May 3, 1899

HOUSE JOURNAL.

Have carefully examined said bill and find the same correctly enrolled, and I have this day, at 10:30 o'clock a. m., presented the same to the Governor.

LIVSEY, Acting Chairman.

Committee Room,
Austin, Texas, May 2, 1899.

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

Sir: Your Committee on Enrolled Bills, to whom was referred House bill No. 742, A bill to be entitled "An Act to incorporate the city of Dallas, and to grant it a new charter," have carefully examined said bill and find the same correctly enrolled, and I have this day, at 10:30 o'clock a. m., presented the same to the Governor.

LIVSEY, Acting Chairman.

Committee Room,
Austin, Texas, May 2, 1899.

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

Sir: Your Committee on Enrolled Bills, to whom was referred House bill No. 342, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Coke county, and to conform the jurisdiction of the district court of said county thereto," have carefully examined said bill and find the same correctly enrolled, and I have this day, at 10:30 o'clock a. m., presented the same to the Governor.

LIVSEY, Acting Chairman.

Committee Room,
Austin, Texas, May 2, 1899.

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

Sir: Your Committee on Irrigation, to whom was referred Senate bill No. 297, A bill to be entitled "An Act to amend Article 496, Chapter 2, Title XIII, of the Penal Code of the State of Texas, relating to irrigating canals, wells, reservoirs, etc., and the protection thereof," have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

MASTERS, Chairman.

THANKS TO CONGRESSMAN BALL.

The Hon. Thomas H. Ball, member of Congress from this State, has presented to the Speaker of the House of Representatives of the Twenty-sixth Legislature, and those who may hereafter fill the position, a volume entitled "Parliamentary Precedents of The House of Representatives of The United States." I desire for myself, and in behalf of those who may succeed me in this position, to express to Mr. Ball my sincere thanks and the thanks of this House for this valuable present. Containing as it does, the rules, practices and precedents of the House of Representatives of the United States Congress, the most popular branch of the most important legislative body in the world, it can but be of great service to the presiding officer and members of this House.

J. S. Sherrill, Speaker.

Austin, Texas, May 2, 1899.

Mr. Smith of Grayson moved to adjourn until 9:30 a. m. tomorrow, and Mr. Goodman to 9 a. m. tomorrow.

Mr. Rochelle moved to take a recess until 8:30 p. m. today, and that the evening session be devoted to consideration of the general appropriation bill.

At 6:10 p. m., on motion of Mr. Smith of Grayson, the House adjourned to 9:30 o'clock a. m. tomorrow.

NINETY-FOURTH DAY.

Hall of the House of Representatives,
Austin, Texas,
Wednesday, May 3, 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—117.

Adams.
Beaty.
Allen of Colorado.
Blount.
Allen of Hopkins.
Bridgers.
Ayers.
Browne.
Bailey.
Caldwell.
Barbee.
Calvin.
Beale.
Chambers.
The Speaker laid before the House, as special order for the hour, the report of the Free Conference Committee on Senate bill No. 144, known as the Texas & New Orleans consolidation bill (which report was printed in the Journal of the 19th of April, taken up and read on the 20th of April, and motions made to adopt the majority and minority reports, and left pending).

Pending question—
Shall the majority report be adopted?

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

Yeas and nays were demanded by Mr. Shannon, Mr. Smith of Collin and Mr. Lillard.

The report was adopted by the following vote:

Yeas—92.

Allen of Colorado.
Ayers.
Bailey.
Barbee.
Bean.
Beaty.
Blount.
Brigders.
Brown.
Caldwell.
Chambers.
Childs.
Clements.
Cole.
Collins.
Conoly.
Crawford.
Cross.
Culp.
Dean.
Dies.
Dorroh.
Eckols.
Ellis.
Frost.
Garrett.
Gill.
GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Bolin until next Friday, on motion of Mr. Oliver.
On account of sickness:
Mr. Willrodt indefinitely, on motion of Mr. Tompkins.
Mr. Evans indefinitely, on motion of Mr. Thomas of Fannin.
Mr. Barrett for today, on motion of Mr. Powell.
On account of sickness in his family:
Mr. Gordon indefinitely, on motion of Mr. Henderson of Lamar.
on the bill by striking out all of Section 1 down to and including the word 'action,' on page 2, line 12, and insert in lieu thereof the following, so that said section may hereafter read as follows, to-wit:

"Section 1. That whenever any freight, baggage or other property has been transported over two or more railroads operating any part of their roads in this State, and having an agent in this State, or operated by any assignee, trustee or receiver of any such railways, suit for loss or damages thereto or other cause of action connected therewith or arising out of such transportation or contract in relation thereto may be brought against any one or all of such railroad corporations, assignees, trustees or receiver operating any of such railroads in any county in which either of such railroads extend or is operated; provided, however, that if damages be recovered against more than one carrier not partners in the shipment or contract they shall be apportioned between the defendants by the verdict of the jury and the judgment of the court, or by the judgment alone should no jury be demanded; provided, this act shall not change venue in any case now pending.'

"Amend the caption so as to read as follows:

"An Act to prescribe the parties to and venue of suits against railroad corporations and assignees, trustees and receivers operating any railway over whose transportation lines or parts thereof any freight, baggage or other property has been carried during transportation.'"

[Signed "POWELL; "LILLARD."]

Adopted.

Mr. Robertson of Harrison offered the following amendment:

"Amend by striking out all in line 15, town or point to which the freight or baggage was consigned or shipped, and to permit two or more carriers to be joined in one suit."

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

Mr. Wright offered the following amendment:

"Amend the bill by striking out all of Section 1 down to and including the word 'action,' on page 2, line 12, and insert in lieu thereof the following, so that said section may hereafter read as follows, to-wit:

"Section 1. That whenever any freight, baggage or other property has been transported over two or more railroads operating any part of their roads in this State, and having an agent in this State, or operated by any assignee, trustee or receiver of any such railways, suit for loss or damages thereto or other cause of action connected therewith or arising out of such transportation or contract in relation thereto may be brought against any one or all of such railroad corporations, assignees, trustees or receiver operating any of such railroads in any county in which either of such railroads extend or is operated; provided, however, that if damages be recovered against more than one carrier not partners in the shipment or contract they shall be apportioned between the defendants by the verdict of the jury and the judgment of the court, or by the judgment alone should no jury be demanded; provided, this act shall not change venue in any case now pending.'

"Amend the caption so as to read as follows:

"An Act to prescribe the parties to and venue of suits against railroad corporations and assignees, trustees and receivers operating any railway over whose transportation lines or parts thereof any freight, baggage or other property has been carried during transportation.'"

[Signed "POWELL; "LILLARD."]

Adopted.
Adopted.

The bill was passed to a third reading.

Mr. Wright moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 103 be put on its third reading and final passage.

The motion prevailed by the following vote:

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Senate bill No. 103 laid before the House on its third reading and final passage.

Read third time, and Mr. Morrow offered the following amendment:

"Amend by adding to end of Section 1, as amended, the following, 'provided, this act shall not affect pending litigation.'"

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

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

The bill was passed by the following vote:

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<td>Pfeuffer.</td>
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The bill was laid before the House, and was read second time.
Mr. Dies moved the previous question, and the motion was not seconded.
Pending consideration of the bill
Mr. Shelburne moved to take a recess for ten minutes, Mr. Peery until 2 p.m. today, Mr. Barbee until 2:30 p.m. today, Mr. Shropshire until 3 p.m. today, and Mr. Dies to adjourn until 9:30 a.m. tomorrow.
Question recurring on the longest times first, the motions were lost.
At 12:20 a.m. the House took recess until 2:30 o'clock p.m. today.

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

PENDING QUESTION—
Shall Senate bill No. 293 be passed to a third reading?
Mr. Bailey called up the report of the Free Conference Committee on Substitute Senate bill No. 68, relating to hunting on enclosed lands of another.
The report was laid before the House, and was read.
Question—Shall the committee report be adopted?
Mr. Tarver moved the previous question and the motion was not seconded.
After further consideration by the House, Mr. Cole moved the previous question, and the main question was ordered.
Yeas and nays were demanded by Mr. Smith of Collin, Mr. Blount and Mr. Bean.
The report was adopted by the following vote:

Yeas-63.

The Speaker laid before the House, as pending business, on its final passage, Senate bill No. 77, A bill to be entitled "An Act to regulate the sale of cocaine, opium and other poisons," with the following amendment by Mr. Poole pending:

"Amend Section 1, page 1, by striking out in line 23, the word 'one-eighth,' and insert in lieu thereof the word 'one-half.'"

On motion of Mr. Cross, pending business was suspended to take up and place on its second reading and passage to a third reading.
Senate bill No. 293, A bill to be entitled "An Act to define and punish unjust discrimination by officers, agents, servants and employees, and receivers, their officers, servants, agents and employees, of railroad companies in this State."
House Journal. May 3, 1899

Parish. Staples.
Pitts. Stewart.
Prince. Tarver.
Robertson, Harrison Tate.
Robertson of Bell. Thomas of Fannin.
Rochelle. Tolbert.
Russell. Tompkins.
Sansom. Tucker.
Schluter. Walton.
Seurry. Wells.
Shannon. Willacy.
Smith of Grayson.

Nays—40.

Adams. McAnally.
Barbee. McClellan.
Bean. McDowell.
Beaty. Morrow.
Blount. Peery.
Cole. Poole.
Crawford. Powell.
Dean. Ratcliff.
Decker. Savage.
Derden. Shelburne.
Dorroh. Shropshire.
Eckols. Smith of Collin.
Ellis. Stripling.
Frost. Teagle.
Goodman. Terrell.
Hurley. Vaughan.
Lillard. Wheless.

Absent.

Bridgers. Kennedy.
Calvin. McFarland.
Cross. Neff.
Graham. Pfeuffer.
Greenwood. Wooten.
Grubbs. Wright.
Howard.

Absent—Excused.

Barrett. Rogers.
Bennett. Sutherland.
Bolin. Tarkington.
Evans. Willrodt.
Gordon.

"We vote 'no' on the adoption of the report of the Free Conference Committee, because it allows prosecutions for hunting on lands that are enclosed, but not owned by the encloser. Otherwise we would vote 'yes.'"

"ADAMS. "McCLELLAN."

Mr. Bailey moved to reconsider the vote by which the report of the Free Conference Committee on Substitute Senate bill No. 68 was adopted, and to take the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, as special order for the hour, 4 p. m., on its second reading and passage to a third reading,

Substitute Senate bill No. 162. A bill to be entitled "An Act to define white-capping, and fixing a punishment therefor."

The bill was read second time, and passed to a third reading.

Mr. Rochelle moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 162 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—90,

Adam* Marsh.
Allen of Colorado. Masterson.
Allen of Hopkins. Maxwell.
Beaty. McAnally.
Bridgers. McDowell.
Browne. McKellar.
Caldwell. Meitzen.
Chambers. Mercer.
Childers. Monroe.
Childs. Morrow.
Clements. Murray.
Cocke. Nolan.
Cole. Oliver.
Collins. Palmer.
Conoly. Parish.
Crawford. Peery.
Pitts. Poole.
Decker. Prince.
Dies. Ratcliff.
Dorroh, Robertson, Harrison.
Eckols. Rochelle.
Ellis. Shelburne.
Frost. Smith of Grayson.
Garrett. Staples.
Garner. Thomas of Wise.
Garrett. Thomas of Fannin.
Gill. Tolbert.
Gill. Tompkins.
Goodlett. Tucker.
Goodman, Shelburne.
Goodman. Smith of Grayson.
Grogan. Smith of Grayson.
Hamilton. Staples.
Henderson, Brazos. Stewart.
Henderson, Lamar. Tarver.
Hurley. Teagle.
Jones. Terrell.
Kennedy. Thomas of Wise.
Kittrell. Thomas of Fannin.
Lake. Tolbert.
Lane. Tompkins.
Lillard. Tucker.
Little. Vaughan.
Livsey. Wells.
Looney. Wheelless.
Loyd. Willacy.

Nays—1.

Bean.
**May 3, 1899**

**HOUSE JOURNAL.**

### Absent—Excused

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Senate bill No. 102 laid before the House, on its third reading and final passage.

Read third time, and Mr. Teagle offered the following amendment:

"Amend by striking out all in line 32, page 1, after the word 'penitentiary,' and add the following: 'Not less than two nor more than seven years.'"

Mr. Derden offered the following substitute for the amendment:

"Amend by adding after the word 'years,' in line 32, Section 1, the following: 'Nor more than five years.'"

The substitute was accepted, and the amendment as substituted was adopted.

Mr. Kittrell offered the following amendment:

"Amend by striking out 'felony,' in line 30, and insert 'the offense of white-capping.'"

Adopted.

The bill was passed by the following vote:

**Years—103.**

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**Nays-1.**

### Absent

| Nolan  |        |

The House resumed consideration of the pending question, same being—Shall Senate bill No. 293 pass to a third reading?

Mr. Terrell offered the following amendment to the bill:

"Amend Section 2, page 2, by striking out all of Section 2, after the word 'State,' in line 21, and insert the following: 'Or to the Railroad Commissioners; provided, that if any railroad company, receiver, agent, officer or employee of any railroad company in this State,
shall issue passes or free transportation to any member of the Legislature, to the judge of any court in the State, to any district or county attorney, to any member of the county commissioners court, to any sheriff or peace officer, or to any other person, who is in any way connected with making, enforcing or interpreting the laws of this State, such person or persons shall be deemed guilty of unjust discrimination, within the meaning of Section 1 of this act, and upon conviction thereof shall be punished according to the provisions of Section 1 of this act.'"

Mr. Shropshire raised the point of order that the amendment was not germane to the purpose of the bill, and for that reason was not in order as an amendment to this bill.

Overruled.

Mr. Loyd moved to table the amendment, upon which motion yeas and nays were demanded by Mr. McAnally, Mr. Bean and Mr. Terrell.

Tabled by the following vote:

Yea—73.
Adams.
Allen of Colorado.
Allen of Hopkins.
Ayres.
Beaty.
Blount.
Bolin.
Bridgers.
Browne.
Clements.
Cooke.
Cole.
Collins.
Cross.
Culp.
Dyes.
Eckols.
Ellis.
Frost.
Garrett.
Gill.
Goodlett.
Grogan.
Hamilton.
Henderson, Brazos.
Jones.
Kennedy.
Kittrell.
Lane.
Little.
Looney.
Loyd.
Masterson.
McClellan.
McDowell.
McKamy.
McKellar.

Nay—31.
Bean.
Caldwell.
Chambers.
Childs.
Conoly.
Dean.
Decker.
Derden.
Dorroh.
Henderson, Lamar.
Hurley.
Lake.
Lillard.
Livsey.
Marsh.
Maxwell.

Mr. Shropshire raised the point of order that the amendment was not germane to the purpose of the bill, and for that reason was not in order as an amendment to this bill.

Overruled.

Mr. Loyd moved to table the amendment, upon which motion yeas and nays were demanded by Mr. McAnally, Mr. Bean and Mr. Terrell.

Tabled by the following vote:

Yeas—73.
Adams.
Allen of Colorado.
Allen of Hopkins.
Ayres.
Beaty.
Blount.
Bolin.
Bridgers.
Browne.
Clements.
Cooke.
Cole.
Collins.
Cross.
Culp.
Dyes.
Eckols.
Ellis.
Frost.
Garrett.
Gill.
Goodlett.
Grogan.
Hamilton.
Henderson, Brazos.
Jones.
Kennedy.
Kittrell.
Lane.
Little.
Looney.
Loyd.
Masterson.
McClellan.
McDowell.
McKamy.
McKellar.

Nays—31.
McAnally.
Morrow.
Nolan.
Phillips, Lampasas.
Powell.
Prince.
Robertson, Harrison.
Sansom.
Shannon.
Smith of Collin.
Staples.
Terrell.
Thomas of Wise.
Thomas of Fannin.
Tompkins.

Mr. Shropshire raised the point of order that the amendment was not germane to the purpose of the bill, and for that reason was not in order as an amendment to this bill.

Overruled.

Mr. Loyd moved to table the amendment, upon which motion yeas and nays were demanded by Mr. McAnally, Mr. Bean and Mr. Terrell.

Tabled by the following vote:

Yeas—73.
Adams.
Allen of Colorado.
Allen of Hopkins.
Ayres.
Beaty.
Blount.
Bolin.
Bridgers.
Browne.
Clements.
Cooke.
Cole.
Collins.
Cross.
Culp.
Dyes.
Eckols.
Ellis.
Frost.
Garrett.
Gill.
Goodlett.
Grogan.
Hamilton.
Henderson, Brazos.
Jones.
Kennedy.
Kittrell.
Lane.
Little.
Looney.
Loyd.
Masterson.
McClellan.
McDowell.
McKamy.
McKellar.

Nays—31.
McAnally.
Morrow.
Nolan.
Phillips, Lampasas.
Powell.
Prince.
Robertson, Harrison.
Sansom.
Shannon.
Smith of Collin.
Staples.
Terrell.
Thomas of Wise.
Thomas of Fannin.
Tompkins.

Mr. Shropshire raised the point of order that the amendment was not germane to the purpose of the bill, and for that reason was not in order as an amendment to this bill.

Overruled.

Mr. Loyd moved to table the amendment, upon which motion yeas and nays were demanded by Mr. McAnally, Mr. Bean and Mr. Terrell.

Tabled by the following vote:

Yeas—73.
Adams.
Allen of Colorado.
Allen of Hopkins.
Ayres.
Beaty.
Blount.
Bolin.
Bridgers.
Browne.
Clements.
Cooke.
Cole.
Collins.
Cross.
Culp.
Dyes.
Eckols.
Ellis.
Frost.
Garrett.
Gill.
Goodlett.
Grogan.
Hamilton.
Henderson, Brazos.
Jones.
Kennedy.
Kittrell.
Lane.
Little.
Looney.
Loyd.
Masterson.
McClellan.
McDowell.
McKamy.
McKellar.

Nays—31.
McAnally.
Morrow.
Nolan.
Phillips, Lampasas.
Powell.
Prince.
Robertson, Harrison.
Sansom.
Shannon.
Smith of Collin.
Staples.
Terrell.
Thomas of Wise.
Thomas of Fannin.
Tompkins.

Mr. Shropshire raised the point of order that the amendment was not germane to the purpose of the bill, and for that reason was not in order as an amendment to this bill.

Overruled.

Mr. Loyd moved to table the amendment, upon which motion yeas and nays were demanded by Mr. McAnally, Mr. Bean and Mr. Terrell.

Tabled by the following vote:

Yeas—73.
Adams.
Allen of Colorado.
Allen of Hopkins.
Ayres.
Beaty.
Blount.
Bolin.
Bridgers.
Browne.
Clements.
Cooke.
Cole.
Collins.
Cross.
Culp.
Dyes.
Eckols.
Ellis.
Frost.
Garrett.
Gill.
Goodlett.
Grogan.
Hamilton.
Henderson, Brazos.
Jones.
Kennedy.
Kittrell.
Lane.
Little.
Looney.
Loyd.
Masterson.
McClellan.
McDowell.
McKamy.
McKellar.

Nays—31.
McAnally.
Morrow.
Nolan.
Phillips, Lampasas.
Powell.
Prince.
Robertson, Harrison.
Sansom.
Shannon.
Smith of Collin.
Staples.
Terrell.
Thomas of Wise.
Thomas of Fannin.
Tompkins.
May 3, 1899  HOUSE JOURNAL.  

were demanded by Mr. McAnally, Mr. Henderson of Lamar and Mr. Looney. 
Tabbed by the following vote:  
(Speaker in the chair.)  

Yea's-73.  
Adams.  
Allen of Colorado.  
Allen of Hopkins.  
Ayers.  
Blount.  
Bolin.  
Bridgers.  
Brown.  
Clements.  
Cocke.  
Cole.  
Collins.  
Crawford.  
Cross.  
Culp.  
Doe.  
Eckols.  
Ellis.  
Frost.  
Garner.  
Garrett.  
Gill.  
Goodlett.  
Grogan.  
Hamilton.  
Jones.  
Kennedy.  
Kittrell.  
Lane.  
Looney.  
Loyd.  
Masters.  
McClellan.  
McDowell.  
McKamy.  
McKellar.  
Meitzen.  
Bean.  
Calwell.  
Chambers.  
Childs.  
Coley.  
Dean.  
Decker.  
Derden.  
Dorros.  
Henderson, Brazos.  
Henderson, Lamar.  
Lake.  
Lillard.  
Little.  
Livesay.  
Marsh.  

Nay's-31.  
Bean.  
Calwell.  
Chambers.  
Childs.  
Coley.  
Dean.  
Decker.  
Derden.  
Dorros.  
Henderson, Brazos.  
Henderson, Lamar.  
Lake.  
Lillard.  
Little.  
Livesay.  
Marsh.  

Absent—Excused.  
Barrett.  
Bennett.  
Evans.  
Gordon.  
Hurley.  
Pfeiffer.  
McFarland.  
Wright.  
Morris.  
Rogers.  
Sutherland.  
Tarkington.  
Willroth.  

"While I favor the anti-free pass bill, I vote 'aye' on the motion to table the Morrow amendment, because I believe its engraftment on the main bill under consideration, would endanger its final passage and contribute to the defeat of a most important measure."

"Cocke."

"I vote 'aye' to table the amendment to Senate bill No. 162, seeking to prevent the issuance of free passes, because the bill is a rebate bill, and seeks to prohibit unjust discriminations made by railroad companies, which discriminations are a crying evil in Texas, enriching one class to the detriment of another. The opposition to the free pass bill will, in my opinion, hinder, if not defeat, the passage of this, one of the most important measures in the House, if this amendment is adopted."

"Savage."

"I vote to table the amendment by the gentleman from Kaufman, because I believe it will cause the bill to be killed in the Senate."

"Ratcliff."

"I vote to table the amendment, for the reason it would hazard the passage of the best bill before the Legislature. I am in favor of anti-pass bill, which is now pending, and shall support the same when called before the House for consideration."

"Allen of Hopkins."

"I vote 'no' on the Morrow amendment, not because I oppose an anti-pass law. I have at all times voted to take up the bill. For two days I have been asking recognition to move that the anti-pass bill be taken up, but I am opposed to this filibustering against the passage of a good bill, by killing time or by tacking on amendments that will defeat the bill."

"Cole."
Mr. Kittrell offered the following amendment: "Amend by adding at end of line 10, page 2, the following: 'Provided, that all railroad companies shall be required to furnish, upon request by them, annual free passes to the following persons: All State officers, all judges of the Supreme Court, Courts of Criminal Appeals, Courts of Civil Appeals, district judges, county judges and to all members and officers of both houses of the Legislature.'"

Mr. Terrell moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Cross, Mr. McAnally and Mr. Mercer.

Tabled by the following vote:

Yea's-64.

Absents-32.


Nays-38.


"I vote 'aye' on the motion to table the Kittrell amendment to Senate bill No. 293, for the reason I am a democrat and believe in carrying out the Democratic platform, and this amendment, which forces railroad companies to issue free passes to public officers, is a clear violation of party faith, and in direct opposition to the 23rd plank of the Democratic platform adopted at Galveston in 1898. I was in favor of both the Terrell and Morrow amendments, and so voted 'no' on the motion to table them. The Terrell and Morrow amendments were strictly in line with the Democratic platform, for the 23rd plank of said platform demanded and declared in favor of a law that would prevent free passes from being given to public officers, and before I would knowingly violate the plain and written demands of my party (the Democratic party), I would resign my seat in this House, leave the party, and train as an independent in politics, for I do not consider that I would have any right to retain my seat in this House, which was given to me by the democrats of Collin county, Texas, if I should knowingly refuse to carry out the plain platform demand of said party. I hope yet, but very feebly, to see the demands of the party carried out in this House, and that an anti-free pass bill may yet pass this House, and also the Senate, and become a law."

"Smith of Collin."

Mr. Murray moved the previous question, and the motion was not seconded.

Mr. Jones offered the following amendment: "Amend Section 2 as follows: Strike out all of line 10, page 2, and insert in
lieu of it the following, 'the county jail for not less than three months nor more than twelve months, and by a fine of not less than one hundred dollars nor more than one thousand dollars.'"

Mr. Shropshire offered the following amendment to the amendment:

"Amend by inserting after the word 'service,' in line 30, page 1, the following, 'or issue to any person other than an employe of said railroad any free pass or permit to ride over said railroad.' Strike out all of Section 2, on page 2."

Mr. Wooten raised the point of order that the amendment was not in order, for the reason that a similar amendment had been tabled. Sustained, and the amendment was ruled out of order.

Mr. Cole moved the previous question, and the motion was not seconded. After further consideration by the House, Mr. Bridgers moved the previous question, and the main question was ordered.

Question first recurred on the amendment by Mr. Jones, upon which yeas and nays were demanded by Mr. Ellis, Mr. Morrow and Mr. Lane.

The amendment was lost by the following vote:

**Yeas—35.**

Adams. McClellan.  
Allen of Colorado. McKamy.  
Bissell. Meitzen.  
Bridgers. Mercer.  
Clements. Murphy.  
Conoly. Nolan.  
Crawford. Parish.  
Dorroh. Phillips of Camp.  
Ellis. Pitts.  
Frost. Poole.  
Hurley. Russell.  
Jones. Shelburne.  
Kennedy. Teagle.  
Lane. Thomas of Wise.  
Loyd. Tucker.  
Masterson. Willacy.  
Maxwell.  

**Nays—67.**

Allen of Hopkins. Decker.  
Ayers. Derden.  
Bailey. Dies.  
Bean. Garner.  
Bell. Gill.  
Caldwell. Goodlett.  
Chambers. Grogan.  
Childs. Hamilton.  
Cocks. Henderson, Brazos.  
Collins. Kitrell.  
Cross. Lake.  
Culp. Lillard.  
Dean. Little.  

Livey. Schluter.  
Looney. Securry.  
Marsh. Shannon.  
McAnally. Shropshire.  
McDowell. Smith of Grayson.  
Morrow. Smith of Collin.  
Murray. Staples.  
Neill. Stewart.  
Oliver. Stripling.  
Palmer. Tate.  
Peery. Terrell.  
Phillips, Lampassas. Thomas of Fannin.  
Powell. Tolbert.  
Prince. Tompkins.  
Ratcliff. Vaughan.  
Robertson, Harrison. Walton.  
Robertson of Bell. Wells.  
Rochelle. Wheless.  
Sansom. Wooten.  
Savage.  

Absent.  
Barbee. Grubbs.  
Beaty. Howard.  
Calvin. McFarland.  
Childers. McKellar.  
Eckols. Morris.  
Garrett. Pfeuffer.  
Goodman. Tarver.  
Graham. Wright.  
Greenwood.  

Absent—Excused.  
Barrett. Rogers.  
Bennett. Sutherland.  
Evans. Tarkington.  
Gordon. Willrodt.  

Question next recurred on passage of the bill to a third reading, upon which yeas and nays were demanded by Mr. Murphy, Mr. Lane and Mr. Cross.

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

**Yeas—75.**

Adams. Dorroh.  
Allen of Hopkins. Gill.  
Ayers. Hamilton.  
Bailey. Henderson, Brazos.  
Bean. Henderson, Lamar.  
Blount. Kitrell.  
Brown. Lake.  
Caldwell. Lillard.  
Chambers. Little.  
Childs. Livey.  
Cocks. Looney.  
Cole. Loyd.  
Collins. Marsh.  
Conoly. Maxwell.  
Crawford. McAnally.  
Cross. McClellan.  
Culp. McDowell.  
Dean. McKamy.  
Decker. Monroe.  
Deren. Morrow.  
Dies. Murray.

"I vote 'no' on the engrossment of this bill because it proposes to convict upon the unsupported testimony of an accomplice or participant, and I do not think it just or right to convict on the testimony alone of a self-confessed criminal."

"SHELBURNE."

"I vote 'no,' because I don't believe that any person ought to be convicted on the uncorroborated testimony of an accomplice, and because the law now covers the good features of this bill."

"FROST."

Mr. Bailey moved to reconsider the vote by which Senate bill No. 293 was passed to a third reading, and asked to have the motion to reconsider spread upon the Journal.

NOTICE.

Mr. Bailey then gave notice that he would, on tomorrow afternoon, call up the above motion to reconsider for the purpose of having the motion laid before the House for consideration.

SPECIAL ORDER FIXED.

Senate bill No. 306, the Gulf, Beaumont & Kansas City Railroad consolidation bill, on its second reading and passage to a third reading for tomorrow, May 4, 3 o'clock p.m., on motion of Mr. Dies.

The Speaker laid before the House, as pending business, on its final passage, Senate bill No. 77, A bill to be entitled "An Act to regulate the sale of cocaine, opium and other poisons," with amendment by Mr. Poole pending.

Mr. Poole, by consent, withdrew the amendment, and offered in lieu thereof the following:

"Amend Section 1 of the bill, as amended on page 916 of the House Journal, by changing the words 'one-eighth,' where they refer to opium, to 'one-half;' and change the words 'one-twentieth,' where they refer to morphine, to 'one-fourth.'"

Pending consideration of the amendment, Mr. Poole yielding the floor, Mr. Livsey moved to adjourn until 9:30 a.m. tomorrow.

By unanimous consent, Mr. Masterson called up the following resolution, which was read yesterday and went to the Speaker's table:

RESOLUTION.

Whereas, The people living in the Brazos valley have at last determined to open that river for navigation, and are now exerting every effort in that direction; and

Whereas, The opening of said river to navigation means a great deal to Texas in the way of development; therefore, be it

Resolved by the House of Representatives, that every Texas Congressman be, and is hereby requested to urge upon Congress an appropriation sufficient to open said river for navigation.

The resolution was laid before the House, read second time, and adopted.
COMMITTEE REPORT.
Committee Room,
Austin, Texas, May 2, 1899.

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

SIR: Your Committee on Military Affairs, to whom was referred the attached resolution by Mr. Tarver, relating to the war in the Philippine Islands, beg leave to ask for ten days or more in which to confer with the proper authorities, and find out whether or not the war is really over, and that Captain E. R. Tarver be requested to open communication, with proper authority, and report the result of his investigation to this committee.

VAUGHAN, Chairman.

At 6:40 p.m., on motion of Mr. Livsey, the House adjourned until 9:30 o'clock a.m. tomorrow.

NINETY-FIFTH DAY.
Hall of the House of Representatives,
Austin, Texas,
Thursday, May 4, 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-122.

Adams.
Allen of Colorado.
Allen of Hopkins.
Ayers.
Bailey.
Barbee.
Barrett.
Beaty.
Blount.
Bolin.
Bridgers.
Browne.
Caldwell.
Calvin.
Chambers.
Childers.
Childs.
Clements.
Cocke.
Cole.
Collins.
Conoly.
Crawford.
Cross.
Culp.
Dean.
Decker.
Derdener.

Died.

Maxwell.
McNally.
McClellan.
McDowell.
McFarland.
McKamy.
McKelber.
Meitzen.
Mercer.
Monroe.
Morris.
Morrow.
Murphy.
Murray.
Neff.
Nolan.
Oliver.
Palmer.
Parish.
Peery.
Pfeiffer.

Phillips, Lampasas.
Phillips of Camp.
Pitts.
Poole.
Powell.
Prince.
Patcliff.
Robertson, Harrison.
Robertson of Bell.

Rochelle.
Russell.
Sansom.
Savage.
Schulter.
Scurry.
Shannon.
Sherburne.
Shropshire.
Smith of Grayson.
Smith of Collin.
Staples.
Stewart.
Stripling.
Tarkington.
Tarver.
Tate.
Teagle.
Terrell.
Thomas of Wise.
Thomas of Fannin.

Prince.

Rogers.
Sutherland.
Willrodt.

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

Pending reading of the Journal of yesterday,
On motion of Mr. Childers, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Grubbs for yesterday, on motion of Mr. Eckols.

On account of sickness:
Mr. Barrett indefinitely, on motion of Mr. Shelburne.

RESOLUTIONS.

By Mr. Henderson of Lamar:
House Concurrent Resolution No. 53:

Whereas, Article 3855, Revised Civil Code of the State of Texas provides that there shall be appointed by the Legislature at each regular session a board of visitors, who shall attend the annual examinations of the University and its branches, and report to the Legislature thereon; therefore, be it

Resolved, That this House, the Senate