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.
Childs.
Childs.
Clements.
Cocke.
Cole.
Collins.
Conoly.
Crawford.
Cross.
Culp.
Dean.
Decker.
Derden.
Dews.

Maxwell.
McAlary.
McClellan.
McDowell.
McFarland.
McKamy.
McKellar.
Meitzen.
Mercer.
Monroe.
Morris.
Morrow.
Murphy.
Murray.
Nett.
Nolan.
Oliver.
Palmer.
Parish.
Peery.
Pfeiffer.
Phillips, Lampasas.
Phillips of Camp.
Pitts.
Poole.
Powell.
Prince.
Ratcliff.
Robertson, Harrison Willacy.
Robertson of Bell.

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

Dorroh.
Eckols.
Ellis.
Frost.
Garner.
Garrett.
Gill.
Goodlett.
Goodman.
Graham.
Greenwood.
Grogan.
Grubbs.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Hurley.
Jones.
Kennedy.
Kittrell.
Lake.
Lane.
Lillard.
Little.
Livey.
Looney.
Loyd.
Marsh.
Masterson.

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
concurring, does hereby authorize the formation of a committee of five members of this Legislature to constitute said board of visitors, three of whom are to be appointed by the Speaker from the membership of this House, and two to be selected from the Senate by such method as it may determine, the expense of said board to be paid as provided for by Article 3856, Revised Civil Code.

Read second time, and adopted.

By Mr. Kennedy:

House Concurrent Resolution No. 54:

Whereas, The rapid formation of trusts, pools, combinations and monopolies is menacing to the welfare, prosperity and industrial freedom of the people, and

Whereas, The Attorney-General of the United States has recently declared that the suppression of these dangerous combinations was with the States, and it being a self-evident proposition that the most effectual way to solve this problem is by concentrated action between the several States; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That a committee of three from the House and two from the Senate be appointed as a Special Committee to devise and report at once the best method of securing cooperation and concentrated action among the several States.

Read second time, and on motion of Mr. Powell, tabled subject to call.

By Mr. Phillips of Lampasas:

House Concurrent Resolution No. 55:

Resolved by the House, the Senate concurring, That the Twenty-sixth Legislature adjourn sine die on Monday, May 22, 1899;

Read second time, and on motion of Mr. Bailey tabled subject to call.

SPEAKER'S TABLE.

The Speaker laid before the House, as pending business, on its passage to engrossment, Substitute House bill No. 111, the general appropriation bill; that part of the bill beginning at line 20, page 27, pertaining to the Confederate Home, being the items under consideration, with amendment by Mr. Peery and substitute for the amendment by Mr. Childers pending.

(Mr. Smith of Grayson in the chair.)

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

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

Question first recurred on the substitute by Mr. Childers, upon which yeas and nays were demanded by Mr. Henderson of Lamar, Mr. Savage and Mr. Childers.

The substitute was adopted by the following vote:

Yeas—55.

Barbee. McAnally.
Bridgers. McClellan.
Caldwell. McFarland.
Childers. McKamy.
Cocke. Mercer.
Conoly. Monroe.
Crawford. Nolan.
Goss. Parish.
Dean. Phillips of Camp.
Decker. Poole.
Derden. Prince.
Diers. Ratcliffe.
Dorroph. Robertson, Harrison.
Eckols. Robertson of Bell.
Garner. Russell.
Garrett. Schluter.
Gill. Scurry.
Goodlett. Shannon.
Greenwood. Smith of Collin.
Grogan. Staples.
Hamilton. Tarver.
Henderson, Brazos. Thomas of Wise.
Howard. Tolbert.
Kennedy. Tucker.
Kittrell. Walton.
Masterson. Weathers.
Maxwell. Willacy.

Nays—50.

Adams. Loyd.
Allen of Colorado.Marsh.
Allen of Hopkins. McDowell.
Bean. McKellar.
Beaty. Meitzen.
Blount. Morris.
Browne. Morrow.
Calvin. Murphy.
Clements. Murray.
Cole. Neff.
Collins. Oliver.
Ellis. Peery.
Frost. Pfeiffer.
Goodman. Powell.
Graham. Savage.
Grubbs. Shelburne.
Henderson, Lamar. Stewart.
Hurley. Stripling.
Jones. Tarkington.
Lake. Teagle.
Lane. Terrell.
Lillard. Thomas of Fannin.
Little. Vaughan.
Livesey. Wells.
Looney. Willacy.

Absent.

Ayers. Chambers.
Bailey. Childs.
Amend line 20, page 27, by adding after ‘maintenance’ the following, which includes per diem and expenses of board of directors.’”

Adopted.

The items pertaining to the Confederate Home were then adopted as a whole as amended.

MEDICAL DEPARTMENT.

The Chair then laid before the House that part of the bill pertaining to the Medical Department of the University of Texas, same being lines 7 and 8 of page 11 of the bill.

The item was read, and

Mr. Wheless offered the following amendment:

“Amend line 8, page 11, by striking out the figures ‘$35,000’ as it appears in this line and inserting in lieu thereof ‘$34,910.16 first year, and $40,240.16 second year.’”

Mr. McDowell offered the following substitute for the amendment:

“Substitute by striking out ‘$35,500’ in each year and inserting ‘$20,000’ therefor, in line 8, page 11.”

Mr. Garner moved the previous question on the pending amendments, and the main question was ordered.

Question first recurred on the substitute by Mr. McDowell, upon which yeas and nays were demanded by Mr. Phillips of Lampasas, Mr. Barbee and Mr. Grogan.

The substitute was lost by the following vote:

Yea-32.
 Bean.
 Bea.
 Blount.
 Conolly.
 Dean.
 Eckols.
 Frost.
 Garner.
 Gill.
 Good.
 Graham.
 Grogan.
 Hamilton.
 Howard.
 Lane.
 Lillard.

Nay-65.
Allen of Colorado.
Allen of Hopkins.
Barbee.
Bridges.
Brown.
Caldwell.
Childers.
Clements.
Cole.
Collins.
Crawford.
Decker.
Deren.
Dries.
Dorroh.
Garrett.
Goodlett.
Henderson, Brazos.
Henderson, Lamar.
Hurley.
Jones.
Kittrell.
Lake.
Loyd.
Masterson.
Maxwell.
Mcnally.
McFarland.
McGovern.
McKellar.
McLemore.
Moody.
Morris.
Morgan.
Morrison.
Murphy.
Neal.
Nichols.
Oaks.
Oliver.
Olson.
Palmer.
Parish.
Peery.
Pfenniger.
Phillips, Lampasas.
Phillips of Camp.
Pike.
Powell.
Presidio.
Robertson, Harrison.
Robertson of Bell.
Rouche.
Russell.
Savage.
Schatz.
Scour.
Shannon.
Sherburne.
Sikes.
Sirling.
Tarkington.
Thomas of Wise.
Thomas of Fannin.
Tolbert.
Tompkins.
An Act to authorize the Commissioners of the General Land Office to appoint two State Land Agents, prescribing their duty, fixing their salaries, making an appropriation therefor; providing for the recovery for the depredation upon timber and for the use or occupancy without lawful authority, and to prevent the free use and unlawful encroachment of any of the public lands owned or held in trust by the State for any purpose whatever, and creating an emergency.

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 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 either or any of such railroads with its or their franchises and appurtenances, 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 railroads, 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, and 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."

Substitute House bill No. 497, A bill to be entitled "An Act to define and regulate fraternal beneficiary societies, orders or associations, to prescribe the terms and conditions on which such societies organized under the laws of other States, or those doing business in other States, may be permitted to do business
in Texas, and to define the duties of the Commissioner of Insurance of this State in relation thereto, providing for the incorporation of such societies, and declaring an emergency."

Also the Senate has concurred in House amendments to Substitute Senate bill No. 162.

J. P. Pool,
Secretary of the Senate.

The House resumed consideration of the pending bill, same being Substitute House bill No. 111, the general appropriation bill, the previous question having been ordered on the pending amendments.

Question then next recurred on the amendment by Mr. Wheless, upon which yeas and nays were demanded by Mr. Savage, Mr. Barbee and Mr. Phillips of Lampasas.

The amendment was lost by the following vote:

Yeas—19.
Caldwell.  McKamy.
Collins.  Murphy.
Dies.  Nolan.
Goodlett.  Palmer.
Henderson, Brazos.  Parish.
Kittrell.  Schuler.
Masterson.  Tompkins.
Maxwell.  Walton.
McAnally.  Wheelless.
McFarland.

Nays—77.

Allen of Colorado.  Howard.
Barbee.  Jones.
Bean.  Kennedy.
Beaty.  Lake.
Blount.  Lane.
Bridgers.  Lillard.
Browne.  Little.
Calvin.  Livesey.
Childers.  Loyd.
Clements.  Marsh.
Cocke.  McLellan.
Cole.  McDowell.
Conoly.  McKellar.
Crawford.  Meitzen.
Culp.  Mercer.
Dean.  Monroe.
Derden.  Morris.
Dorroh.  Morrow.
Eckols.  Murray.
Ellis.  Oliver.
Frost.  Peery.
Garner.  Pfeuffer.
Gill.  Phillips, Lampasas.
Graham.  Poole.
Grogan.  Powell.
Hamilton.  Ratcliff.
Henderson, Lamar.  Robertson, Harrison.

Rochelle.  Teagle.
Russell.  Terrell.
Savage.  Thomas of Wise.
Shannon.  Thomas of Fannin.
Sheiburne.  Tolbert.
Smith of Collin.  Tucker.
Stewart.  Vaughan.
Stripling.  Wells.
Tarkington.  Willacy.
Tate.

Adams.  Absent.
Ayers.  Neff.
Bailey.  Pitts.
Chambers.  Prince.
Childs.  Robertson of Bell.
Cross.  Sansom.
Decker.  Scurry.
Garrett.  Shropshire.
Greenwood.  Staples.
Grubbs.  Tarver.
Looney.  Wooten.
Looney.  Wright.

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

"I vote 'no,' because the report of the University shows an attendance of 800 pupils, and the same report shows that of this number 145 are lawyers and 239 are doctors, making a total of 404; therefore, I am opposed to voting away the tax-payers' money to make lawyers and doctors.

"FROST."

"I vote 'no' on Substitute House bill No. 111 on all amendments carrying with them any amount whatever for the support of the Medical Department of the State University, for the reasons heretofore stated, viz.: The great State of Texas has a school fund sufficient, if economically and judicially expended, to give each and every child in Texas, and for all time to come, a good common school education, which was originally intended by our forefathers; when this done, should any of them wish to go farther and prepare themselves for any of the professions of life, let them go down in their own pockets for same.

"PHILLIPS of Lampasas."

The original item was then adopted.

The House then resumed consideration of the bill on page 28, beginning at line 14, the

QUARANTINE DEPARTMENT.

The items were read, and Mr. Henderson of Lamar offered the following amendments:

(1) "Amend by inserting between
lines 19 and 20, the following: "To purchase or lease lots on which to erect suitable buildings at Texarkana, Logansport, Waskun, P. G. Sabine River crossing, Eagle Pass, Laredo, or wherever necessary, to erect suitable buildings, and fence in yards, to provide good cypress cisterns at each of the above places, and to purchase cooking utensils, stoves, cots and bedding for the above mentioned places, to be distributed between such places at the discretion of the Governor and State Health Officer, $10,000 for the first year."

(2) "To build or purchase a suitable barge to be used as a fumigating barge at Galveston, $15,000 for the first year."

Mr. Little called for a division of the amendment.

The amendment, divisions (1) and (2), were then read, and adopted seriatim.

Mr. Monroe offered the following amendment:

"Amend by adding between lines 19 and 20, the following: "That the sum of $10,000 be and the same is hereby appropriated out of any funds in the treasury, not otherwise appropriated; the same to be placed in the hands of the Governor to be disbursed by him for the relief of the people in counties where by reason of any public calamity they are unable to provide against any existing epidemic or contagious disease; provided, the Governor is hereby vested with discretion, and is directed to use such fund in cases of emergency when the people are unable to raise by taxation the requisite funds to meet such emergency; and provided further, that such fund shall not be used for any purpose for which the general appropriation for the Quarantine Department is applicable.""

Yeas and nays were demanded by Mr. Little, Mr. Morris and Mr. Terrell.

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

The amendment was adopted by the following vote:

Yeas—48

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"I vote 'no' on the Monroe amendment, because its provisions are a discrimination."

"McClellan."

Mr. Schluter moved to take a recess until 2:30 p.m. today, and Mr. Blount until 3 p.m. today.

SENATE BILL ON FIRST READING.

The following bill reported from the Senate today was read first time, and referred as follows:

Senate bill No. 332, to the Committee on Internal Improvements.

PETITIONS AND MEMORIALS.

By Mr. Parish:

Petition from sixty-three citizens of Bald Prairie, Robertson 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. Derden and Mr. Poole:

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

Read, and referred to Judiciary Committee No. 1.

Mr. Conoly sent up the following memorial and resolutions and, on his motion, after being read, they were ordered printed in the Journal:

RESOLUTIONS.

Whereas, The encroachment of the illegitimate combinations of capital commonly designated as "trusts" have in the past few years been such, and are such today, as to produce serious apprehension as to the safety of the interests of the people. And it being essential that we organize to combat the further progress of all combinations formed for the purpose of restraining trade, driving out competition, reducing the price of our products and raising the prices of what we buy; therefore, be it resolved:

1st. That we here and now form ourselves in the Democratic Anti-Trust Club No. 1 of Falls county, Texas, for the purpose of giving, from time to time, expression to such views as will tend to aid in all legitimate opposition to said trusts.

2nd. Unity of action being essential to success we call upon the people throughout Texas to organize similar clubs, having the same object in view.

3rd. The anti-trust bill now pending before the Legislature of the State of Texas being aimed at all trusts of whatever nature formed for the purpose of destroying competition, we call upon our representatives, the Hon. J. E. Yantis, Hon. S. G. Little and Hon. W. S. Conoly, to support this measure and to do all they can to secure its passage.

4th. The insurance companies having threatened to leave the State if this law is passed, we believe is sufficient reason to prove that they are in a trust to keep up insurance rates, which are ultimately taxed against the producer, and that the people should assert their independence of this or any other trust, and assure our Legislature that said threats are made for the sole purpose of frightening them into submission and with no idea of carrying them into execution beyond gaining their point.

5th. Hon. Joseph D. Sayers, Governor of Texas, having vetoed the various consolidation bills passed by the Legislature, we most heartily endorse said vetoes. We believe that the Governor is right, and we wish to and do hereby express our unbounded faith and confidence in the personal and official integrity and honor of the Hon. J. D. Sayers. He is not deceiving the people who elected him, but is making a safe, conservative and wise Governor.

6th. That a copy of these resolutions be forwarded at once to Hon. W. S. Conoly, with the request that he have the same read to the Texas Legislature as a petition in behalf of the anti-trust bill now pending.

7th. That a copy be sent the Houston Post and county papers with a request that they publish same.

8th. That we will support no man for any legislative or congressional office, who does not hold views in harmony with the above.

M. C. Fuller, President.

G. P. Reeves, Secretary.

BILLS AND RESOLUTIONS.

By Mr. Vaughan:

House bill No. 832, A bill to be entitled "An Act to amend Article 3433, of the Revised Statutes of the State of Texas of 1895, relating to the organization of militia."

(The bill changes the militia law to conform to the revised United States regulations, changes the old formation of ten companies to a regiment of two battalions each to twelve companies to compose a regiment of three battalions each, with the necessary increase of officers and non-commissioned officers.)

Read first time, and referred to the Committee on Military Affairs.

By Mr. Allen of Hopkins:

Whereas, The present session of the
Legislature is rapidly drawing to a close, and
Whereas, Almost if not every member of the House has bills which he would like to have considered by the House; therefore, be it
Resolved, That each member of the House shall have thirty minutes in which to call up and have considered any bill or bills in which he may be interested, without interfering in any manner with the consideration of the general appropriation bill or the time set apart for the consideration of Senate bills, and be it further
Resolved, That the Clerk shall call the roll of members, and each member as his name is called shall have the right to call up and have considered for the time hereinbefore provided any bill or bills in which he may be interested, as the author or friend thereof; provided, however, that no member shall be allowed more than thirty minutes for the consideration of his bills until every other member who so desires may exercise his right to a like time for consideration of measures in which he may be interested, and in the order in which their names appear upon the roll.
[Signed—Oliver, Allen of Hopkins, Looney, Robertson of Harrison, Schluter.]
The resolution was read, and went to the Speaker’s table.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, May 4, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Judiciary Committee No. 1, to whom was referred
House bill No. 831, A bill to be entitled
"An Act to provide for the prompt payment of wages of railroad employees in case of discharge, with penalty for infraction."

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, May 4, 1899.
Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Internal Improvements, to whom was referred
Senate bill No. 332, A bill to be entitled
"An Act to provide for the organization of corporations for the purpose of the storage of and transportation and purchase and sale of oil and gas, salt brine and other minerals; to provide the manner and method of organization of such corporation; to prescribe the rights, powers, privileges and duties of such corporation; to authorize such corporations to construct, operate and maintain pipe lines, tanks, pump stations, buildings, machinery, apparatus and devices as may be necessary; to own, use and occupy lands, easements, buildings and structures; to empower such corporations to condemn lands and other property for the uses and purposes of such corporations, and to provide methods therefor, issue stock and bonds, and to borrow money and mortgage its franchises and property."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, and that it be not printed, for the reason that House bill No. 819, heretofore reported favorably by this committee, is the same, except that the Senate bill includes "salt, the sale and other mineral solutions," which are not in the House bill.

SMITH of Grayson, Chairman.

At 12:43 p. m., on motion of Mr. Blount, the House took recess until 3 o’clock p. m. today.

AFTERNOON SESSION.

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

SPEAKER’S TABLE.

The Speaker laid before the House, as special order for the hour, on its second reading and passage to a third reading, Senate bill No. 306, A bill to be entitled
"An Act to authorize the Gulf, Beaumont & Kansas City Railway Company to purchase, own and operate the railroad, including all the property, property rights, franchises and appurtenances of the Gulf, Beaumont & Great Northern Railway Company now existing or that may hereafter be built or acquired by the Gulf, Beaumont & Great Northern Railway Company, and to authorize the Gulf, Beaumont & Kansas City Railway Company in the name of the Gulf, Beaumont & Great Northern Railway Company to issue bonds and to secure the same by mortgage upon the railway property, property rights and franchises of the Gulf, Beaumont & Great Northern Railway Company, under orders of the Railroad Commission of Texas, and to enable the said corporation, the Gulf, Beaumont & Great Northern Railway Company to construct this proposed line of railway
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as provided in the charter and for said purposes to raise money through the issuance of stock and bonds under the direction of the Railroad Commission.

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

Senate bill No. 166. A bill to be entitled "An Act to amend Article 713, of Chapter 11, Title XXI, of the Revised Civil Statutes of the State of Texas, and to add Article 713a to said Chapter 11, Title XXI, of said Revised Civil Statutes of the State of Texas, relating to the purposes for which private corporations may be created."

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

Mr. Schluter offered the following amendments:

(1) "Amend by striking out of line 25, page 3, the word 'charter' and insert in lieu thereof the following, 'chapter.'"

Adopted.

(2) "Amend by striking out of line 24, page 3, the words 'under this charter,' and insert in lieu thereof the following, 'under this chapter.'"

Adopted.

Mr. Jones offered the following amendment:

"Amend Section 1, line 29, page 1, as follows: Insert after the word 'social,' the following, 'charitable or benevolent association.'"

Adopted.

The bill was passed to a third reading.

Mr. Murray moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 166 be put on its third reading and final passage.

The motion prevailed by the following vote:

Years—90.


Absent—Excused.


Senate bill No. 166 laid before the House, on its third reading and final passage.

Read third time, and passed.

Mr. Murray moved to reconsider the vote by which Senate bill No. 166 was passed, and to table the motion to reconsider.

The motion to table prevailed.

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. 222. "An Act to in-
corporate the city of Fort Worth, and to grant a new charter to said city.

Senate bill No. 333, "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas to acquire by lease or purchase the railroad of the Sherman, Shreveport & Southern Railroad Company, extending from the city of McKinney, in Collin county, to the city of Jefferson, in Marion county, and any extension thereof from said city of Jefferson to the eastern line of Texas in the direction of Shreveport, Louisiana, together with the property and franchises pertaining thereto, and to own, operate and maintain the same as a part of its line, with the right to extend the same and construct branches therefrom by amendment of its charter under the general laws of Texas, and vesting said companies, and each of them, with the power to make and execute all necessary contracts, agreements and conveyances to effect such sale or lease; also to authorize the said Sherman, Shreveport & Southern Railroad Company, before such sale or lease, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, when the said railroad so to be purchased or leased has been extended from the city of Jefferson to the eastern line of the State of Texas in the direction of Shreveport, Louisiana, to connect with any railway extending to said city of Shreveport, and to acquire from the owner or owners of such railway in the State of Louisiana by lease, trackage or running rights agreement the use of such line to the said city of Shreveport; and further, to authorize the said Sherman, Shreveport & Southern Railroad Company, before such sale, or the said The Missouri, Kansas & Texas Railway Company of Texas, after such sale or lease, to acquire necessary terminal facilities in the said city of Shreveport."

The House resumed consideration of the special order, same being Senate bill No. 306, on its second reading and passage to a third reading; and the bill was read second time.

Mr. Dies offered the following amendments:

(1) "Amend the bill on page 2, line 25, by adding after the word 'is' the words 'or shall be.'"

[Signed "TEAGLE, "DIES."]

Adopted.

(3) "Amend by adding after the word 'thereof,' in line 2, page 4, the following: 'By accepting the provisions of this act the Gulf, Beaumont & Kansas City Railway Company 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."]

Adopted.

Mr. Shannon offered the following amendment:

"Amend on page 2, line 25, by adding after the word 'ascertained,' 'and determined.'"

Adopted.

The bill was passed to a third reading.

Mr. Dies moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 306 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—84.
Allen of Hopkins. Lake.
Ayers. Livsey.
Bailey. Loyd.
Barbee. McCullan.
Barrett. McKellar.
Bean. Meitzen.
Beaty. Mercer.
Bount. Monroe.
Caldwell. Morrow.
Clements. Murphy.
Collins. Murray.
Conoly. Neff.
Crawford. Nolan.
Culp. Oliver.
Palm. Prince.
Dean. Parish.
Decker. Peery.
Dies. Pfeuffer.
Eckols. Phillips of Camp.
Ellis. Pitta.
Gill. Poole.
Goodlett. Powell.
Greenwood. Prince.
Grubbs. Ratcliff.
Hamilton. Robertson, Harrison.
Henderson, Brazos. Robertson of Bell.
Howard. Savage.
Hurley. Schluter.
Jones. Scurry.
Kennedy. Shannon.
May 4, 1899

Shelburne. Tolbert.
Smith of Grayson. Tompkins.
Staples. Tucker.
Stewart. Vaughan.
Tarver. Walton.
Tate. Wells.
Teagle. Wheless.
Thomas of Wise. Wooten.
Thomas of Fannin. Wright.

Nays—7.
Derden. Little.
Garner. McAnally.
Graham. Terrell.
Lillard. Absent.

Adams. Marsh.
Bridgers. Masterson.
Browne. Maxwell.
Chambers. McDowell.
Childers. McFarland.
Childs. McKamy.
Coke. Morris.
Cross. Sansom.
Frost. Shropshire.
Garrett. Smith of Collin.
Goodman. Stripling.
Grogan. Tarkington.
Lane. Willacy.
Looney. Absent—Excused.

Bennett. Rogers.
Bolin. Sutherland.
Evans. Willrodt.
Gordon. Absent—Excused.

Senate bill No. 306 laid before the House on its third reading and final passage.

Read third time, and passed.
Mr. Dies moved to reconsider the vote by which Senate bill No. 306 was passed, and to table the motion to reconsider.

The motion to table prevailed.
Mr. Robertson of Bell moved to suspend pending business to take up, on its second reading and passage to a third reading.

Senate bill No. 318, A bill to be entitled "An Act to empower companies and corporations chartered or that may hereafter be chartered by the laws of this State for the purpose of owning, constructing or operating sewer systems to condemn private property for the purpose of laying pipes, mains, laterals, connections, vats, filtering pipes and for use of private property as a place of ultimate disposition of sewage."

The motion to suspend was lost.
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 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.'"

Mr. Bean moved the previous question, and the motion was seconded.

Question being—Shall the main question be ordered? yeas and nays were demanded by Mr. Tarver, Mr. Murray and Mr. Bailey.

The main question was ordered by the following vote:

Yeas—55.
Allen of Hopkins. Mercer.
Barbee. Morrow.
Barrett. Murphy.
Bean. Nolan.
Blount. Palmer.
Caldwell. Parish.
Cocke. Percy.
Crawford. Pitts.
Decker. Poole.
Derden. Powell.
Dies. Ratliff.
Eckols. Robertson, Harrison.
Ellis. Shannon.
Frost. Shelburne.
Grubbs. Smith of Collin.
Henderson, Lamar. Staples.
Howard. Tate.
Hurley. Teagle.
Jones. Thomas of Wise.
Kennedy. Thomas of Fannin.
Kittrell. Tompkins.
Lake. Tucker.
Lillard. Walton.
Little. McClellan.

Nays—37.
Allen of Colorado. McAnally.
Bailey. McKellar.
Beaty. Meitzen.
Clements. Monroe.
Cocke. Murray.
Culp. Neff.
Dean. Oliver.
Dorroh. Pfleffer.
Goodlett. Robertson of Bell.
Greenwood. Russell.
Hamilton. Savage.
Henderson, Brazos. Schuler.
Henderson, Lamar. Scurry.
Livesey. Smith of Grayson.
Loyd. Tarver.
Marsh. Tolbert.
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<tr>
<th>Present</th>
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Question then first recurred on the amendment by Mr. Poole, and it was adopted.

Question next recurred on final passage of the bill, and Mr. Bailey raised the point of order that a bill having the same object had been reported adversely by the Judiciary Committee No. 2, which was in effect the defeat of the bill, and that it was not now in order to pass this bill.

The Speaker held the point of order not well taken.

Yeas and nays were demanded by Mr. Tarver, Mr. Greenwood and Mr. Meitzen.

The bill was lost by the following vote:

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<tr>
<th>Yeas-44</th>
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<td>Barbee.</td>
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<td>Murphy.</td>
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<th>Nays-53</th>
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<td>Allen of Hopkins.</td>
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Mr. Henderson of Lamar moved to reconsider the vote by which the vote was lost, and asked to have the motion to reconsider spread upon the Journal.

Mr. Garner called up the motion, and moved to lay it on the table.

The motion to table prevailed.

The Speaker laid before the House, on its second reading and passage to a third reading,

Senate bill No. 46, A bill to be entitled "An Act to amend Title V, Chapter 1, Article 127, of the Penal Code of the State of Texas, adopted at the Regular Session of the Twenty-fourth Legislature, relating to bribery."

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

Senate bill No. 175, A bill to be entitled...
"An Act to amend Section 1, of 'An Act to regulate and limit the expenditures of State, county and local public school funds, and regulate treasurers' reports thereof,' approved June 23, 1897."

The bill was laid before the House, and was read second time, together with a favorable committee report recommending amendment.

The committee report was adopted.

Mr. Henderson of Lamar offered the following amendment:

"Amend by adding at the end of line 32, the following: 'The same to be paid out of the general funds of the county.'"

Mr. Savage offered the following amendment to the amendment:

"Provided, that this amendment shall apply to payment of treasurers only."

Accepted.

(Mr. Schluter in the chair.)

Mr. Lane offered the following substitute for the amendment as amended:

"Amend by adding after the word 'funds,' in line 29, page 1, the following: 'Provided, said sum to be paid to treasurers shall be paid out of the general funds of the county.'"

Mr. Henderson of Lamar accepted the substitute.

(Speaker in the chair.)

On motion of Mr. Jones the amendment was tabled.

Mr. Savage offered the following amendment:

"Amend by adding after Section 1 of the bill the following: 'Provided, that this act shall not be construed so as to allow county treasurers the one-half of one per cent. in counties where the county treasurer receives as much as $1200 per annum.'"

Mr. Kennedy moved the previous question, and the main question was ordered. The amendment was adopted.

The bill was passed to a third reading.

Mr. Tate moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 175 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—88.

Allen of Colorado. Collins.
Allen of Hopkins. Crawford.
Ayers. Cross.
Barbee. Culp.
Barrett. Dean.
Beaty. Decker.
Caldwell. Dies.
Calvin. Dorroh.
Clements. Eckols.
Cooke. Ellis.
Frost. Oliver.
Gill. Parish.
Goodlett. Peery.
Graham. Pfeiffer.
Grubbs. Poole.
Hamilton. Prince.
Henderson, Brazos. Ratcliff.
Howard. Robertson, Harrison.
Hurley. Robertson of Bell.
Jones. Rochelle.
Kennedy. Russell.
Kittwell. Savage.
Lake. Schluter.
Littke. Scurry.
Little. Shannon.
Livsey. Shelburne.
Looney. Smith of Grayson.
Maxwell. Staples.
McClellan. Tarkington.
McFarland. Tarver.
McKamy. Tate.
McKellar. Teagle.
Meitzen. Terrell.
Mercer. Thomas of Wise.
Monroe. Tucker.
Morrow. Vaughan.
Murphy. Walton.
Murray. Wholess.
Neff. Willacy.
Nolan. Wooten.

Nays—14.

Bean. McAnally.
Blount. Powell.
Conoly. Smith of Collin.
Derdon. Thomas of Fannin.
Henderson, Lamar. Tolbert.
Loyd. Tompkins.
Marsh. Wells.

Absent.

Bailey. Masterson.
Bridgers. McDowell.
Browne. Morris.
Chambers. Pitts.
Childs. Sansom.
Childers. Shropshire.
Childs. Stewart.
Childs. Stripling.
Childs. Wright.

Absent—Excused.

Bennett. Rogers.
Bolin. Sutherlad.
Evans. Willrod.
Gordon. Wooten.

Senate bill No. 175 laid before the House, on its third reading and final passage.

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

"Amend by adding after 'teachers,' in line 26, page 1, 'and superintendents.'"

Adopted.
Mr. Morrow offered the following amendment:

"Amend by striking out the word 'and,' in line 25, and insert 'and' between the words 'State' and 'county,' in line 25."

Mr. Phillips of Lampasas moved the previous question, and the main question was ordered.

Question first recurred on the amendment by Mr. Morrow, and it was adopted.

On final passage of the bill yeas and nays were demanded by Mr. Henderson of Lamar, Mr. Bean and Mr. Calvin.

The bill was passed by the following vote:

Yeas—79.
Allen of Hopkins.  McKamy.
Bailey.  McKellar.
Barbee.  Meitzen.
Barrett.  Merer.
Beaty.  Monroe.
Blount.  Morrow.
Bolin.  Murphy.
Caldwell.  Naff.
Clements.  Noye.
Coke.  Nolan.
Cole.  Oliver.
Collins.  Palmer.
Crawford.  Peery.
Cross.  Pfeiffer.
Dean.  Phillips, Camp.
Decker.  Pitts.
Dies.  Poole.
Dorrough.  Prince.
Eckols.  Ratcliff.
Frost.  Robertson, Harrison.
Garner.  Robertson of Bell.
Gill.  Russell.
Goodlett.  Savage.
Grubbs.  Schuler.
Hamilton.  Scourry.
Henderson, Brazos.  Shelburne.
Howard.  Staples.
Hurley.  Tarkington.
Jones.  Tarver.
Kittrell.  Tate.
Lake.  Teagle.
Lane.  Terrell.
Little.  Tompkins.
Livingston.  Tucker.
Looney.  Walton.
Loyd.  Whelless.
Maxwell.  Wooten.
McClellan.  McFarland.

Nays—23.
Bean.  Kennedy.
Calvin.   Lillard.
Childers.  Marsh.
Conolly.  McAnally.
Derden.  Powell.
Graham.  Rochelle.
Greenwood.  Shannon.
Henderson, Lamar.  Shropshire.

Mr. Savage moved to reconsider the vote by which Senate bill No. 175 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Shelburne pending business was suspended to take up, and place on its second reading and passage to a third reading, Senate bill No. 157, A bill to be entitled "An Act authorizing county judges to issue writs of attachments for the detention and return of minors who have gone beyond the control of their guardians."

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

Mr. Adams offered the following amendment:

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

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

On the amendment by Mr. Adams, yeas and nays were demanded by Mr. Shelburne, Mr. Blount and Mr. Barrett.

The amendment was adopted by the following vote, which killed the bill:

Yeas—71.
Adams.  Dean.
Allen of Colorado.  Derden.
Barbee.  Dorer.
Bean.  Eckols.
Beaty.  Garner.
Caldwell.  Gill.
Calvin.  Goodlett.
Childers.  Graham.
Clements.  Greenwood.
Cole.  Grogan.
Collins.  Grubbs.
Conolly.  Hamilton.
Crawford.  Henderson, Brazos.
Culp.  Howard.
Jones.  Poole.
Lane.  Robertson of Bell.
Lillard.  Russell.
Little.  Scurry.
Looney.  Shannon.
Loyd.  Shropshire.
Maxwell.  Smith of Grayson.
McAnally.  Smith of Collin.
McKellar.  Staples.
Meitzen.  Tarver.
Monroe.  Tate.
Morrow.  Teagle.
Murphy.  Thomas of Wise.
Murray.  Thomas of Fannin.
Neff.  Tolbert.
Nolan.  Tompkins.
Oliver.  Walton.
Palmer.  Wells.
Parish.  Wheelless.
Pfeiffer.  Pitts.

Absent—Excused.
Allen of Hopkins.  McClellan.
Ayers.  McDowell.
Bridgers.  McKamy.
Browne.  Mercer.
Chambers.  Morris.
Childs.  Robertson, Harrison
Cocke.  Sansom.
Ellis.  Savage.
Frost.  Schluter.
Garrett.  Stewart.
Goodman.  Stripling.
Kennedy.  Tarkington.
Lake.  Tucker.
Lively.  Willacy.
Marsh.  Wright.
Masterson.  Pitts.

BILL INTRODUCED.

By Mr. Grogan and Mr. Wooten:

"An Act to appropriate the sum of thirty thousand dollars to pay per diem of officers, members and employees of the Twenty-sixth Legislature, and declaring an emergency."

Read first time, and referred to Committee on Finance.

COMMITTEE REPORT.

May 4, 1899

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

Sir: Your Committee on Examination of Comptroller's and Treasurer's Accounts, after having made a thorough and careful examination of the books and accounts of the State Treasurer's office, beg leave to report as follows:

We found the office kept in a very systematic and orderly manner, all books nearly and accurately kept and all accounts of money, bonds and the different funds corresponding exactly with statement furnished us by the Comptroller.

We found from an actual inspection and count of the money that there was in the treasury, on March 9, 1899, the sum of $3,612,666.34 in cash, and made up as follows:

Currency ........................................ $1,536,581.27
Gold in Sacks .................................. 312,000.00
Silver in Sacks .................................. 1,742,890.00
Drawer Cash ...................................... 19,899.80
Mutilated Coin ................................... 431.27
Counterfeit Currency .......................... 1,754.00

Total ........................................... $3,612,666.34

We learn from the Treasurer that the last item of $1734 counterfeit money, has been kept in the treasury for many years and receipted for separately by each succeeding Treasurer as a part of the funds on hand as shown by the books.

We found bonds deposited with the Treasurer as follows:

Due University Fund:
State 4% Bonds .. $840.00
State 5% Bonds .. 351,760 00
State 6% Bonds .. 165,000 00
State 7% Bonds .. 63,000 00

Total ........................................... $580,540.00

Due Blind Asylum:
State 4% Bonds .. $57,000.00
State 5% Bonds .. 49,500.00
State 7% Bonds .. 9,000.00

Total ........................................... $115,500.00

Due Deaf and Dumb Asylum:
State 4% Bonds .. $18,000.00
State 5% Bonds .. 33,000.00
State 7% Bonds .. 10,000.00

Total ........................................... $61,000.00

Due Lunatic Asylum:
State 4% Bonds .. $30,000.00
State 5% Bonds .. 62,700.00
State 7% Bonds .. 19,000.00

Total ........................................... $111,700.00
Due Orphan Asylum: State 5% bonds .......... $11,200 00
Due Agricultural and Mechanical College: State 6% bonds .......... $35,000 00
County College: State 7% bonds .......... 174,000 00
Total .......... $299,000 00

Due General School Fund: State bonds .......... $2,173,100 00
County bonds .......... 2,842,334 55
Railroad bonds .......... 1,603,317 00
Total .......... $6,618,751 55

Of the $1,603,317 bonds due by railroads, we learn that only those due by the Texas & New Orleans Railroad Company, amounting to $490,500, are paying interest as it matures.

We learn further that $295,800 of said bonds originally due by the Houston Tap & Brazoria Railroad Company are entirely worthless, as the bonds were foreclosed by the State under the administration of Governor E. J. Davis, and said railroad sold for $100,000. The remainder of said bonds have been sued on and judgments rendered in favor of the State, but said suits are still pending on appeal to the Supreme Court of the United States.

Your committee would recommend that the $1754 of counterfeit currency, so long held by the Treasurer, be turned over to the proper Federal authorities to be by them either destroyed or kept for use of the detective counterfeit service, as said authorities may direct, and that the books of the State Treasurer by given the proper credit therefor.

We take pleasure in saying that in making the examination we were rendered every aid and assistance needed, by our able and courteous Treasurer, J. W. Robbins, and his very efficient Chief Clerk, Major Robeureau.

Before closing this report, however, we think it proper to say that while we found a very efficient and faithful corps of clerks hard at work in said department, yet on account of the greatly increased business of the office recently, resulting from the large sale and lease of school lands, we found the work in that line several months behind, and we recommend that at least one additional clerk be granted this department.

Respectfully submitted,
MORROW, Acting Chairman.

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

Senate bill No. 209, A bill to be entitled "An Act to amend Article 5060g of Chapter 1a, of Title CIV, of the Revised Civil Statutes, relating to the regulation of the sale of liquors."

Whereupon, on motion of Mr. Dies, the House, at 6:23 p. m., 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.

SPEAKER'S TABLE.

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

Senate bill No. 209, relating to the regulation of the sale of intoxicating liquors, and proposing to insert the word "knowingly" in the statute wherever the dealer in intoxicating liquors is prohibited from selling to certain persons.

The bill was read second time.

(Pending consideration, Mr. Smith of Grayson occupied the chair.)

Speaker in the chair, Mr. Smith of Grayson offered the following amendment:

"Amend Section 1, in line 29, on page 2, by striking out the word 'aggrieved' and inserting 'damaged' in lieu thereof, and by striking out 'each infraction,' in line 31, and insert 'any infraction or infractions.'"

Mr. Powell offered the following substitute for the amendment:

"Amend by striking out the word 'knowingly' wherever it occurs in the bill, except in line 28, page 2, and add the following words at the end of Section 1: 'And provided further, that it shall be a valid defense to a recovery by any person who may sue on such bond under this act, if it can be shown that the cause of action was procured by conspiracy or fraud.'"

(Mr. Smith of Grayson in the chair.)

After consideration by the House, Mr. Garner (for Mr. Smith of Grayson), by consent of the House, withdrew the amendment.

Question then recurred on the amendment by Mr. Powell.

Pending consideration of which, Mr. Shannon yielding the floor,
On motion of Mr. Loyd, the House, at 10:30 p. m., adjourned until 9:30 o'clock a. m. tomorrow.