from fifty-nine citizens of Franklin, Robertson county, Texas, urging the passage of the anti-trust bill, being House bill No. 804.

Read, and referred to Judiciary Committee No. 1.

BILLS INTRODUCED.

By Mr. Kittrell:

House bill No. 824. A bill to be entitled "An Act to amend Article 4785a, Chapter 6, Title XC VII, of the Revised Civil Statutes of the State of Texas, and placing Harris county under the operation of said chapter and title."

(The bill simply takes Harris county out of the list of exempted counties, as it is in the Revised Statutes.)

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Mr. Poole (by request):

House bill No. 825. A bill to be entitled "An Act to prevent adulteration of and deception in the sale of dairy products; to regulate the sale of milk in towns and cities, and to regulate the sale and use of oleomargarine and other substitutes for or imitations of butter; and to provide penalties for the violation of such regulations."

(The bill provides that whoever shall violate any of the provisions of this act shall on conviction be deemed guilty of a misdemeanor, and shall be fined not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail not less than, two nor more than thirty days, or by both fine and imprisonment.)

Read first time, and referred to Committee on Public Health and Vital Statistics.

Mr. Grubbs called up a resolution offered by him on the 18th inst., pertaining to allowing additional postage to the members, which was read on that day and went to the Speaker's table.

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

Mr. Adams offered the following amendment:

"Amend by adding 'and officers of the House are allowed three dollars additional for postage.'"

Pending consideration, on motion of Mr. Calvin, the resolution was referred to the Committee on Contingent Expenses.

(Speaker in the chair.)

BILLS SIGNED BY THE SPEAKER.

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

House bill No. 618, "An Act to define the powers and duties of the courts of civil appeals of the several supreme judicial districts of the State of Texas where there is or may be a conflict of opinion by any of the said courts of civil appeals on a question of law involved in any cause pending before said courts, and prescribing the duties of the Supreme Court of the State of Texas in such cases."

House bill No. 775, "An Act to change and fix the times for holding courts in the Thirty-ninth Judicial District of the State of Texas, and to repeal all laws or parts of laws in conflict herewith."

House bill No. 743, "An Act to name the several counties composing the Fifty-first and Thirty-third Judicial Districts, and to fix the time of holding the district courts therein, and to attach the unorganized county of Schleicher to the county of Menard until its organization, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 762, "An Act to amend Section 1, of an act passed by the Twenty-sixth Legislature of the State of Texas, and which went into effect on the 22nd day of March, 1899, entitled 'An Act to amend Subdivision 29, of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, so as to change the time of holding the District Court in the Twenty-ninth Judicial District, except in Coryell county, and to extend the time of holding the court in the county of Erath.'"

House bill No. 531, "An Act to create a more efficient road system for Navarro county, Texas."

COMMITTEE REPORTS.

Committee Room.

Austin, Texas, April 27, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 284, A bill to be entitled "An Act to amend Article 1880, Chapter 24, Title XXXIX, of the Revised Civil Statutes of Texas, adopted by the Twenty-fourth Legislature 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 pass.

WOOTEN, Chairman.
Committee Room.
Austin, Texas, April 27, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred
House bill No. 416, a bill to be entitled “An Act to amend Articles 2518e, 2518f, 2518g, 2518h, 2518i, 2518j, of the Revised Civil Code of the State of Texas of 1895, and adding thereto Articles 2518k, 2518l, 2518m, of Chapter 4, Title XLVIII, of the Revised Civil Code of the State of Texas of 1895, and adding thereto Articles 2518n, 2518o, 2518p, of Chapter 4, Title XLVIII, of the Revised Civil Code of the State of Texas of 1895, relating to fish, oysters, etc., and repealing all laws in conflict therewith."

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

BAILEY, Chairman.

Committee Room.
Austin, Texas, April 27, 1899.

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

Sir: Your Committee on Public Buildings and Grounds, to whom was referred
House Concurrent Resolution No. 43, Authorizing the Superintendent of Public Buildings and Grounds to lease certain property in the city of Austin.

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

Caldwell, Chairman.

Committee Room.
Austin, Texas, April 26, 1899.

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

Sir: Your Committee on Engrossed Bills, to whom was referred
Substitute House bill No. 782, a bill to be entitled “An Act to authorize the Houston & Texas Central Railroad Company to purchase, own and operate the railroad of the Central Texas & Northwestern Railway Company, with its franchises and appurtenances; the railroad of the Fort Worth & New Orleans Railway Company, with its franchises and appurtenances; the Lancaster Tap Railroad, with its franchises and appurtenances; the railroad of the Austin & Northwestern Railroad Company, with its franchises and appurtenances; and the railroad of the Granite Mountain & Marble Falls City Railroad Company, with its franchises and appurtenances, or any or any of such railroads with its or their franchises and appurtenances; and to authorize the owners of each of said railroads and its franchises and appurtenances to sell the same; and to authorize said Houston & Texas Central Railroad Company to issue additional mortgage bonds to the amount of the value of the railways, franchises and appurtenances so purchased, and to the amount of the value of the railroad hereafter constructed by it under the provisions of this act, as fixed or as the same may be fixed by the Railroad Commission of Texas; to regulate the reports of such properties and the operations thereof; and to authorize the Houston & Texas Central Railroad Company to construct, own, operate and maintain, or to amend its articles of incorporation so as to authorize it to construct, own, operate and maintain a railroad from a connection with the Austin & Northwestern Railroad in Burnet county to the town of Lampasas.”

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

McNally, Acting Chairman.

On motion of Mr. Cross, the House, at 12:23 p. m., took a recess until 3 o’clock p. m. today.

AFTERNOON SESSION.

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

SPEAKER’S TABLE.

The Speaker laid before the House, as pending business, its passage to a third reading.

Senate bill No. 333, known as the Missouri, Kansas & Texas consolidation bill, with amendment by Mr. Garner pending.

(Mr. Wheless in the chair.)

Mr. Garner, by consent of the House, withdrew his amendment, and substituted in lieu thereof the following:

“Amend by striking out in lines 1 and 2, on page 7, all after the word ‘fact,’ in line 1 of said page and insert in lieu thereof the following, ‘necessary or presumed to have been determined by the Legislature in order to comply with Article 10, Sections 5 and 6, of the Constitution of the State of Texas.’”

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

The amendment was adopted.

Mr. Schluter offered the following amendment:

“Amend Section 3 by inserting after
the word 'lease,' in line 10, page 4, the words 'for a term not exceeding twenty-five years,' and after the word 'agreement,' in line 11, page 4, the words 'for a term not exceeding twenty-five years'; and after the word 'the,' and before the word 'necessary,' in line 12, page 4, the words 'use of the'; and strike out the words 'or the,' at the end of line 12, page 4, and insert in lieu of the words so stricken out the following, 'for a term not exceeding twenty-five years.'

Mr. Dies moved the previous question on the amendment, and the motion was not seconded.

Question recurring on the amendment, it was adopted.

Mr. Prince offered the following amendment:

"Amend by adding after the word 'law,' in line 31, page 6, the following words, 'the acceptance of the provisions of this act is an agreement on the part of the Missouri, Kansas & Texas Railway Company in Texas to abide by and submit to the rates, rules, regulations and requirements of the Railroad Commission of the State of Texas until the same are set aside by a court of competent jurisdiction on final hearing.'

(Signed "PRINCE, "SMITH of Grayson.")"

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

Question first recurred on the amendment by Mr. Prince, upon which yeas and nays were demanded by Mr. Smith of Grayson, Mr. Lillard and Mr. Powell.

The amendment was adopted by the following vote:

Yeas—52.

Mr. Cross (present) who would vote yea, with Mr. Ayers (absent) who would vote nay. Mr. Howard (present) who would vote yea, with Mr. Gordon (absent) who would vote nay. Mr. Kennedy (present) who would vote yea, with Mr. Grogan (absent) who would vote nay. Mr. Wooten (present) who would vote yea, with Mr. Masterson (absent) who would vote nay. Mr. McAnally (present) who would vote yea, with Mr. Stewart (absent) who would vote nay.

"We vote 'nay' on amendment by Mr. Prince and Mr. Smith of Grayson to Senate bill No. 333: '1st. Because, as we understand, it would debar the railroad company of the
right to appeal from any decision of the Railroad Commission, which is, in our opinion, a violation of our Constitution and the democratic principles of our land, which guarantees equal rights to all and special privileges to none.

"2nd. Each corporation, as well as a private individual, should not, by law or otherwise, be deprived of the right to be heard in any court of our country.

"PHILLIPS of Lampasas, "CHILDERS, "LOONEY, "CULP."

"I vote 'aye' on the Prince and Smith of Grayson amendment to Senate bill No. 333. I support the amendment because I believe the present Railroad Commission ineffectual without some special contract with said railroad corporation. I can see no good reason why this amendment should not be adopted, obligating said railroad corporation to abide by the laws of the Railroad Commission of this State.

"HOWARD."

"We vote 'no' on this question, first, because we are in favor of equal rights to all and special privileges to none, and this amendment seeks to place a restriction around the Missouri, Kansas & Texas Railway Company that is not exacted of any other railroad in the State.

"2nd. Because we now have a law upon our statutes which holds in equal restriction all the railroads of the State.

"BOLIN, "OLIVER."

"I vote 'no' on the amendment because I do not believe it just and fair that there should be imposed on the Missouri, Kansas & Texas Railway Company that is not exacted of Texas a regulation that does not apply to the other railroads of the State.

"VAUGHAN."

Question next recurred on passage of the bill to a third reading, upon which yeas and nays were demanded by Mr. Beaty, Mr. Little and Mr. Goodman.

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

**Yeas—78.**


**Nays—18.**


Absent.


Absent—Excused.


Lane. Tarkington.

**PAIRED.**

Mr. Cross (present) who would vote nay, with Mr. Ayers (absent) who would vote yea.

Mr. Cocke (present) who would vote yea, with Mr. Pfeuffer (absent) who would vote nay.

Mr. Cole (present) who would vote yea, with Mr. Sansom (absent) who would vote nay.

Mr. Howard (present) who would vote nay, with Mr. Gordon (absent) who would vote yea.

Mr. Kennedy (present) who would
vote nay, with Mr. Grogan (absent) who would vote yea.
Mr. Marsh (present) who would vote nay, with Mr. Teagle (absent) who would vote yea.
Mr. McNally (present) who would vote nay, with Mr. Stewart (absent) who would vote yea.
Mr. Wooten (present) who would vote nay, with Mr. Masterson (absent) who would vote yea.

"In voting for this bill, we do so with the hope that a competitive line will be obtained through to the Mississippi River, whereas now, so far as North Texas is concerned, there exists none; but, as we stated, when Senate bill No. 152, on the same subject, passed this House, that should the same meet with objections from the Governor, we would sustain the objections from the friends of this bill that all objections urged against the other measure have been removed.

"HENDERSON of Lamar, "THOMAS of Fannin."

Mr. Oliver moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 333 be put on its third reading and final passage.
Mr. Rochelle moved to take a recess until 8:30 p.m. today, and the motion was lost.
The motion to suspend the constitutional rule prevailed by the following vote:

Yeas—98.
Adams.
Allen of Colorado.
Allen of Hopkins.
Bailey.
Barbee.
Barrett.
Bean.
Beaty.
Bolin.
Bridgers.
Brown.
Caldwell.
Calvin.
Chambers.
Childers.
Childs.
Clements.
Cole.
Collins.
Conolly.
Crawford.
Culp.
Dean.
Dies.
Doroh.
Eckolds.
Evans.

Neff.
Nolan.
Oliver.
Palmer.
Phillips, Lampasas.
Phillips of Camp.
Pitts.
Poole.
Powell.
Prince.
Ratcliff.
Robertson, Harrison.Vaughan.
Robertson of Bell.
Rockelle.
Russell.
Schulmer.
Scurry.
Shannon.
Shelburne.

Yeas—98.
Evans.

Nays—6.
Derden.
Henderson, Brazos.
Lillard.

"Derden, "Henderson, Brazos, "Lillard".

PAIRED.
Mr. Howard (present) who would vote nay, with Mr. Gordon (absent) who would vote yea.
Mr. Cocke (present) who would vote nay, with Mr. Pfeuffer (absent) who would vote yea.
Mr. Cross (present) who would vote yea, with Mr. Ayers (absent) who would vote yea.
Mr. McAnally (present) who would vote nay, with Mr. Stewart (absent) who would vote yea.

"We vote 'yea' to suspend the constitutional rule for the reason that we have no desire to obstruct legislation, since it is evident this bill will finally pass, and vote 'no' on final passage.

"GARNER, "ALLEN of Hopkins, "POWELL, "Wooten, "McAnally, "KENNEDY, "STAPLES, "SMITH of Grayson, "SHANNON,"
Senate bill No. 333 laid before the House, on its third reading and final passage.

Read third time, and

Mr. Derden offered the following amendment:

"Amend the bill by adding to the Prince amendment, as adopted, the following, viz.: 'Provided, nothing herein shall be so construed as in any way repealing any part or provision of the Railroad Commission law as it now exists, or any portion thereof.'"

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

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

The bill was passed.

"I vote 'yea' on final passage of Senate bill No. 333, because I believe it to be to the interest of the people as well as the railroad company to consolidate all these short lines, so the people living on them can have the advantage of a single line rate, which will be greatly to their interest financially.

"2nd. This also meets the approval of a majority of the Railroad Commissioners.

"PHILLIPS OF LAMPASAS."

"I vote 'aye' on Senate bill No. 333, the Missouri, Kansas & Texas consolidation bill, under protest. I desire to carry out the wishes of my constituents and protect my personal ideas when there is no question of principle involved. I received a petition signed by many citizens of McKinney and Farmersville, Collin county, Texas, asking us to favor this bill, but I am satisfied from conditions now existing that the railroads of this State, by their consolidation bills passing this Legislature, will soon be in a condition to fight our Railroad Commission to a finish by suing out injunction suits and enjoining the Commission in making rates. I fear the corporation will control politics in this State before many years have passed, and our people will be in the condition of the producers of California, and will be at the mercy of corporate power, and the only safeguard we will have will be the Railroad Commission and the intelligence of the masses of our people.

"SMITH OF COLLIN."

Mr. Childs moved to reconsider the vote by which Senate bill No. 333 was passed, and to table the motion to reconsider.

The motion to table prevailed.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 27, 1899.

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

SIR: Your Committee on Enrolled Bills, to whom was referred

House bill No. 773, a bill to be entitled "An Act to change and fix the times of holding courts in the Thirty-ninth Judicial District of the State of Texas, and to repeal all laws and parts of laws in conflict herewith."

Have carefully examined said bill and find the same correctly enrolled, and I have this day, at 12:30 o'clock p.m., presented the same to the Governor.

COLLINS, Chairman.

Committee Room,
Austin, Texas, April 27, 1899.

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

SIR: Your Committee on Enrolled Bills, to whom was referred

House bill No. 743, a bill to be entitled "An Act to create a more efficient road system for Navarro county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for the escape of a county con"
April 27, 1899  HOUSE JOURNAL.

vict, and providing for the trimming of hedges by the owners of land, and pro-
viding a penalty for failure to trim said hedges, and providing the amount of com-

pensation in road time to be allowed by overseers to road hands for teams, plows,
scrapers and wagons, and providing for the condemnation of land for public road
purposes, and providing for the working of delinquent poll tax-payers on the pub-
lic roads, and relieving them from the performance of said work by the payment of
the sum of two dollars, and providing further, making this law cumulative of the
general laws and in case of conflict this act to govern as to Navarro county,

Texas," 

Have carefully examined said bill and find the same correctly enrolled, and I
have this day, at 12:30 o'clock p.m., pre-
sented the same to the Governor.

COLLINS, Chairman.

Committee Room,

Austin, Texas, April 27, 1899.

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

SIR: Your Committee on Enrolled
Bills, to whom was referred
House bill No. 762. A bill to be entitled
"An Act to amend Section 1, of an act
passed by the Twenty-sixth Legislature
of the State of Texas, and which went
into effect on the 22nd day of March,
1899, entitled "An Act to amend Subdi-
vision 29, of Article 22, Title IV, of the
Revised Civil Statutes of the State of
Texas, so as to change the times of hold-
ing the District Court in the Twenty-
ninth Judicial District, except in Coryell
county, and to extend the time of holding
the court in the county of Erath,"

Have carefully examined said bill and
find the same correctly enrolled, and I
have this day, at 12:30 o'clock p.m., pre-
sented the same to the Governor.

COLLINS, Chairman.

Committee Room,

Austin, Texas, April 27, 1899.

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

SIR: Your Committee on Enrolled
Bills, to whom was referred
House bill No. 618. A bill to be entitled
"An Act to define the powers and duties
of the courts of civil appeals of the sev-
eral supreme judicial districts of the
State of Texas where there is, or may be,
a conflict of opinion by any of the said
courts of civil appeals on a question of
law involved in any cause pending before
said courts; and prescribing the duties of the Supreme Court of the State of
Texas in such cases."

Have carefully examined said bill and
find the same correctly enrolled, and I
have this day, at 12:30 o'clock p.m., pre-
sented the same to the Governor.

COLLINS, Chairman.

Committee Room,

Austin, Texas, April 27, 1899.

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

SIR: Your Committee on Enrolled

Bills, to whom was referred
Senate bill No. 337, A bill to be entitled
"An Act to consolidate Soule University
of Chappell Hill, Washington county,
Texas, and Chappell Hill Female College
of the same place, under the name of
Chappell Hill Female College, and to in-
corporate Chappell Hill Female College,
and defining its powers and duties, and
declaring an emergency."

Have had the same under considera-
tion, and I am instructed to report it
back to the House with the recommenda-
tion that it do pass.

McKAMY, Chairman.

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

Mr. Dies moved to take a recess until
8:30 p.m. today, and Mr. Conoly until
8 p.m. today.

Question recurring on the longest time
first, the motion was lost.

On motion of Mr. Dies, the House, at
6:25 p.m., took recess until 8:30 o'clock
p. m. today.

EVENING SESSION.

The House met at expiration of recess.

Pending question—
Substitute House bill No. 111, the gen-
eral appropriation bill, on its passage to
engrossment, the items pertaining to the
University of Texas, on pages 10 and 11,
being that part of the bill under consid-
eration, with amendment by Mr. Dies
and substitute by Mr. McNally for the
amendment pending.

The Chair laid the same before the
House.

Mr. McDowell, by unanimous consent,
offered the following

RESOLUTION.

Whereas, The present session of the
Twenty-sixth Legislature is drawing
near to a close, and as there are many
other bills of importance now pending to
be considered at this session, and further
Resolved, That the House of Representatives, at 11 o'clock a.m., Monday, May 1, 1899, proceed to vote on the pending University amendments to Substitute House bill No. 111, and continue to vote on any and all amendments and substitutes until they are disposed of without discussion on same.

[Signed "McDowell."
"McCLELLAN."]

The resolution was read second time, and

Mr. Dies offered the following amendment:

"Amend by striking out '11 a.m. Monday,' and insert in lieu thereof '10 p.m. tonight.'"

Mr. Bailey raised the point of order that the resolution was in the nature of a proposition to amend the rules, and must lie over one day.

The Chair overruled the point of order.

On motion of Mr. Jones, the amendment was tabled.

On motion of Mr. Dies, the resolution was tabled.

The House resumed consideration of the pending bill, with amendments pending.

Mr. Oliver moved to suspend pending business to take up and place on its second reading and passage to a third reading.

Senate bill No. 81, providing for the formation of anatomical societies for procuring dead bodies for dissecting purposes.

The motion to suspend was lost.

At 10:35 p.m., on motion of Mr. Schluter, the House took recess until 9:30 o'clock a.m. tomorrow.

MORNING SESSION.

Friday, April 28, 1899.

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

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

J. H. TOLBERT SWORN IN.

Mr. Smith of Grayson rose in his seat and stated that Mr. J. H. Tolbert, member-elect from the Eighth Representative District, Grayson county, to fill the vacancy caused by the death of Hon. S. P. Evans, was present in the Hall.

Mr. Tolbert, at the request of the Speaker, came forward, presented his certificate of election signed by Hon. J. D. Woods, county judge of Grayson county, under seal, and took the oath of office prescribed in the Constitution, which was administered by Acting Chief Clerk, Mark Logan.

The Clerk was directed to file the certificate of election with the Secretary of State.

The Speaker then introduced Mr. Tolbert to the House, and directed the Sergeant-at-Arms to assign him a seat among the members.

(Mr. Smith of Grayson in the chair.)

Mr. Powell called up House Concurrent Resolution No. 48, relating to sine die adjournment, May 2nd.

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

On motion of Mr. Bailey the resolution was laid on the table subject to call.

The Chair laid before the House, as pending business, on its passage to engrossment, Substitute House bill No. 111, the general appropriation bill.

Mr. Dies moved that the House continue consideration of that part of the bill relating to the University of Texas.

Mr. Powell moved as a substitute for the above motion that next Monday, 11 a.m., be fixed as the time to take a final vote on the amendments to the University items.

After consideration by the House, Mr. Oliver moved the previous question on pending motion, and the motion was not seconded.

Mr. Powell, by consent of the House, submitted the following motion in writing in lieu of the motion above:

That the items under the head of State University, on pages 10 and 11 of Substitute House bill No. 111, be deferred and considered at night sessions during this week, and be taken up at 9:30 o'clock a.m. Monday, May 1st, and considered until a vote is reached.

The substitute by Mr. Powell was adopted, and the motion as substituted was adopted.

The House then resumed consideration of Substitute House bill No. 111, the general appropriation bill, beginning at line 20, page 27.

CONFEDERATE HOME.

The items in this department were read, and Mr. Peery offered the following amendment:

"Amend by striking out '335,000' wherever it occurs in line 20, page 27, and insert in lieu thereof '40,000 for year ending February 28, 1900, and 45,000 for year ending February 28, 1901.'"

Mr. Childers offered the following substitute for the amendment:

"Amend on page 27, line 20, where the