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.

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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 "$35,000" 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
figures $35,000' for 1899 and 1900 occur, and in lieu thereof add for 1899 $40,000,' for 1900, $45,000, as the Senate bill has it. Same page, line 22, substitute ' $600' for ' $540.' Same page, line 29, strike out '$288 each.' On page 28, and between lines 5 and 6, add 'matron for hospital, $300.' Same page, line 7, strike out ' $600' and insert ' $1000.' Same page, line 10, strike out '$500' and insert '$1200 for two years.' Same page, line 11, strike out '$10,000' and insert ' $13,000,' as per Senate bill.'

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

Pending action on the amendments, Mr. Henderson of Lamar yielding the floor,

Mr. Tarver moved to take a recess until 2:30 p. m. today.

PETITIONS AND MEMORIALS.

By Mr. Phillips of Lampasas:
Memorial from R. W. Greathouse of Quanah, Hardeman county, Texas, protesting against the passage of the anti-trust bill, being House bill No. 804.

(The memorial recites that if said bill passes in its present shape, it will operate in the formation of an insurance trust equal to the Standard Oil, sugar and tobacco trusts, as well as other trusts.)

Read, and referred to Judiciary Committee No. 1.

By Mr. Dean:
Petition from 135 citizens of Wills Point, Van Zandt county, Texas, urging the passage of the anti-trust bill, being House bill No. 804.

Read, and referred to Judiciary Committee No. 1.

By Mr. Looney:
Petition from forty-seven citizens of Oakwoods, Leon county, Texas, urging the passage of the anti-trust bill, being House bill No. 804, without amendment.

Read, and referred to Judiciary Committee No. 1.

BILLS INTRODUCED.

By Mr. Scurry:
House bill No. 826, A bill to be entitled

"An Act to make it a penal offense for any person to alter, change, destroy or mutilate any public record or documents authorized, required or permitted by law to be kept by any officer within this State, and to fix the punishment therefor."

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

By Mr. Browne and Mr. Kittrell:
House bill No. 827, A bill to be entitled

"An Act to amend Section 40, of an act entitled 'An Act to provide a charter for the city of Houston, Harris county, Texas,' the same being Chapter 7, of the Special Acts of the Regular Session of the Twenty-fifth Legislature, and to repeal all laws and parts of laws in conflict herewith, and to declare an emergency."

(The bill relates to limitation in tax suits, and prescribes how such suits shall be brought.)

Read first time, and referred to Committee on Towns and City Corporations.

By Mr. Tompkins:
House bill No. 828, A bill to be entitled

"An Act to prohibit corporations, foreign or domestic, which shall or may be a member of or a party to any pool, trust or combine, in any State or country whatever, from doing business in Texas, and to provide a penalty for the violation of the provisions of same, and declaring an emergency."

(The bill provides that any corporation violating the provisions thereof shall forfeit its right to do business in the State of Texas. It further provides that any corporation belonging to any pool, trust or combine, which shall violate the provisions of the bill, shall forfeit to the State of Texas, in addition to its right to do business in Texas, the sum of $500 for each day it shall violate the provisions of this act, which is declared to be liquidated damages; same to be recovered in a suit instituted by the Attorney-General of Texas, the venue of such suits to be in the District Court of Travis county.)

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

At 12:16 p. m., on motion of Mr. Bailey, the House took a recess until 3 o'clock p. m. today.

AFTERNOON SESSION.

Austin, Texas, April 28, 1899.

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

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:

Senate bill No. 254, "An Act to amend Article 4218a, of Chapter 12a, of Title LXXXVII. of the Revised Civil Statutes of the State of Texas of 1895, relating to the sale of timber lands."

Senate bill No. 260, "An Act to provide for the establishment, maintenance and government of a State normal school to be located at San Marcos, in Hays
The motion of Mr. Garner. 

Senate bill No. 119, "An Act to amend Article 4388, Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, prescribing the duties of railway companies with respect to their general and public offices, and the residence of their officers, to be kept and maintained within this State."

Senate bill No. 32, "An Act to amend Article 128, Title IX, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the apprehension of lunatics."

Senate bill No. 218, "An Act authorizing the board of managers of the Southwestern Lunatic Asylum at San Antonio, Texas, in conjunction with the Governor of the State of Texas, to lease the sulphur water flowing from the artesian wells on the grounds belonging to said asylum."

Senate bill No. 243, "An Act validating the incorporation, for school purposes only, of Victoria independent school district, an independent incorporated public school district, heretofore incorporated in Victoria county, including within its limits the municipal incorporation 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 authorities of said board."

Senate bill No. 215, "An Act defining the offense of defrauding hotel and boarding house keepers of their charges, and providing a penalty therefor."

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Crawford until next Monday, on motion of Mr. Beaty.

Mr. Wright until next Monday, on motion of Mr. Monroe.

Mr. Masterson until next Monday, on motion of Mr. Garner.

Mr. Shannon until next Monday, on motion of Mr. Robertson of Bell.

Mr. Pleuffer until next Monday, on motion of Mr. Murray.

The Chair laid before the House, as pending business from last Tuesday, the motion of Mr. Mercer to suspend pendi-
Mr. Derden offered the following amendment to the amendment:

"Amend by adding to Section 7, page 4, line 24, after the word 'determine,' the following, viz.: 'Provided, nothing herein shall be so construed as determining the fact whether or not said railroads are parallel or competing lines; and further provided, that if upon investigation hereafter by suit or otherwise they are found to any extent to have been parallel or competing lines in the sense prohibited by the Constitution strictly construed, then in that event this act and said sales and purchases shall be deemed and held to be null and void, and of no effect.'"

Lost.
The amendment by Mr. Garner was adopted.

Mr. Prince offered the following amendment:

"Amend by adding after the words 'general law,' in Section 7, the following, to wit: 'By accepting the provisions of this act the St. Louis Southwestern Railroad Company of Texas agrees to abide by the rates, rules and regulations 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."]

Mr. Derden offered the following amendment to the amendment:

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

Tabled on motion of Mr. Bolin.

On the amendment by Mr. Prince, yeas and nays were demanded by Mr. Smith of Collin, Mr. Mercer and Mr. Decker.

The amendment was adopted by the following vote:

Yes—71.

Nays—28.
Mr. Tarver, by unanimous consent, offered the following

RESOLUTION.

Resolved by the House of Representatives of the Twenty-sixth Legislature, That it is with joyful feelings it learns of the probability of an early termination of the war in the Philippines, as contained in dispatches dated from Manila this morning, and send warm greetings to the brave American soldiers who have borne the flag of our country to still another victory.

The resolution was read second time, and Mr. Tarver moved that it be adopted by a rising vote.

On motion of Mr. Goodman it was referred to the Committee on Military Affairs.

The House resumed consideration of the pending bill, and it was passed to a third reading.

Mr. Mercer moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 334 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—90.


Nays—13.


Absent.


Absent—Excused.


"I vote 'yea' on suspension of Constitutional rule for reason that I have no desire to obstruct rapid legislation, since it is evident the bill will finally pass."

"ALLEN of Hopkins."

Senate bill No. 334 laid before the House, on its third reading and final passage.

Read third time.

Yeas and nays were demanded by Mr. Livsey, Mr. Smith of Collin and Mr. Thomas of Wise.

The bill was passed by the following vote:

Yeas—65.

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HOUSE JOURNAL

Lake. Prince.
Looney. Ratliff.
Lord. Robertson, Harrison.
McClellan. Robertson of Bell.
McFarland. Rochelle.
McKamy. Schluter.
McKellar. Scurry.
Mercer. Shilbourne.
Monroe. Shropshire.
Morris. Stewart.
Murphy. Stripling.
Murray. Tarver.
Oliver. Terrell.
Palmer. Thomas of Fannin.
Parish. Tompkins.
Peery. Tucker.
Phillips of Camp. Willhodt.

Nays—29.

Calvin. Livsey.
Childers. Marsh.
Cocke. McAnally.
Collins. McDowell.
Cross. Morrow.
Decker. Neff.
Derden. Powell.
Garner. Sansom.
Goodman. Savage.
Grogan. Smith of Grayson.
Henderson, Brazos. Smith of Collin.
Howard. Staples.
Kennedy. Thomas of Wise.
Lillard. Tolbert.
Little. Absent.

Bailey. Pitts.
Barbee. Tate.
Browne. Teagle.
Clements. Walton.
Graham. Wells.
Grubbs. Wholess.
Jones. Willacy.
Maxwell. Wooten.
Nolan. Absent—Excused.

Bennett. Pfeuffer.
Blount. Rogers.
Crawford. Sutherland.
Lane. Tarkington.
Masterson. Wright.
Meitzen.

"On the final passage of Senate bill No. 334, we vote ‘aye.’ This is one of a group of railroad consolidation bills which come to us for the second time this session, having been vetoed by the Governor on their first passage. It is claimed now that they have been shorn of their objectional features which, if true, in our opinion, they should be permitted to pass, but if not true, and it is so ascertained, we will sustain the Executive’s objection. ‘HENDERSON of Lamar, ‘THOMAS of Fannin.’

Mr. Allen of Hopkins (present) who would vote nay, with Mr. Cole (absent) who would vote yea.
Mr. Russell (present) who would vote yea, with Mr. Shannon (absent) who would vote nay.
Mr. Bolin moved to reconsider the vote by which Senate bill No. 334 was passed, and to table the motion to reconsider.

The motion to table prevailed.

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

House bill No. 218. A bill to be entitled ‘An Act to amend Chapter 12, page 39, of the General Laws passed at the Special Session of the Twenty-fifth Legislature of Texas, entitled ‘An Act to amend Sections 1069 and 1070, of the Revised Civil Statutes of Texas, and to reduce the expenses of the State government,’ relating to the disqualification of district judges, to repeal all laws and parts of laws in conflict herewith, and declaring an emergency clause.’

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

Mr. Russell offered the following amendment:

"Amend by adding after the word ‘cases,’ in line 3, page 2: ‘Said special judges shall be paid the same per diem as the regular judge, and also their necessary traveling expenses, upon their sworn statement.’"

Adopted.

Mr. Livsey offered the following amendment:

"Amend by adding between lines 17 and 18, on page 2, the following: ‘When any district judge is disqualified in any case by virtue of having been counsel for defendant or plaintiff, and when a special judge has been appointed in such case he shall be paid by the judges so disqualified.’"

Mr. Allen of Colorado moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Childers, Mr. Evans and Mr. Livsey.

The motion to table was lost by the following vote:

Yea’s—41.

Allen of Colorado. Dorroh.
Bailey. Garrett.
Barrett. Gill.
Bridgers. Goodlett.
Calwell. Gordon.
Cocke. Greenwood.
Culp. Henderson, Brazos.
Dean. Jones.
Decker. Kittrell.
Dyes. Looney.
“Amend the bill by striking out line 12, page 1, the enacting clause.”

Mr. Monroe moved to postpone further consideration of the bill until next Friday, May 5, 3 p.m.

After consideration by the House, Mr. Savage moved the previous question on the motion to postpone and the main question was ordered.

Yeas and nays were demanded by Mr. Shropshire, Mr. Savage and Mr. McCullin.

The motion to postpone prevailed by the following vote:

Yeas—67.

Adams. Maxwell.
Allen of Colorado. McCullin.
Bailey. McCamy.
Barrett. McFarland.
Bolin. Monroe.
Bridgers. Morris.
Caldwell. Murphy.
Childs. Murray.
Clements. Neff.
Coeke. Nolan.
Collins. Oliver.
Conoly. Peery.
Dean. Prince.
Decker. Robertson, Harrison.
Dietz. Rochelle.
Ellis. Russel.
Garner. Sansom.
Garrett. Schluter.
Gill. Smith of Grayson.
Goodlett. Smith of Collin.
Goodman. Staples.
Gordon. Stewart.
Graham. Tarver.
Greenwood. Tate.
Grogan. Thomas of Fannin.
Hurley. Tucker.
Jones. Vaughan.
Kittrell. Walton.
Lake. Wells.
Little. Wills.
Looney. Wooten.
Loyd. 

Nays—33.

Allen of Hopkins. Lillard.
Bean. Livsey.
Beaty. Marsh.
Browne. McCullin.
Calvin. Mercer.
Chambers. Morrow.
Childs. Phillips of Camp.
Derden. Poole.
Dorothy. Powell.
Eckols. Ratcliff.
Evans. Savage.
Frost. Shropshire.
Henderson, Lamar. Stripling.
Howard. Terrell.
Kennedy. Thomas of Wise.

Absent—Excused.

Bennett. Pfeuffer.
Blount. Rogers.
Crawford. Shannon.
Lane. Sutherland.
Masterson. Tarkington.
Meitzen. Wright.

Question recurring on the amendment by Mr. Livsey, it was adopted.

Mr. Livsey moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Shropshire offered the following amendment:
April 28, 1899

House Journal.

Mr. Garner moved to suspend pending business to take up, and place on its second reading:

House bill No. 282, the Greenwood libel bill.

The motion to suspend was lost.

Mr. Stewart moved to suspend pending business to take up, and place on its third reading and final passage:

House bill No. 782, the H. & T. C. consolidation bill.

The motion to suspend was lost.

The Speaker then laid before the House, as pending business, on its second reading:

House Joint Resolution No. 28, To amend Section 1, of Article 6, of the Constitution of the State of Texas, relating to suffrage, and making the payment of a poll tax a prerequisite to the exercise of the right of suffrage, with majority favorable report without amendment, and minority favorable report with amendment.

The resolution was read second time.

Mr. Neff moved to adopt the majority report.

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

The motion to substitute was lost.

The majority report was adopted.

(Speaker in the chair.)

Committee Reports.

Mr. Bailey, chairman on part of the House, submitted the following report:

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

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

Sir: We, your Free Conference Committee, to whom was referred the differences between the Senate and the House of Representatives on the matter of amendments to Substitute Senate bill No. 68, beg leave to report as follows:

Committee concurs in all amendments adding counties to the list of exempted counties, except that Shackelford county shall be stricken from such list.

Committee also recommends the adoption of the following as a substitute for the amendment by Mr. Jones (No. 2 on the bill): "Providing further, that nothing in this act shall prohibit any bona fide traveler, while traveling along a public road in an enclosure, from killing game within a distance of four hundred yards on either side of said road."

The committee also recommends the adoption of the following to be added to Mr. Decker's amendment (No. 1 of the bill): "Where such lands are subject to purchase or lease; provided, that proof of ownership or lease may be made by oral testimony."

The committee further recommends that the following substitute be adopted in lieu of Mr. Shannon's amendment (No. 3 on the bill): "Section 3. Nothing in this act shall be construed to repeal the present law relating to enclosures of two thousand acres or less."

The committee further recommends that the Senate recede from its position on all other amendments and that they be adopted.

Respectfully submitted,

GREER,
ATLEE,
TURNER,
DAVIDSON,

On the part of the Senate.

BAILEY,
WILLACY,
WRIGHT,
JONES,
WALTON,

On the part of the House.

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

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

Sir: Your Judiciary Committee No. 2, to whom was referred House bill No. 826, A bill to be entitled "An Act to make it a penal offense for any person to alter, change, destroy or mutilate any public record or documents authorized, required or permitted by law to be kept by any officer within this State, and to fix the punishment therefor."

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.
(Mr. Smith of Grayson in the chair.)
The pending question being, engrossment of House Joint Resolution No. 28, Mr. Neff yielding the floor, the House, on motion of Mr. Rochelle, at 6:05 p. m., took a recess until 8:30 p. m. today.

EVENING SESSION.
April 28, 1899.
The House met at expiration of recess, and was called to order by Mr. Smith of Grayson, who was occupying the chair when the House took recess this afternoon.

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 Chair laid the same before the Powell. Wooten. House.

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

NINETY-FIRST DAY.
Hall of the House of Representatives, Austin, Texas, Saturday, April 29, 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—96.

Absent.

Absen—Excused.

A quorum was announced present. Prayer by Rev. W. J. Gatlin, Chaplain. Pending reading of the Journal of yesterday. On motion of Mr. Childs, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.
On account of important business:
Mr. Peery for last Thursday, on motion of Mr. Stripling.
Mr. Dies for today, on motion of Mr. Kennedy.
Mr. Peery for today, on motion of Mr. Sansom.
Mr. Prince for today, on motion of Mr. Conoly.