Mr. Shropshire offered the following substitute for the amendment:

"Amend by adding after the word 'potatoes,' in line 25, page 1, the following: 'And twenty-five bushels of cotton seed, one-half barrel of sorghum and twenty-five bushels of wheat.'"

Mr. Bridges offered the following substitute for both the pending amendments:

"Amend by striking out the enacting clause.

[Signed "MORROW."
"BRIDGERS."]"

On motion of Mr. Blount the substitute was tabled.

Mr. Smith of Grayson moved the previous question, and the motion was not seconded.

Mr. Prince offered the following substitute for the pending amendments:

"Amend by adding to the exemptions named in the bill the words 'and three bales of cotton.'"

After consideration by the House, Mr. Peery moved the previous question on engrossment of the bill, and the main question was ordered.

Question first recurred on the substitute by Mr. Prince, and it was lost.

Question next recurring on the substitute by Mr. Shropshire. yeas and nays were demanded by Mr. Smith of Collin and Mr. McAnally.

There was not a quorum voting, the Clerk announcing 15 yeas and 61 nays, Whereupon, Mr. Peery moved to take a recess until 8:30 p. m. today.

On motion of Mr. Prince, the House, at 6:40 p. m., adjourned until 9:30 o'clock a. m. tomorrow.

---

NINETY-EIGHTH DAY.

Hall of the House of Representatives, Austin, Texas, Tuesday, May 9, 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—111.

Adams.  Bridgers.
Ayers.  Caldwell.
Bailey.  Calvin.
Barbee.  Chambers.
Barrett.  Childers.
Bean.  Childs.
Beatty.  Cocke.
Bennett.  Cole.
Blount.  Collins.

78-House
Mr. Clements for today, on motion of Mr. McKellar.
Mr. Conoly for today, on motion of Mr. Crawford.
Mr. Allen of Colorado until next Thursday, on motion of Mr. Monroe.
On account of sickness:
Mr. Dorroh indefinitely, on motion of Mr. Marsh.
Mr. Stewart for today, on motion of Mr. Sutherland.
Mr. Powell called up the following resolution, which was filed, under the rules, with the Clerk yesterday, and was not laid before the House:
Resolved, That the House do continue the consideration of the appropriation bill, No. 111, at each session consecutively until said bill is finally passed.
[Signed—Kennedy, Goodman, Oliver, Powell, McClellan, Garrett, McDowell, Hurley, Phillips of Camp, Bean, Hamilton, Livey, Pitts, Maxwell, Bridgers, Masterson.]
The resolution was read second time. Yeas and nays were demanded by Mr. McDowell, Mr. McClellan and Mr. Hamilton. Adopted by the following vote:

YeaS—62.
Adams.
Allen of Hopkins.
Ayers.
Bailey.
Bean.
Blount.
Bridgers.
Browne.
Childers.
Cole.
Collins.
Derdan.
Evans.
Prost.
Garner.
Gill.
Goodman.
Gordon.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Hurley.
Kennedy.
Kittrell.
Lake.
Livey.
Looney.
Loyd.
Marsh.
Maxwell.

Nays—38.
Barbee.
Barrett.
Caldwell.
Calvin.
Chambers.
Cocke.
Crawford.
Cross.
Culp.
Dean.
Decker.
Eckols.
Ellis.
Goodlett.
Grogan.
Jones.
Lane.
Lillard.
Little.

Barbee.
Barrett.
Caldwell.
Calvin.
Chambers.
Cocke.
Crawford.
Cross.
Culp.
Dean.
Decker.
Eckols.
Ellis.
Goodlett.
Grogan.
Jones.
Lane.
Lillard.
Little.

Barbee.
Barrett.
Caldwell.
Calvin.
Chambers.
Cocke.
Crawford.
Cross.
Culp.
Dean.
Decker.
Eckols.
Ellis.
Goodlett.
Grogan.
Jones.
Lane.
Lillard.
Little.

Adams.
Allen of Hopkins.
Ayers.
Bailey.
Bean.
Blount.
Bridgers.
Browne.
Childers.
Cole.
Collins.
Derdan.
Evans.
Prost.
Garner.
Gill.
Goodman.
Gordon.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Howard.
Hurley.
Kennedy.
Kittrell.
Lake.
Livey.
Looney.
Loyd.
Marsh.
Maxwell.

Meitzen.
Monroe.
Morrow.
Murray.
Pariah.
Peery.
Phillips, Lampasas.
Poole.
Ratliff.
Robertson of Bell.
Russell.
Shelburne.
Smith of Collin.
Staples.
Tucker.
Thomas of Wise.
Thomas of Fannin.
Wells.
Willacy.

Meitzen.
Monroe.
Morrow.
Murray.
Pariah.
Peery.
Phillips, Lampasas.
Poole.
Ratliff.
Robertson of Bell.
Russell.
Shelburne.
Smith of Collin.
Staples.
Tucker.
Thomas of Wise.
Thomas of Fannin.
Wells.
Willacy.

Absence.
Beaty.
Bennett.
Bolin.
Childs.
Dyes.
Garrett.
Graham.

Beaty.
Bennett.
Bolin.
Childs.
Dyes.
Garrett.
Graham.

We vote 'no.' because we believe that the anti-trust bill should not be side-tracked and possibly defeated by this kind of tactics.

"CHAMBERS, "Cross."

NOTICE,

Mr. Bailey gave notice that he would on next Friday, May 12, 3 p.m., call up the motion to reconsider the vote by which a resolution by Mr. Shelburne relating to appointment of a special committee to investigate the State departments during vacation was adopted, April 18th, and which motion to reconsider was on same day entered upon the Journal.

SPEAKER'S TABLE.

The Speaker laid before the House, on its passage to engrossment, Substitute House bill No. 111, the general appropriation bill, the Agricultural and Mechanical College department being under consideration, with amendment by Mr. Terrell pending.

(Mr. Smith of Grayson in the chair.)
Mr. McDowell moved to reconsider the vote by which the following amendment by Mr. Crawford was lost on yesterday: "Amend on page 30, by adding after the word 'Beeville,' in line 9, the following: 'For the establishment and support of a laboratory to be under the management and control of the Agricultural and Mechanical College, for the investigation of diseases of animals, $10,000 for each year,'" and asked to have the motion to reconsider spread upon the Journal.

Mr. Wooten offered the following amendment to the amendment: "Amend by striking out 'Jacksonville,' and insert 'Richardson, Dallas county.'" Lost.

The amendment by Mr. Terrell was lost.

Mr. Shelburne offered the following amendment: "Amend on page 30, by striking out line 9." Yeas and nays were demanded by Mr. Goodman, Mr. Shelburne and Mr. Graham.

The amendment was lost by the following vote:

Yeas—40.

Ayers, Loyd.
Barbee, Mclnally.
Bean, McDowell.
Bennett, Neff.
Blount, Peery.
Calvin, Phillips, Lampasas.
Childs, Phillips of Camp.
Collins, Ratcliff.
Cross, Robertson, Harrison.
Dean, Robertson of Bell.
Evans, Rogers.
Frost, Schluter.
Goodlett, Shelburne.
Goodman, Smith of Collin.
Graham, Sutherland.
Hamilton, Thomas of Wise.
Howard, Thomas of Fannin.
Lillard, Tompkins.
Little, Tompkins.
Livesey, Wooten.

Nays—63.

Adams, Eckols.
Allen of Hopkins, Ellis.
Bailey, Garner.
Barrett, Gill.
Bridgers, Grogan.
Caldwell, Grubbs.
Chambers, Henderson, Brazos.
Childs, Hurley.
Coke, Jones.
Cole, Kennedy.
Crawford, Kittrell.
Culp, Lane.
Decker, Looney.
Derden, Marsh.
Maxwell, Prince.
McChesney, Richardson.
McFarland, Russell.
McKellar, San-som.
Merritt, Scary.
Monroe, Shannon.
Morris, Shephard.
Murphy, Tarkington.
Murray, Terrell.
Nolan, Terrell.
Oliver, Vanhool.
Palmer, Walton.
Parish, Wells.
Pfeiffer, Wholess.
Pitts, Willey.
Poole, Willroth.

MESSAGE FROM THE SENATE.

Senate Chamber.
Austin, Tex., May 9, 1899.

To J. S. Sherrill, Speaker of the House of Representatives:

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed the following bill, to wit:

"An Act to amend Section 6 of an act passed by the Twenty-sixth Legislature, entitled 'An Act to create and maintain a more efficient public road system for Cass county,' passed by a two-thirds vote, yeas 21, nays 10--".

J. P. Pruett,
Secretary of the Senate.

Resuming consideration of the pending bill.

Mr. Little offered the following amendment:

"Amend on page 30 by striking out lines 11, 12, 13 and 14, and their appropriation of $25,500." Lost.

Mr. Morrow offered the following amendment:

"Amend on page 30, line 6 by striking out $20,000 where it occurs, and inserting $10,000 in lieu thereof;"
Yeas and nays were demanded by Mr. Morrow, Mr. Childers and Mr. Barbee. The amendment was lost by the following vote:

Yeas-11.
Bean. Goodman.
Bennett. Loyd.
Calvin. Morrow.
Childers. Smith of Collin.
Frost. 

Nays-88.
Adams. Meitzen.
Allen of Hopkins. Monroe.
Bailey. Murphy.
Barrett. Murray.
Bridgers. Neff.
Browne. Nolan.
Caldwell. Oliver.
Chambers. Parish.
Childs. Peery.
Cocke. Pfeiffer.
Collins. Phillips of Camp.
Crawford. Pitts.
Cross. Poole.
Culp. Powell.
Dean. Prince.
Decker. Ratcliff.
Derden. Robertson, Harrison.
Eckols. Robertson of Bell.
Ellis. Rogers.
Evans. Russell.
Garrett. Sansom.
Graham. Schuler.
Grogan. Seurry.
Grubbs. Shannon.
Hamilton. Shelburne.
Henderson, Brazos. Shropshire.
Howard. Staples.
Hurley. Sutherland.
Jones. Tarkington.
Kennedy. Tarver.
Kittrell. Tate.
Lake. Terrell.
Lillard. Thomas of Wise.
Little. Thomas of Fannin.
Livsey. Tolbert.
Looney. Tompkins.
Marsh. Vaughan.
Maxwell. Walton.
McAnally. Wells.
McClellan. Whelless.
McDowell. Willacy.
McFarland. Willrodt.

Absent.
Ayers. Masterson.
Beatty. McKellar.
Blount. Mercer.
Dies. Morris.
Gill. Palmer.
Henderson, Lamar. Wooten.

Absent—Excused.
Allen of Colorado. McKamy.
Bolin. Savage.
Bolment. Stewart.
Conoly. Stripling.
Dorroh. Teagle.
Gordon. Tucker.
Greenwood. Wright.

Mr. Crawford offered the following amendment:
“For the erection of a building and the establishment and support of a veterinary laboratory, to be under the management and control of the Agricultural and Mechanical College, for the investigation of diseases of animals, $9000 for each year.”

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

Yeas and nays were demanded by Mr. Murphy, Mr. Parish and Mr. Walton. The amendment was lost by the following vote:

Yeas-40.
Bailey. Murphy.
Barrett. Murray.
Bridgers. Palmer.
Collins. Parish.
Crawford. Pfeiffer.
Eckols. Pitts.
Ellis. Prince.
Garner. Rogers.
Gordon. Russell.
Grubbs. Seurry.
Henderson, Brazos. Tarkington.
Jones. Tarver.
Kennedy. Thomas of Wise.
Kittrell. Tompkins.
Lloyd. Vaughan.
McFarland. Walton.
McKellar. Whelless.
Meitzen. Willacy.
Monroe. Willrodt.

Nays-57.
Adams. Evans.
Allen of Hopkins. Frost.
Barbee. Gill.
Bean. Goodlett.
Bennett. Goodman.
Blount. Graham.
Browne. Grogan.
Caldwell. Henderson, Lamar.
Calvin. Howard.
Chambers. Hurley.
Childers. Lake.
Cocke. Lane.
Cole. Lillard.
Cross. Little.
Dean. Livsey.
Decker. Marsh.
ties or in any subdivision of said coun-
try, the following bills:

The Speaker signed, in the presence of the House, after giving due notice there-
of, and their captions had been read sev-
eral of them, the following bills:

House bill No. 595, "An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following coun-
tries or in any subdivision of said coun-
ties, viz.: Cooke, Bell, Ellis, Montague,
Wharton, Fayette, Johnson, Collin, Rock-
wall, Lamar, Milam, Brazos, and Austin.
Falls, Navarro, Fannin, Hunt, Tarrant,
Grayson, Dallas, Austin and Brazos."

Substitute house bill No. 782, "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 Or-
leans Railway Company with its fran-
chises and appurtenances, the Lancaster
Tap Railroad with its franchises and ap-
purtenances, the railroad of the Austin
& Northwestern Railroad Company with its franchises and appurten-
ances, and the railroad of the Granite Mountain & Mar-
ble Falls City Railroad Company with its
franchises and appurtenances, or either or
any of such railroads with its or their
franchises and appurtenances, and to au-
thorize the owners of each of said rail-
rails and its franchises and appur-
tenances to sell the same, and to authorize
said Houston & Texas Central Railroad
Company to issue additional mortgage
bonds to the amount of the value of the
railways, franchises and appurtenances
so purchased, and to the amount of the
value of the railroad hereafter construct-
ed 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 report of such properties
and the operations thereof, and to au-
thorize the Houston & Texas Central
Railroad Company to construct, own, op-
erate and maintain, or to amend its arti-
cles of incorporation so as to authorize
it to construct, own, operate and main-
tain a railroad from a connection with
the Austin & Northwestern Railroad in
Burnet county to the town of Lam-

"I vote 'yes' on House bill No. 111 for
amendment to appropriate an amount
for a veterinary department to the Ag-
icultural and Mechanical College for the
following reasons, to wit: Thousands of
cattle are dying annually in Texas with
unknown diseases, which makes it a mat-
ter of great importance that the State
should take the matter in hand, as said
diseases are becoming more prevalent and
contagious each year, and if not checked
our country will soon be in the same con-
dition as was France a number of years
ago, when she lost within one year 95
per cent. of all her cattle with similar
diseases. That country employed its ex-
perienced veterinarians, and within a few
years checked the diseases to the extent
that their losses now are only about 5
per cent., according to history.

"PHILLIPS of Lampasas."

(Speaker in the chair.)

BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice there-
of, and their captions had been read sev-
eral, the following bills:

House bill No. 595, "An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following coun-
tries or in any subdivision of said coun-
vent to certain animals from running at
large in counties and subdivisions.

(Mr. Smith of Grayson in the chair.)
Question then recurring on the items
as amended, they were adopted.

Mr. Childs offered the following amend-
ment:
"Amend by adding after \textit{Agricultural}
and Mechanical College,} after line 15,
page 30, the following, \$8000, being
\$9000 for first year and \$3000 for second
year, to be used in employing a State vet-
erinarian and in scientific experiments in
the discovery of the causes and preven-
tion of splenetic fever and other conta-
gious diseases in cattle and live stock,
and a more suitable disinfectant for dis-
eased cattle.'"
Lost.

Mr. Willacy offered the following amend-
ment:
"Amend by inserting between lines 15
and 16, as follows, 'For sewerage plant,
\$5000 first year.'"

Mr. McClellan offered the following sub-
stitute for the amendment:
"Amend by appropriating all the
money in the treasury not otherwise ap-
propriated for the use and benefit of the
Agricultural and Mechanical College.'"
Lost.
The amendment was lost.

Mr. Bailey offered the following amend-
ment:
"Amend by inserting between lines 15
and 16, page 30, the following under col-
umn 1900, 'For experimenting in the pur-
chasing and feeding of cattle, sheep and
hogs, \$10,000.'"

Lost.

PRAIRIE VIEW STATE NORMAL
SCHOOL.

Mr. McDowell moved that items in this
department be considered as a whole.
The motion prevailed.
The items in this department were
read.

Mr. Ayers offered the following amend-
ment:
"Amend by adding between lines 26
and 27, page 30, the following: 'For
physical and chemical apparatus, and
for equipments for the study of botany,
geology, physiology and zoology, and
maintaining the same for two years, 1900
and 1901, the sum of \$2000.'"

Lost.

Mr. Childs offered the following amend-
ment:
"Amend in line 17, page 30, strike out
\$10,000' and insert \$5000.'"

Mr. Terrell yielding the floor,
Mr. Tompkins offered the following sub-
stitute for the amendment:
"Amend page 30 by striking out line
17, and insert in lieu thereof the follow-
ing: 'To defray two-thirds of the ex-
 pense of maintaining 150 State students,
the other one-third of said expense to be
borne and paid by the students. Said stu-
dents to be appointed by the members of
the Legislature as follows: One by each
Senator, and one by each Representative;
provided, the students appointed here-
under shall supersede and be in place of
the forty-six State students provided for
in Article 3886, of the Revised Statutes
of Texas. For year ending August 31,
1900, \$15,000; for year ending August
31, 1901, \$15,000.'"

Mr. Rochelle moved the previous ques-
ton on the pending amendments and the
items under consideration, and the main
question was ordered.

Question first recurring on the substi-
tute by Mr. Tompkins, yeas and nays
were demanded by Mr. Sutherland, Mr.
Terrell and Mr. Maxwell.
The substitute was adopted by the fol-
lowing vote:
Yeas—94.
Adams.
Ayers.
Bailey.
Barbee.
Barrett.
Bean.
Beaty.
Bennett.
Blount.
Bridge.
Caldwell.
Chamber.
Childers.
Childs.
Cocke.
Cole.
Collins.
Crawford.
Cross.
Dean.
Decker.
Derden.
Eckola.
Ellis.
Frost.
Garner.
Gill.
Goodlett.
Goodman.
Gordon.
Grogan.
Grubbs.
Hamilton.
Henderson.
Henderson.
Howard.
Hurley.
Jones.
Kennedy.
Kittrell.
Lake.
Lane.
Lillard.
Little.
Livsey.
Loyd.
Marsh.
Maxwell.
McAnally.
McClellan.
McDowell.
McFarland.
McKellar.
Meitzen.
Monroe.
Morris.
Morrow.
Murphy.
Murray.
Neff.
Nolan.
Oliver.
Palmer.
Parish.
Pfeuffer.
Phillips of Camp.
Pitts.
Poole.
Powell.
Prince.
Ratcliff.
Robertson, Harrison.
Rochelle.
Rogers.
Russell.
Sansom.
Scurry.
Shannon.
May 9, 1899

HOUSE JOURNAL

Shelburne. Tompkins.
Sutherland. Vaughan.
Staples. Walton.
Tarkington. Wells.
Tate. Weather.
Terrell. Willacy.
Thomas of Fannin. Willrodt.
Tolbert. Wooten.
Nays—8.
Allen of Hopkins. Robertson of Bell.
Calvin. Shropshire.
Evans. Smith of Collin.
Absent.
Browne. Masterson.
Culp. Mercer.
Dies. Peery.
Garrett. Schluter.
Graham. Tarver.
Looney.
Absent—Excused.
Allen of Colorado. Savage.
Bolin. Stewart.
Clements. Stripling.
Conoly. Teagle.
Dorroh. Tucker.
Greenwood. Wright.
McKamy.

"I vote 'nay' on Substitute House bill No. 111, against all appropriations for normal schools, unless the teachers, when they have been educated by the State for the purpose of teaching, will agree to refund to the State forty per cent. of their gross earnings as stated in the round bale bill.

"PHILLIPS OF LAMPASAS."

"I vote 'aye' with the understanding that Article 3887, of the Revised Statutes will be amended at this session so as to conform to this appropriation, otherwise the State could not charge such students.

"POWELL."

Question next recurred on the amendment as substituted, and it was adopted. The items as amended were adopted.

ADJUTANT GENERAL'S OFFICE.

Mr. Rochelle moved that the items in this department be considered as a whole, and the motion prevailed.

The items were read, and

Mr. Vaughan offered the following amendment:  
"Amend by striking out in line 30, page 30, $300' wherever it occurs, and insert in lieu thereof $400.'"

Mr. Terrell offered the following substitute for the amendment:

"Amend by striking out all the appro-
priations for the Adjutant General's office."

The Chair held that as the effect of this amendment, if adopted, would be to strike out the Adjutant General's Department, it would be left pending until all other amendments seeking to perfect it should be disposed of.

Mr. Henderson of Lamar offered the following amendment to the amendment by Mr. Vaughan:

"30th each year, in line 30, page 30."

Mr. Blount moved the previous question on the amendments and the items under consideration, and the motion was not seconded.

The amendment to the amendment was adopted, and the amendment by Mr. Vaughan as amended was adopted.

Mr. Parish offered the following amendment:

"Amend line 7, page 31, by striking out '85,000,' and inserting in lieu thereof $15,000 for each year."

Mr. Monroe offered the following substitute for the amendment:

"Amend lines 5, 6 and 7, page 31, by adding after the word 'service' the words 'and for their equipment and reorganization,' and also substitute "$15,000' for "$5000."

Mr. Parish accepted the substitute. Mr. Oliver offered the following amendment to the amendment:

"Amend by striking out all of lines 5, 6 and 7, on page 31."

Lost.

Pending consideration of the amendments, Mr. Phillips of Lampasas moved to take a recess until 3 p.m., and Mr. Rochelle until 2:30 p.m. today.

Question recurred on the longest time first, the motion prevailed, and the House, at 12:30 p.m., took a recess until 3 o'clock p.m., today.

AFTERNOON SESSION.

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

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, May 9, 1899.

To J. S. Skerritt, Speaker of the House of Representatives.

MR. SPEAKER: I am directed by the Senate to inform the House that the Senate has passed the following bills, to wit: Senate bill No. 390, A bill to be entitled "An Act to provide for the purchase of one hundred acres of land known as the Magnus T. Habermehl homestead, in the
Arthur McCormick league, in order that the State of Texas may own and preserve the San Jacinto battle grounds.

Also Senate refuses to concur in House amendments to Senate bill No. 316, and asks for the appointment of a Free Conference Committee, and Senators Goss, Terrell, Sebastian, James and Atlee are appointed on the part of the Senate.

Also Senate bill No. 189, A bill to be entitled "An Act to give the Board of Regents of the University of Texas the absolute and exclusive management and control of the mineral lands of the University."

Also Senate concurs in House amendments to Senate bill No. 166. 

Dawson A. Walker, Assistant Secretary of the Senate.

COMMITTEE REPORTS.

Committee Room, Austin, Texas, May 9, 1899.  
Hon. J. S. Sherrill, Speaker of the House of Representatives.  
Sir: Your Committee on County Government and County Finances, to whom was referred House bill No. 665, A bill to be entitled "An Act to authorize and empower commissioners courts to appoint a county auditor, and defining and prescribing the duties and fixing the compensation of such officer."

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

Committee Room, Austin, Texas, May 9, 1899.  
Hon. J. S. Sherrill, Speaker of the House of Representatives.  
Sir: Your Committee on Engrossed Bills, to whom was referred House Joint Resolution No. 35, A joint resolution amending Article 8, of the Constitution of the State of Texas by adding thereto Section 29, providing for the organization of irrigation districts, and for the levying and collection of a tax for the construction of reservoirs, dams and canals."

Have carefully examined said bill and find the same correctly engrossed.  
McANALLY, Acting Chairman.

Committee Room, Austin, Texas, May 9, 1899.  
Hon. J. S. Sherrill, Speaker of the House of Representatives.  
Sir: Your Committee on Enrolled Bills, to whom was referred House Committee Substitute for Senate bill No. 222, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office, with the consent and approval of the Governor, 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 enclosure of any of the public lands owned or held in trust by the State for any purpose whatever, and creating an emergency."

Have carefully examined said bill, and find the same correctly enrolled, and I have this day, at 11:40 o'clock a. m., presented the same to the Governor.  
COLLINS, Chairman.
with the Austin & Northwestern Railroad in Burnet county to the town of Lampasas.”

Have carefully examined said bill, and find the same correctly enrolled, and I have this day, at 11:40 o’clock a.m., presented the same to the Governor.

LIVSEY, Acting Chairman.

Committee Room.
Austm, Texas, May 8, 1899.

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

Sr: Your Committee on Enrolled Bills, to whom was referred House bill No. 503, A bill to be entitled “An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in the following counties, or in any subdivision of said counties, viz.: Cooke, Red, Ellis, Montague, Fayette, Johnson, Collin, Rockwall, Lamar, Milam, Denton, Falls, Navarro, Fannin, Hunt, Tarrant, Grayson, Guadalupe, Dallas, Austin and Brazos,”

Have carefully examined said bill, and find the same correctly enrolled, and I have this day, at 11:40 o’clock a.m., presented the same to the Governor.

LIVSEY, Acting Chairman.

Committee Room.
Austm, Texas, May 8, 1899.

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

Sr: Your Committee on Enrolled Bills, to whom was referred House bill No. 712, A bill to be entitled “An Act to amend Chapter 5, of Title CXII, of the Revised Civil Statutes of 1895, so as to place San Patricio county under the provisions of said chapter, relating to the mode of preventing certain animals from running at large in counties and subdivisions.”

Have carefully examined said bill, and find the same correctly enrolled, and I have this day, at 11:40 o’clock a.m., presented the same to the Governor.

LIVSEY, Acting Chairman.

Committee Room.
Austm, Texas, May 5, 1899.

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

Sr: Your Committee on Enrolled Bills, to whom was referred House bill No. 833, A bill to be entitled “An Act appropriating thirty thousand dollars, or so much thereof as may be necessary, to pay per diem of members, officers and employees of the Twenty-sixth Legislature,”

Have carefully examined said bill, and find the same correctly enrolled, and I have this day, at 4 o’clock p.m., presented the same to the Governor.

COLLINS, Chairman.

Mr. Decker called up the communication from the Senate requesting a Free Conference Committee to adjust the differences between the two houses on Senate bill No. 316, and moved that the request be granted.

The motion prevailed.

In accordance with above motion, the Speaker announced the following committee on part of the House: Messrs. Schluter, Savage, Oliver, Peery and Shropshire.

Mr. Shelburne, for the Committee on State Affairs, returned to the House, substitute House bill Nos. 160, etc., the Confederate pension bill, with Senate amendments, and stated that he was instructed by the committee to call up the bill and ask the House to consider the Senate amendments to same.

On motion of Mr. Shropshire it was ordered that the bill as amended by the Senate be printed in the Journal of to-day.

SPEAKER’S TABLE.

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

House bill No. 316, A bill to be entitled “An Act to amend Article 3235, of the Revised Statutes of Texas, relating to landlords and tenants,” with amendment by Mr. Sutherland and substitute by Mr. Shropshire for the amendment pending.

Question first recurring on the substitute, yeas and nays were demanded by Mr. Parish, Mr. Morrow and Mr. Poole.

The substitute was lost by the following vote:

Yeas—14.

Caldwell. Little.
Calvin. Loyd.
Childers. McKellar.
Goodman. Shelburne.
Henderson, Brazos. Smith of Collin.
Kittrell. Sutherland.

Nays—79.

Adams. Childs.
Allen of Hopkins. Coke.
Ayers. Cole.
Bailey. Crawford.
Barbee. Cross.
Barrett. Dean.
Bean. Derden.
Beaty. Eckols.
Bridgers. Ellis.
Browne. Evans.
Question next recurring on engrossment of the bill, yeas and nays were demanded by Mr. Morrow, Mr. Bridgers and Mr. Chambers. The bill was lost by the following vote:

Yea-s-40.

Adams. Ellis.
Barbee. Goodman.
Barrett. Grogan.
Bean. Grubbs.
Beatty. Hamilton.
Caldwell. Henderson, Lamar.
Childers. Howard.
Childs. Hurley.
Cocke. Jones.
Kennedy. Phillips of Camp.
Kittrell. Robertson, Harrison.
Lillard. Shelburne.
Little. Smith of Grayson.
Lloyd. Smith of Collin.
McClellan. Staples.
McDowell. Thomas of Wise.
McKellar. Thomas of Fannin.
Murray. Tolbert.
Palmer. Willacy.
Peery. Willrodt.

Nays-57.

Allen of Hopkins. Monroe.
Ayers. Morrow.
Bailey. Murphy.
Bridgers. Neff.
Brown. Oliver.
Calvin. Parish.
Chambers. Phillips of Camp.
Cole. Pitts.
Crawford. Poole.
Culp. Powell.
Dean. Prince.
Derden. Ratcliff.
Ekols. Robertson of Bell.
Evans. Rochelle.
Garner. Rogers.
Gill. Russell.
Goddett. Sansom.
Gordon. Scurry.
Henderson, Brazos. Shropshire.
Henderson, Lamar. Smith.
Henderson, Llano. Smith.
Henderson, Fannin. Smith.
Hobertson, Bell. Smith.
Hobertson, Hanison. Smith.
Hobertson, Helburne. Smith.
Smith of Grayson. Smith.
Smith of Collin. Smith.

Absent-Excused.

Allen of Colorado. Savage.
Bolin. Stewart.
Clements. Stripling.
Conoly. Teagle.
Dorroh. Tucker.
Greenwood. Wright.
McKamy. Stearns.

Absent.

Bennett. Maxwell.
Collins. Nolan.
Culp. Tester.
Dies. Tucker.
Frost. Tucker.
Grogan. Tucker.
Kennedy. Tucker.
Looney. Tarkington.
Masterson. Wooten.
Maxwell. Wooten.

Absent—Excused.

Allen of Colorado. Savage.
Bolin. Stewart.
Clements. Stripling.
Conoly. Teagle.
Dorroh. Tucker.
Greenwood. Wright.
McKamy. Stearns.

The Speaker laid before the House, on its passage to engrossment, House bill No. 804, the anti-trust bill, with amendment by Mr. Savage pending. On motion of Mr. Vaughan pending business was suspended to continue con-
May 9, 1899  HOUSE JOURNAL. 1243

consideration of the general appropriation bill.

The Speaker then laid before the House, on its passage to engrossment,
Substitute House bill No. 111, the general appropriation bill, with amendment
by Mr. Monroe pending, and amendment by Mr. Terrell to strike out all the appropri­
ations in the Adjutant General's Department.

Mr. Monroe, by consent, withdrew the amendment.

(Mr. Smith of Grayson in the chair.)

Mr. Parish offered the following amendment:

"Amend lines 5, 6 and 7, page 31, by adding after the word 'service' the words
'and for their equipment and reorganization,' and also substitute '$15,000 for
$5000.'"

Mr. Powell moved the previous question on the amendment and item under
consideration, and the main question was ordered.

Question first recurred on the amendment by Mr. Parish, upon which yeas and
nays were demanded by Mr. McAnally, Mr. Morrow and Mr. Frost.

The amendment was lost by the following vote:

Yeas—40.

Ayers. Meitzen.
Barrett. Monroe.
Brown. Murphy.
Caldwell. Palmer.
Chambers. Parish.
Crawford. Pitts.
Cross. Poe.
Decker. Rogers.
Deren. Russell.
Garner. Sansom.
Goodlett. Schluter.
Gordon. Scourry.
Henderson, Brazos. Tarver.
Jones. Tompkins.
Kennedy. Waiton.
Kittrell. Whelless.
Lake. Willacy.
Lane. Willrodt.

Nays—57.

Adams. Evans.
Allen of Hopkins. Frost.
Barbee. Gill.
Bean. Goodman.
Blount. Graham.
Calvin. Hamilton.
Childers. Henderson, Lamar.
Childs. Howard.
Cole. Hurley.
Culp. Lillard.
Dean. Little.
Eckola. Livey.
Ellis. Loyd.

McAnally. Rochelle.
McClellan. Shelburne.
McDowell. Shropshire.
Mckellar. Smith of Collin.
Mceer. Staples.
Morrow. Sutherland.
Murray. Tarkington.
Neff. Tate.
Oliver. Terrell.
Peery. Thomas of Wise.
Pleufer. Thomas of Fannin.
Phillips of Camp. Tolbert.
Powell. Vaughan.
Ratcliff. Wells.
Robertson, Harrison.

Absent.

Alley. Looney.
Beaty. Masterson.
Bennett. Maxwell.
Bridgers. McFarland.
Cocke. Morris.
Dew. Nolan.
Grogan. Shannon.
Grubbs. Wooten.

Absent—Excused.

Allen of Colorado. Savage.
Bolin. Stewart.
Clements. Stripling.
Conoly. Teague.
Doroh. Tucker.
Greenwood. Wright.
McKamy.

Question next recurred on the amendment by Mr. Terrell, and it was lost.

SENATE BILLS ON FIRST READING.

The following bills received from the Senate were read first time, and referred
to appropriate committees, viz.:
Senate bill No. 347, to Judiciary Committee No. 1.
Senate bill No. 350, to Judiciary Committee No. 2.
Senate bill No. 189 to the Committee on Education.

PETITION.

By Mr. Parish:
Petition of thirty-five citizens of Precinct No. 15, Robertson county, urging
the passage of any anti-trust bill which may come before the Twenty-sixth Legis­
lature.

Read, and referred to Judiciary Committee No. 1.

RESOLUTION.

By Mr. Ratcliff and Mr. Terrell:
House Concurrent Resolution No. 57:
Resolved by the House of Representa­
tives, the Senate concurring, that the
Twenty-sixth Legislature of Texas do ad-
journ sine die at 12 o'clock noon, on Tuesday, May 16, 1899.

Read, and went to the Speaker's table.

The House resumed consideration of the pending bill, same being Substitute House bill No. 111, the general appropriation bill, on its passage to engrossment.

PUBLIC PRINTING.

Mr. Rochelle moved that the items in this department be considered as a whole. The motion prevailed.

The items in this department were then read, and adopted.

PUBLIC BUILDINGS AND GROUNDS.

Mr. Rochelle moved that the items in this department be considered as a whole. Mr. Tarver moved as a substitute for the above motion that all the balance of the bill be considered as a whole. The substitute was lost. The motion of Mr. Rochelle was adopted. The items in this department were read.

Mr. Caldwell offered the following amendment:

"Amend by adding between lines 8 and 9, page 32, the following: 'For improving and beautifying the capitol grounds, for the year ending February 28, 1900, $15,000; for the year ending February 28, 1901, $20,000.'"

Mr. McDowell moved the previous question on the amendment and the items under consideration and the main question was ordered. On the amendment, yeas and nays were demanded by Mr. Childers, Mr. Caldwell and Mr. Rogers. The amendment was lost by the following vote:

Yeas—20.


Nays—75.


MISCELLANEOUS.

Mr. Bailey offered the following amendment:

"Amend by inserting on page 32, between lines 28 and 29, the following under the column for 1900: 'For purchasing a portrait in oil of ex-Governor Charles A. Culberson, said portrait to be selected in open market by a board to consist of the Comptroller of Public Accounts, Secretary of State and Superintendent of Public Instruction, for the amount hereafter appropriated, and to be hung in the Supreme Court Library in the capitol, $250.'"
Mr. Ratcliff offered the following substitute for the amendment:

"Amend the bill by inserting between lines 28 and 29, on page 32, the following: 'For purchasing an oil painting of ex-Governor Chas. A. Culberson, $100.'"

Mr. Terrell offered the following substitute for both amendments:

"Amend the amendment by striking out the word 'Culberson,' and insert 'Santa Anna.'"

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

Question first recurred on the substitute by Mr. Terrell.

Mr. Shelburne raised the point of order that the substitute by Mr. Terrell was not germane to the amendment.

The point of order was sustained, and the amendment was ruled out of order.

Question then recurred on the substitute by Mr. Ratcliff, upon which yeas and nays were demanded by Mr. Childers, Mr. Thomas of Wise and Mr. Terrell.

The substitute was lost by the following vote:

<table>
<thead>
<tr>
<th>Yeas—21</th>
<th>Nays—74</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen of Hopkins</td>
<td>Oliver</td>
</tr>
<tr>
<td>Barbee</td>
<td>Palmer</td>
</tr>
<tr>
<td>Cole</td>
<td>Peery</td>
</tr>
<tr>
<td>Cross</td>
<td>Ratcliff</td>
</tr>
<tr>
<td>Derden</td>
<td>Rogers</td>
</tr>
<tr>
<td>Goodlett</td>
<td>Tate</td>
</tr>
<tr>
<td>Kittrell</td>
<td>Tompkins</td>
</tr>
<tr>
<td>Lane</td>
<td>Wells</td>
</tr>
<tr>
<td>McAnally</td>
<td>Wheless</td>
</tr>
<tr>
<td>Meitzen</td>
<td>Willrodt</td>
</tr>
<tr>
<td>Neff</td>
<td></td>
</tr>
</tbody>
</table>
Mr. Adams offered the following amendment:

"Amend between lines 28 and 29 by adding, 'To pay tax assessors for taking agricultural statistics for the year 1895, to be pro rated among all who have filed their accounts, $12,000.'"

Mr. Henderson of Lamar raised the point that the amendment was out of order for the reason that a bill proposing to make a like appropriation had been defeated by the House at this session.

The Chair sustained the point of order.

Mr. Loyd offered the following amendment:

"Amend by inserting between lines 28 and 29, on page 32 of the bill, the following, 'For the relief of M. A. Dillard, $300, which was illegally collected from him by the State as a liquor dealer.'"

Mr. Tarver raised the point of order that each and every item under the head of "Miscellaneous" in this appropriation bill cannot be considered or adopted, because from the specification given each item it clearly appears that the relief therein sought can only be obtained by a special act of the Legislature.

The point of order was overruled.

(Speaker in the chair.)

BILLS SIGNED BY THE SPEAKER.

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

Substitute Senate bill No. 68, "An Act to promote agriculture and stock-raising, and to prohibit the hunting with firearms or dogs upon the enclosed and posted lands of another in all counties within this State not specially named as exempt from the provisions of this act, and, to provide a penalty therefor."

Also Senate bill No. 108, "An Act to regulate the venue of suits against private corporations, associations and joint stock companies, so as to permit suits against carriers to be brought in any county in which the carrier on whose line the freight or baggage originated or was first shipped has an office or agency, and against whom, with others, damages are claimed, or in any county in which is situated the depot, 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."

Senate bill No. 334, "An Act to authorize the St. Louis Southwestern Railway Company of Texas to purchase, own and
operate the railway extending from a point in or near the town of Tyler, in Smith county, to a point in or near the town of Lufkin, in Angelina county, with its franchises and appurtenances, known as the Tyler Southeastern Railway; and to authorize the Tyler Southeastern Railway Company, and owners thereof, to sell the same; and to authorize the St. Louis Southwestern Railway Company of Texas to assume the payment of the indebtedness of the Tyler Southeastern Railway Company, and to own and operate the property so purchased."

Senate bill No. 162, "An Act to define whitecapping, and fixing a punishment therefor."

Senate bill No. 306, "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 railroad 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 railroad as provided in its charter, and for said purposes to raise money through the issuance of stock and bonds, under the direction of the Railroad Commission."

Substitute House bill No. 497, "An Act to define and regulate fraternal benevolent 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."

Senate bill No. 144, "An Act to authorize the Texas & New Orleans Railroad Company to own and operate, or to amend its charter or articles of incorporation so as to authorize it to own and operate a railroad connection between the railroad known as the Sabine & East Texas Railroad and the railroad known as the Texas Trunk Railroad, and to construct such railroad as may be requisite for the purpose of making such railroad connection; to confirm the purchase by the Texas & New Orleans Railroad Company of the said railroad known as the Sabine & East Texas Railway, its franchises and appurtenances, and to authorize said railroad company to own and operate the same; to authorize said Texas & New Orleans Railroad Company to purchase, own and operate the railroad known as the Texas Trunk Railroad, with its franchises and appurtenances, and the railroad known as the Louisiana Western Extension Railroad, with its franchises and appurtenances; to authorize the owners of each of said railroads to sell the same with its franchises and appurtenances to the said Texas & New Orleans Railroad Company, and to prescribe the conditions upon which such sales shall be valid; to authorize the Texas & New Orleans Railroad Company to issue additional mortgage bonds to the amount of the value of the same is or may be fixed by the Railroad Commission of Texas of such of said railroads and their respective franchises and appurtenances as may have been so purchased by it, and to the amount of the value, as the same may be so fixed, of the railroad to be constructed as aforesaid connecting the Sabine & East Texas Railway with the Texas Trunk Railroad; and to regulate the reports of such properties and the operation thereof."

(Mr. Smith of Grayson in the chair.)

The House resuming consideration of the pending bill,

Mr. Derden offered the following amendment to the pending amendment:

"Amend by adding to the amendment the following. viz.: "And $500 to be refunded to T. B. Bond and J. J. Hooper, druggists of Hillsboro, Hill county, Texas, being occupation taxes illegally collected from them by the State."

Pending consideration. the House at 5:30 p. m., on motion of Mr. Jones, took recess until 8:30 o'clock p. m. today.

EVENING SESSION.

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

Pending question—

Substitute House bill No. 111, the general appropriation bill, on its passage to engrossment, with amendment by Mr. Loyd, and amendment by Mr. Derden to the amendment pending.

The Speaker laid the same before the House.
COMMITTEE REPORTS.

Committee Room,
Austin, Texas, May 9, 1899.

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

Sir: Your Judiciary Committee No. 2, to whom was referred Senate bill No. 347, A bill to be entitled "An Act to amend Section 6, of an act passed by the Twenty-sixth Legislature, entitled 'An Act to create and maintain a more efficient road system for Cass county,'" have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, May 9, 1899.

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

Sir: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 350, A bill to be entitled "An Act to provide for the purchase of one hundred acres of land, known as the Magnus T. Habermehl homestead, in the Arthur McCormick league, in order that the State of Texas may own and preserve the San Jacinto battle grounds," 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 8, 1899.

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

Sir: Your Committee on Public Health and Vital Statistics, to whom was referred Senate bill No. 326, A bill to be entitled "An Act to amend Article 4340, Chapter 92, of the Revised Civil Statutes of the State of Texas, relating to quarantine and the payment of expenses of maintaining the same in counties, cities or towns, and to repeal Articles 4331, 4332, 4334, 4335, 4336 thereof," have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

OLIVER, Chairman.

Committee Room,
Austin, Texas, May 8, 1899.

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

Sir: Your Committee on Public Health and Vital Statistics, to whom was referred the petition of the citizens of Marble Falls, Texas, relating to the sale of cocaine, opium, cigarettes, tobacco and other poisons, also the memorial of the State Medical Association, asking for the creation of a State Medical Board of Health, have given the same due consideration, and I am instructed to return them to the calendar.

OLIVER, Chairman.

Committee Room,
Austin, Texas, May 9, 1899.

Hon. J. S. Sherrill, Speaker of the House of Representatives, and Hon. Jas. N. Browning, President of the Senate.

Sirs: We, your Free Conference Committee on House bill No. 412, beg leave to report that we have considered the differences with regard to Senate amendments to the bill, and recommend the following:

Committee recommends that the House recede from its position on all amendments, except those hereafter stated, and that they be adopted.

Committee recommends that Senate amendment No. 2 be stricken out, and substitute the following, to wit:

"Amend House amendment No. 1, to the caption, by striking out of said amendment 'in Chapters 43 and 107 of said acts,' and insert in lieu thereof the following: 'In Chapter 121 of said acts,'" and by striking out of caption the word
May 9, 1899  HOUSE JOURNAL  1249

"Hemphill' and insert in lieu thereof 'other.'"

Committee recommends that Senate amendment No. 4 be stricken out.
Respectfully submitted,
Caldwell,
Decker,
Garner,
Russell,
McClellan,
On part of the House.
ATLEE,
Yett,
GOSS,
SEBASTIAN,
On part of the Senate.

(Mr. Smith of Grayson in the chair.)
Mr. Livsey moved the previous question on the pending amendments to the general appropriation bill, and the main question was ordered.
Question first recurred on the amendment by Mr. Derden to the amendment, and it was lost.
The amendment by Mr. Loyd was lost.
Mr. Livsey offered the following amendment:
"Amend by inserting before line 29, page 32, under head 'Miscellaneous,' the following: 'Refund taxes illegally collected in Rusk county, as follows: To F. H. Sparler, State occupation tax, $25.00.' [Signed "LIVSEY, "COLLINS:""]

Lost.
Mr. Vaughan moved that all the items under the head "Miscellaneous" be considered as a whole.
The motion prevailed.
The items were then read.
Mr. Phillips of Lampasas offered the following amendment:
"Amend by adding between lines 10 and 11, page 33: 'To pay B. F. Gohlson and J. W. Benson of Lampasas county, any amount they may recover in any court of competent jurisdiction under act of the Twenty-sixth Legislature, $1600 or so much thereof as may be necessary to satisfy such judgment.'"

Mr. Murphy moved the previous question on the amendment, and the main question was ordered.
The amendment was lost.
"We vote 'no' on Phillips of Lampasas amendment providing for an appropriation of $1600 to pay claims of B. F. Gohlson and J. W. Benson for the reason that said claim has not been passed upon by the courts, the permission to sue the State having only been granted by this the Twenty-sixth Legislature, and for the further reason that there is no preexistent statute authorizing the payment of such claims.
"SHELBURNE, "MONROE, "GILL."

Mr. Jones offered the following amendment:
"Amend on page 33 by inserting between lines 28 and 29 the following: 'To pay W. W. Freeman, as assignee of H. B. Porter, for services rendered during the prevalence of small-pox at Del Rio, Texas, from December 13, 1890, to January 1, 1891, $54.00.'"

Mr. Derden moved the previous question on the amendment, and the main question was ordered.
The amendment was adopted.
Mr. McKeelar offered the following amendment:
"Amend by adding after line 8, page 34, the following: 'To pay claim of W. Y. Robinson, sheriff of San Jacinto county, the following fees in criminal cases, barred by statute for failure to file the claims with the Comptroller within twelve (12) months from date of their accrual, towit:
No. 1808, Thos. Fitz ............ $9 80
No. 1823, Wm. Scott ............ 8 00
No. 1811, Ess Wanzar ............ 7 70
No. 1778, Clarence White ......... 17 80
No. 1788, C. W. Robinson ......... 5 00
No. 1793, Jim Robinson ............ 7 00
No. 1897, Thos. Fitz ............ 4 50
No. 1824, Anthony White ............ 13 70
No. 1809, Willis Dick McGowan .... 7 90
No. 1898, Lawson Kelly .......... 6 00
No. 1874, Wm. Johnson .......... 9 80

Total amount due ............. $94 20

Mr. Derden moved the previous question on engrossment of the bill, and the motion was not seconded.
The amendment was adopted.
Mr. Marsh offered the following amendment:
"Amend by inserting between lines 8 and 9, page 34, the following: 'To pay librarian at Tyler for services performed from March 1, 1895, to November 1, 1895, eight months, at $25.00 per month, $200; from November 1, 1895, to January 1, 1897, fourteen months, at $25.00 per month, $350; total, $550.'"

Mr. Tarver offered the following amendment to the amendment:
"Provided, that upon satisfactory proof being made to the Comptroller that the services were rendered under appointment by the Court of Appeals and the account has never been paid.
Accepted by Mr. Marsh.
After consideration by the House, Mr. Masterson moved the previous question on the amendment, and the main question was ordered.

The amendment as amended was adopted.

Mr. Barbee offered the following amendment:

"Amend by adding after line 29, page 30, the following, 'To pay J. T. Browne, an ex-Confederate soldier, for labor done at the Confederate Home under the direction of W. P. Hardeman, superintendent of Home, as recommended by Committee on Claims and Accounts, $100, to be paid out of miscellaneous fund.'"

Adopted.

Mr. Henderson of Lamar moved to reconsider the vote by which the amendment by Mr. Marsh was adopted, and asked to have the motion to reconsider spread upon the Journal.

Mr. Bean offered the following amendment:

"Amend page 32 by adding between lines 29 and 30 the following, 'Appropriating for the year 1900, $20,000, and for the year 1901, $20,000, for ex-slaves over 60 years of age; provided, no one ex slave shall ever receive more than $5.00 per month.'"

Mr. Rochelle moved the previous question on the pending amendment, and the items under consideration, and the motion was not seconded.

The amendment by Mr. Bean was lost.

Mr. Wells offered the following amendment:

"Amend by inserting between lines 29 and 30, page 32, the following, 'For refunding to the peddlers of this State three-fourths of the occupation taxes paid by them into the State treasury in accordance with Subdivision 21, Chapter 18, general laws passed at the Special Session of the Twenty-fifth Legislature. And such law having been declared unconstitutional by the Court of Appeals ninety-two days after it became effective, three-fourths of the amount of such claims to be allowed to each party only upon producing of receipt of tax collector, certifying that the tax has been paid by the party named, to be paid out of any funds in the treasury not otherwise appropriated, and all claims to be approved by the Comptroller, $5291.25, or so much thereof as may be necessary."

[Signed 'WELLS, OLIVER.]"

Mr. Peery moved the previous question on the amendment, and the main question was ordered.

Yeas and nays were demanded by Mr. Childs, Mr. Wells and Mr. Goodman.

There was not a quorum voting, the Clerk announcing 43 yeas and 41 nays.

Whereupon, Mr. Oliver moved to adjourn until 8:30 a. m. tomorrow, Mr. Kennedy until 9:30 a. m. tomorrow, and Mr. Thomas of Wise until 9 a. m. tomorrow.

Question recurring on the longest time first, the motion prevailed, and the House, at 10:30 p. m., adjourned until 9:30 o'clock a. m. tomorrow.

APPENDIX.

Senate amendments to Substitute House bill Nos. 160, etc., the Confederate pension bill (ordered printed in the Journal):

Amend the bill by striking out all after the enacting clause and substitute in lieu thereof the following:

Section 1. That hereafter there shall be paid an annual pension of eight dollars per month, the same to be paid quarterly, on the first days of October, January, April and July, of each year, to every surviving disabled and indigent Confederate soldier or sailor who is a native of this State, or who came to Texas prior to January 1, 1880, and who is either over sixty years of age or whose disability is the approximate result of the actual service in the Confederate army or navy for a period of at least three months; their widows in indigent circumstances, who have never remarried, and who have been bona fide residents of the State of Texas since March 1, 1880, and who were married to such soldiers or sailors anterior to March 1, 1886; provided, that said aid shall not exceed eight dollars per month; and provided further, that in the event the appropriation made by the State Legislature for any one year shall prove insufficient to pay in full said pensions, that thereby shall not be created a deficiency outstanding as a valid claim against the State of Texas, and each pensioner shall only receive his pro rata according to the amount appropriated for that year.

Section 2. Each applicant for a pension under this law shall make application in writing and under oath for the same to the county judge of the county of his or her residence. Such application shall state the name, age and residence of the applicant, and his or her occupation, if able to engage in one; his or her physical condition, as well as the company and regiment in which he enlisted in the Confederate army, or where he served in the Confederate navy, and time of service in each case; whether or not he received any pension or veteran donation..."
land certificate under any previous law; a list of the real and personal property owned by the applicant, and the present value of the same, and what property and the value thereof that such applicant has sold or conveyed within two years prior to the date of such application; or what income he receives, if any; and shall further state that the applicant is in indigent circumstances and is not able, by his or her labor, to earn a support; provided, that the word "indigent," within the meaning of this law, shall be construed to mean, one who is in actual want and destitute of property and means of subsistence; and that the applicant has not transferred to others any property or value of any kind, for the purpose of becoming a beneficiary under this law, and that such applicant never deserted the Confederacy, but it shall not be necessary to produce a certificate of discharge in order to receive a pension under this act; and still further, that such applicant is and has been continuously, since the 1st day of January, 1880, a bona fide resident citizen of this State, or that he originally enlisted in the Confederate service from the State of Texas, and was at the date of the passage of this act a bona fide resident citizen of the State of Texas, and, in addition to the foregoing, each male applicant shall further state the time he rendered such service and the command he served in.

He shall furnish the testimony of at least two credible witnesses who personally know that he enlisted in the service and performed the duties of a soldier or sailor, as claimed by him, and that he is unable to support himself by labor of any sort, he shall also furnish proof by a reputable physician of his county, showing his precise physical condition and inability to labor at any work or calling sufficient to earn a support for himself, and if he is not sixty years old, when, where and how said disability occurred; said proof to be made before the county judge of the county of the residence of the witnesses. The papers in the case as made by the county judge shall be submitted to the county commissioners of his county at a regular term of their court, and shall be approved by them, and they are hereby authorized to summon and examine witnesses outside of those examined by the county judge as above provided for, if in their judgment any fact materially affecting the applicant's statements are not clearly set out and proven. It shall be the duty of the county judge and of the commissioners court to take down the evidence in writing of all witnesses examined by them, or either of them, which shall be done under the direction of the county judge when taken before him and under the direction of the commissioners when taken before them, which shall be paid for by the applicant at the rate of five cents per one hundred words; provided, that the applicant is authorized to have such evidence taken down by his attorney, or by such other person as he may employ under the contract of employment to secure his pension; and provided, that no greater fee than herein-after provided shall be charged by such attorney or representative of such applicant; and the county judge shall certify to the written statement of the evidence when taken before him, and the commissioners shall certify to the same when taken before them. The application, affidavit and certified statement of the evidence, after the same have been approved by the county judge and by the commissioners court shall be forwarded to the Comptroller of Public Accounts of the State of Texas. It shall be the duty of such Comptroller to appoint a competent person, who shall be an ex-Confederate soldier or sailor, and who shall be designated as Pension Clerk, and who shall enter upon his duties immediately after such appointment and the passage of this act, and shall take charge of accounts and matters pertaining to this act, and shall keep a list of the applications for pensions, sent to the Comptroller, and who shall, with and under the direction of the Comptroller, examine all applications for pensions carefully and thoroughly, and shall see that such applications are made in strict compliance with the provisions of this act, and such pension clerk, with and under the direction of the Comptroller, shall pass upon the validity of such claims. Each female applicant shall state the name of her deceased husband, the date of her marriage and the date of his death; that she is unmarried, and has so remained since the death of her husband, for whose services she claims a pension; and shall further state, as accurately as she can, the time her said deceased husband rendered such service, and the command he served in, and any other accessible evidence that may prove or disprove the right of the applicant to claim a pension; and the county judge may require other proof of the statements made in such application, and if, in his opinion, the applicant has not established his or her legal right to a pension, then he shall refuse said application, and file reasons therefor in his office.

Sec. 3. No widow shall be entitled to a pension should her husband, if living, be debarred by reason of his inability to comply with the requisites prescribed in
this act, as to his service in the Confederate army or navy; provided, no pension shall ever be granted to any soldier or sailor who ever deserted the Confederate cause, or to such deserter’s widow.

Sec. 4. The Comptroller shall draw his warrant for the amount of such pension on the Treasurer, and upon presentation the Treasurer shall pay the same out of any money in the treasury which may be appropriated for this purpose.

Sec. 5. The Comptroller of this State shall cause to be prepared and furnished to the county judges of this State necessary blank applications for the use of applicants for the benefits of this act.

Sec. 6. The Comptroller is hereby vested with power and authority, after the examination with the pension clerk, to approve or reject the application of any applicant for a pension, as to him appears advisable, and if approved he shall issue his warrant as provided for in Section 1 of this act.

Sec. 7. On and after the first of each quarter the pensioner shall make his affidavit, stating the county of his residence and postoffice address, and that he is the identical person to whom a pension has been granted under this law, and that the conditions which existed at the time of making his application and on which the pension was originally granted still exist, which affidavit shall be supported by the affidavit of some other credible person to the same fact, and which affidavit may be made before any one authorized to administer oaths, which affidavit shall be filed with the Comptroller, and upon the filing of the same the Comptroller shall draw his warrant for the quarter found to be due.

Sec. 8. It shall be the duty of the district judges of this State to specially charge the grand jury at every session to investigate violations of this law.

Sec. 9. No person shall receive a greater fee than five dollars to procure a pension for another, and any contract for a larger sum shall not be enforced by the courts.

Sec. 10. A county judge shall be allowed a fee of two dollars for hearing an application and taking proof therein, said fee to be paid by the applicant, and before hearing of application is had thereon; provided, that all fees received by such county judge shall be reported as other fees of office, and be otherwise controlled by the law as it now exists, regulating the fees of county judges; and provided further, that said fee of two dollars shall be the only fee allowed to the county judge for all the work performed by him in obtaining a pension.

Sec. 11. It shall be the duty of the Comptroller, at least once in each year, to forward to the county judges a printed list of the pensioners in their respective counties, which list shall be posted in a conspicuous place in the office of said judge. It shall also be the duty of the Comptroller, on the application of the grand jury, to forward to the district clerk of the county in which the grand jury is convened, copies of any or all original papers on file in his office connected with an application for a pension, which said grand jury may desire to investigate, and such copies, with their correctness attested by the Comptroller, shall have the same force and value in law that the original papers would have had.

Sec. 12. No person shall, while an inmate of the Texas Confederate Home, nor shall any person while confined in any of the asylums of this State at the expense of the State, or confined in the State penitentiary to satisfy a judgment of conviction, receive a pension under this act, and any person having been granted a pension under the provisions of this act and afterward becomes an inmate of said Home, shall, while such inmate, forfeit his pension, it being intended that no person shall at the same time receive benefits from both sources; and no person, while a resident of any other State or territory, shall draw a pension under this act.

Sec. 13. That for the year beginning October 1, 1899, and ending September 30, 1900, there is appropriated the sum of one hundred thousand dollars for the purposes designated in this bill, and that for the year beginning October 1, 1900, and ending September 30, 1901, that there be appropriated the further sum of one hundred and fifty thousand dollars, the said sums to be paid out of any funds belonging to the general revenue of the State or territory, shall draw a pension under this act.

Sec. 14. That in the near approach of the close of the session, the large number of bills on the calendar, and the fact that
there are a large number of disabled and
dependent Confederate soldiers in this
State, creates an emergency and an im-
perative public necessity that the constitu-
tional rule requiring bills to be read
on three several days be suspended, and
that this act take effect from and after
its passage, and it is so enacted.

NINETY-NINTH DAY.

Hall of the House of Representatives,
Austin, Texas,
Wednesday, May 10, 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.
Allen of Hopkins.
Ayers.
Bailey.
Barbee.
Barrett.
Bean.
Beaty.
Bennett.
Blount.
Bridgers.
Browne.
Caldwell.
Calvin.
Chambers.
Childers.
Childs.
Clements.
Cooke.
Cole.
Collins.
Conoly.
Crawford.
Cross.
Culp.
Dean.
Decker.
Derden.
Eckols.
Ellis.
Evans.
Frost.
Garner.
Garrett.
Gill.
Goodlett.
Goodman.
Gordon.
Graham.
Grogan.
Grubbs.
Hamilton.
Henderson, Brazos.
Henderson, Lamar.
Howard.
russell.
Sansom.
Savage.
Schulte.
Scurry.
Shannon.
Sheburne.
Shropshire.
Smith of Grayson.
Smith of Collins.
Staples.
Stewart.
Sutherland.
Tarkington.

Russell.
Sansom.
Savage.
Schulte.
Scurry.
Shannon.
Sheburne.
Shropshire.
Smith of Grayson.
Smith of Collins.
Staples.
Stewart.
Sutherland.
Tarkington.
Tarver.
Tate.
Terrell.
Thomas of Wise.
Thomas of Fannin.
Tolbert.
Vaughan.
Walton.
Wells.
Willacy.
Willis.
Wooten.

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

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Dies for yesterday and today, on
motion of Mr. Hamilton.
Chief Clerk Routree until next Fri-
day, on motion of Mr. Ellis.
Mr. Tompkins for today, on motion of
Mr. Willrodt.
Mr. Greenwood until next Friday, on
motion of Mr. Pfeuffer.
On account of sickness in his family:
Mr. Savage for today, on motion of
Mr. Sutherland.

SPEAKER'S TABLE.

Mr. Oliver moved that pending busi-
ness be suspended for the purpose of con-
tinuing consideration of Substitute House
bill No. 111, the general appropriation
bill, until the same shall have been finally
passed, and that as much time be given
to the consideration of Senate bills on
House bill days, as is consumed in con-
sidering this bill on Senate bill days.

Pending the motion,
Mr. Schluter, for the Committee on
part of the House, submitted the follo-
wing report of the Conference Committee
on Senate bill No. 31:

<table>
<thead>
<tr>
<th>Absent.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dies. Tompkins.</td>
</tr>
<tr>
<td>Absent—Excused.</td>
</tr>
<tr>
<td>Allen of Colorado. Stripling.</td>
</tr>
<tr>
<td>Polin. Tegel.</td>
</tr>
<tr>
<td>Dorroh. Tucker.</td>
</tr>
<tr>
<td>Greenwood. Wright.</td>
</tr>
</tbody>
</table>

Mr. Oliver moved that pending busi-
ness be suspended for the purpose of con-
tinuing consideration of Substitute House
bill No. 111, the general appropriation
bill, until the same shall have been finally
passed, and that as much time be given
to the consideration of Senate bills on
House bill days, as is consumed in con-
sidering this bill on Senate bill days.

Pending the motion,
Mr. Schluter, for the Committee on
part of the House, submitted the follo-
wing report of the Conference Committee
on Senate bill No. 31:

Committee Room.
Austin, Texas, May 10, 1899.

Hon. J. S. Sherrill, Speaker of the House
of Representatives, and Hon. J. N.
Browning, President of the Senate.

Sirs: Your Conference Committee.