FIRST DAY.

Hall of the House of Representatives,
Austine, Texas,
Tuesday, January 23, 1900.

In obedience to the proclamation by
his excellency, Joseph D. Sayers, Gover-
nor of Texas, convening the Twenty-
sixth Legislature to meet in Special Ses-
sion at Austin, the seat of government,
this the 23rd day of January, A. D. 1900,
the House of Representatives was called
in order at 12 o'clock m., by Hon. J. S.
Sherrill, Speaker.

The Clerk was directed to call the roll,
and the following members answered to
their names:

Present—115.

Hon. J. S. Sherrill, Speaker.

Ayres. Graham.
Bailey. Greenwood.
Barbee. Gregan.
Barrett. Hamilton.
Bean. Henderson, Brazos.
Bennett. Howard.
Blount. Hurley.
Bolin. Jones.
Bridgers. Kennedy.
Brown. Lake.
Caldwell. Lane.
Calvin. Little.
Chambers. Livsey.
Childers. Looney.
Clements. Loyd.
Cooke. Marsh.
Cole. Masterson.
Collins. Maxwell.
Crawford. McLain.
Cross. McClellan.
Culp. McDowell.
Dean. McFarland.
Decker. McKamy.
Deren. McClair.
Dies. Meitzen.
Dorrah. Mercer.
Ellis. Monroe.
Evans. Morrow.
Frost. Murphy.
Goodlett. Nolan.

Oliver. Smith of Grayson.
Palmer. Staples.
Parish. Stewart.
Perry. Stripling.
Pfeuffer. Sutherland.
Pitts. Tarver.
Poole. Tate.
Prince. Teague.
Ratchiff. Terrell.
Robertson of Bell. Thomas of Fannin.
Robertson, Harrison. Thomas of Wise.
Robichaux. Tolbert.
Rogers. Tucker.
Russell. Vaughan.
Sanson. Walton.
Savage. Wells.
Scurry. Willacy.
Shannon. Williford.
Shelburne. Wooten.
Shropshire. Wright.

The following members were absent:

Messrs. Allen of Hopkins, Childs, Con-
oy, Gill, Grubbs, Kittrell, Lillard, Phil-
lips of Camp, Powell, Schuler, Smith of
Colin, Tompkins and Wheelers.

A quorum was announced present.

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

The Speaker then directed the Clerk
to read the following

PROCLAMATION BY THE GOV-
ERNOR:

I, Joseph D. Sayers, Governor of the
State of Texas, by virtue of the authority
vested in me by the Constitution thereof,
do hereby call a Special Session of the
Twenty-sixth Legislature, to convene in
the city of Austin, beginning at noon
Tuesday, January 23, 1900, for the fol-
lowing purposes, to wit:

1. To provide a Tax System for 1901,
and succeeding years, and which shall
take the place of all tax laws now in
force.

2. To reduce the rate of the ad valo-
rem tax under present law for general
revenue purposes for the year 1900, and
to make certain appropriations.

3. To compensate the Permanent
School Fund for any deficiency that may
have accrued by reason of the alienation
of any portion of lands belonging to the
January 24, 1900

HOUSE JOURNAL.


Allen of Colorado. Absent—Excused.


Gill. Tompkins.

Kittrell.

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

GRANTED LEAVE OF ABSENCE.

On account of important business: Mr. Wooten until Monday, on motion of Mr. McLemore. Mr. Allen of Colorado until Monday, on motion of Mr. Willacy.

On motion of Mr. Neff, Mr. Bean was excused for yesterday, on account of unavoidable delay in making train connections.

2— Hou

On account of sickness: Mr. Phillips of Camp for yesterday, on motion of Mr. Poole.

COMMITTEE REPORT.

Committee Room, Austin, Texas, January 27, 1900.

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

Sir: Your Committee on Finance, to whom was referred

House bill No. 2, A bill to be entitled "An Act making an appropriation to pay mileage and per diem pay of members and per diem pay of officers and employees of the First Called Session of the Twenty-sixth Legislature of the State of Texas, convened January 23, 1900, by proclamation of the Governor."

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

HENDERSON of Lamar, Chairman.

Mr. N. A. Cravens, Private Secretary to the House, and being duly announced, presented the following:

MESSAGE FROM THE GOVERNOR.

To the Legislature:

In view of the present condition of the State treasury, I have recommended the reduction of the ad valorem rate of taxation for general purposes, not including that for the support of the public schools, for the year 1900, from twenty cents to sixteen and two-thirds cents upon one hundred dollars. The net balance in the treasury to the credit of General Revenue, on September 1, 1899, was $1,053,415.50. Adding to this sum the receipts for the year ending August 31, 1900, as estimated by the Comptroller, $2,700,000, there should accrue to the treasury upon account of General Revenue during the year $83,733,415.55.

Against this are to be placed the appropriations heretofore made and to be expended during the same period amounting to $2,608,255.98; and also the further sum of $71,852.00, anticipated deficiencies.

Deducting expenditures from receipts and assuming that all appropriations will be expended, there should remain to the credit of General Revenue on September 1, 1900, the net balance of $823,341.27.

It is estimated by the Comptroller that upon an ad valorem tax rate, under present law, of sixteen and two-thirds cents upon one hundred dollars, the revenue to the treasury would amount to
$2,450,000. This added to the balance on hand at the beginning of the next fiscal year should be sufficient to pay all authorized expenditures, including the appropriations to be made at the present session of the Legislature, and leave a proper working balance.

I hardly know which is the more reprehensible—a redundant or a depleted public treasury. Certainly, the former condition begets extravagance, besides exacting from the people, through the expensive method of tax collection, a larger contribution than necessary for an efficient administration, conducted with proper economy. The wise course is to so adjust the receipts and expenditures that there may always be on hand funds enough only to insure the prompt discharge of every obligation as it falls due.

Under present conditions it is believed that three hundred thousand dollars would be sufficient for the purpose.

By virtue of the Act of March 2, 1899, J. J. Terrell, E. Von Rosenberg, E. J. Roberts and Jack Carter were appointed a board to ascertain the amount of public domain belonging to the State at the date of the adoption of the Constitution, April 17, 1876; the amount thereof set apart to the permanent free school fund; the amount since sold for the benefit of said fund; and the amount since otherwise appropriated by the State for other purposes. The board began its work on March 20, 1899, and continued uninteruptedly in its labors until September 1, following. The magnitude of the work will be the more appreciated when it is known that each file and each set of field notes surveyed and made on the public domain by authority of law and returned to and filed in the General Land Office from April 17, 1876—the date of the adoption of the present Constitution—to May 23, 1899, were carefully examined and considered.

The result is embodied in the report of the Commissioner of the General Land Office of November 1, 1899, a copy of which was mailed each Senator and Representative directly after its publication.

I desire to add my own testimony to that of the Commissioner as to the faithfulness and ability with which the board discharged this most important duty. That it was well and thoroughly done can not be reasonably doubted.

Of the appropriation of $3,500 made for the purpose, $755.10 remains unexpended.

I concur with the Commissioner that the permanent school fund has not received its full share of the public domain as contemplated by the Constitution.

In making up the account my own judgment is that the area in lakes and bays—1,722,880 acres—should be discarded altogether, and be permitted to remain as now for future disposition.

It is the land acreage only that must necessarily be considered at this time. Accepting the findings of the board and the report of the Commissioner thereon as accurate, it may be stated that the amount of vacant land within the State on April 17, 1876, as definitely ascertained, was 61,288,461.56 acres, including the area of lakes and bays, and that since then surveys therefrom have been made as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>For permanent school fund</td>
<td>21,805,714.11</td>
</tr>
<tr>
<td>For county permanent school fund</td>
<td>2,208,011.00</td>
</tr>
<tr>
<td>For University, grant by Constitution</td>
<td>1,000,000.00</td>
</tr>
<tr>
<td>For University, grant by Legislature</td>
<td>1,197,407.00</td>
</tr>
<tr>
<td>For individual purposes</td>
<td>22,880,864.45</td>
</tr>
<tr>
<td>For State capitol, grant by Constitution</td>
<td>3,000,000.00</td>
</tr>
<tr>
<td>Upon certificates issued prior to April 17, 1876</td>
<td>5,294,621.56</td>
</tr>
<tr>
<td>Total surveys since April 17, 1876</td>
<td>66,091,380.56</td>
</tr>
<tr>
<td>Add area of lakes and bays</td>
<td>1,722,880.00</td>
</tr>
<tr>
<td>Add unsurveyed vacant land</td>
<td>4,444,195.00</td>
</tr>
<tr>
<td>Total</td>
<td>61,288,461.56</td>
</tr>
</tbody>
</table>

From the statement submitted it would appear that it must first be determined whether the surveys made after the adoption of the Constitution but upon certificates issued prior thereto, and aggregating 8,294,621.56 acres, and also whether the surveys for the University and for the capitol under grants made by the Constitution and amounting to 4,000,000 acres shall be chargeable to the entire unsurveyed domain of the State when the Constitution was adopted and before a division between the State and the Permanent School Fund, or to that portion only which remains to the State after the division contemplated in Section 2, Article 7, of the Constitution, has been had.

If it shall be concluded that the particular fund thus created by the Constitution for the support of the public free schools is but one-half of what will remain after the segregation of the surveys mentioned from the entire unsurveyed public domain as it existed on April 17, 1875, the deficit to the fund can be easily met.

Upon this hypothesis there is now due
the fund—omitting the water acreage, 1,726,860 acres, altogether from consideration—are 1,002,676.67 acres, less 1,428.4 acres, transferred to the fund by the Act of April 18, 1869.

The remainder can be supplied in part by conveying to the fund the unsurveyed vacant land—4,444,105 acres—leaving 29,340.27 acres unprovided for.

Should, however, it be determined that the surveys for certificates issued prior but located subsequent to April 17, 1876, and those made under the grants by the Constitution to the University and for the capitol—aggregating 12,294,621.50 acres—ought to be borne by the State's share of the public domain only, then there will be needed provision for an additional deficit, the amount of which will depend upon the extent of the charge to be thus made.

Entertaining the opinion that any settlement made by the Legislative and Executive Departments of the government, would hardly be questioned by the judicial, and that the courts would probably declare no patent that may have been regularly issued, because of a previous exhaustion by the State of its share of the public domain, I have believed it my duty to inform the Legislature as fully as possible as to the different character of surveys made since the adoption of the Constitution.

Having been previously advised that there was a probable deficit in the lands belonging to the permanent school fund, as designated by the Constitution, I adopted upon my inauguration as Governor, and have since maintained that policy to sign no patents covering surveys, the locations of which were not made prior to April 17, 1876, or were not upon lands already set apart to the fund.

This has been done in order to avoid further complication and greater exhaustion of the public domain pending the settlement of the exact status of the State to the fund.

It will be perceived in the statement submitted that there are items of appropriation for the permanent school fund of certain counties and for the University under legislative grants and amounting to 1,550,018 acres. These surveys, though for educational purposes, can not, in my belief, be chargeable to any extent whatever against the share due the permanent school fund under the Constitution.

Such a construction would involve the power of the State to segregate, as it may please, from the permanent fund any portion and transfer it to the counties or for other purposes of an educational character.

True it is that the Supreme Court has said, in the case of Smisson vs. The State—Texas Reports, Vol. 71—"that it is unnecessary to enter into a critical examination of the true relation of the State—the people—to the common school lands in order to illustrate the fact that the relation imposed by Section 2, Article 7, of the Constitution is not that of a trustee seized of lands for the use of another with a naked power of sale."

Though the language quoted would imply the existence of power in the Legislature to exercise its discretion in the administration of the fund, yet it does not follow that such discretion is broad enough to cover the alienation by the State of any portion of the school lands to the counties, though charged with the restriction that it should be held and used as a permanent fund for the support of the public free schools within such counties. The fourth section of the same article provided that "the lands set apart to the public free school shall be sold under such regulations, at such times, and on such terms as may be prescribed by law; and the Legislature shall not have power to grant any relief to purchasers thereof."

The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments."

Commenting upon this provision the court, in the case cited, says that "the direction in the Constitution is mandatory, and leaves no discretion in the Legislature as to the mode in which the lands shall be ultimately utilized."

The intention of the Constitution is clear that the State should have the exclusive custody and administration not only of the lands set apart and appropriated for the support of the public schools, but also of the proceeds arising from their sale.

In this view of the question, the conclusion must be that the legislative grants to the counties and to the University since April 17, 1876, should be taken from the State's share of the public domain and not be carved out of the lands designated by the Constitution for the permanent support of the public free schools.

It will be well to note, in this connection, that, in the unoccupied vacant land at the time of the adoption of the Constitution and found by the Board and
the Commissioner to be 61,258,401.56 acres, is not included 295,614 acres, upon which homestead donation claims to the number of 2,658 have been filed but not patented, and also 1,138,857 acres covered by Spanish grants with the exception of 31,636 acres, which have never been recognized as valid by the General Land Office.

The attention of Senators and Representatives is especially invited to the accompanying communication of November 14, 1899, from the Commissioner, and such legislation is recommended as will secure the early determination through judicial inquiry, of the legal status of the grants and patents mentioned. For the information of the Legislature, I also transmit herewith a copy of a letter from the Commissioner of January 6, 1900, and also a copy of one from the Comptroller of January 12, 1900.

If in the settlement of this question it should be the will of the Legislature that the homestead locations mentioned should be recognized it will then become necessary to provide for the one-half thereof—147,907 acres—which belong to the permanent school fund. This may be done by setting so much apart to the fund from whatever may be recovered by the State in the suits that should be instituted to cancel the Spanish grants and the patents to which reference has been made.

All patents for homestead donation should be limited to such applications filed in the General Land Office prior to May 23, 1898, and only in those cases in which the proof required by law shall be made and submitted before January 1, 1901.

The repeal of Section 2 of the Act approved June 5, 1889, and known as Chapter 173, is recommended. It is believed that Section 1 of the Act would include only such sales as have been made since the adoption of the Revised Civil Statutes—that is since September 1, 1895. The law therefore, if executed, would only affect $10,101.27, and it is not to be supposed that the transfer of so small a sum was contemplated by the Legislature. Besides, in determining the balance due the permanent school fund the Act has not been taken into account by the Board and the Commissioner.

It is of the highest importance that definite action should be taken at the present session, not only in order that the school fund may be put in possession of the entire acreage to which it is entitled under the Constitution, but also that the cloud which now rests upon many titles may be removed. Every effort is being made to increase the available school fund as rapidly and as largely as possible in order to meet the demand of an increasing population. It is gratifying to know that for the year just expired the sum accruing to the fund from leases was $444,385.02, being larger than that during the year 1898 by $121,356.02. If the settlement contemplated can be soon effected it is thought that the lease money for the present year can be made to exceed $250,000.

A consideration of the readjustment of the salaries of the superintendents of the three lunatic asylums is earnestly recommended. Their compensation, as now fixed, is but two thousand dollars per annum. Heretofore, the custom has been for them to use without charge, for the support of themselves and their families, supplies purchased for the maintenance of the institutions. This custom has been abrogated by law.

When it is considered that these officials should be gentlemen of not only the highest personal and professional character, but of excellent administrative ability also, it can not but be admitted that their salary, as at present constituted, is altogether inadequate to the kind and amount of the service to be rendered and of the responsibility imposed.

I am advised that the number of patients in the North Texas Asylum at Terrell on January 1, 1900, was 1044, and that when the additional building, in course of construction, shall have been completed, there will be a capacity in that institution for 1500 patients; that there are now 734 patients in the State Asylum at Austin, and that when the improvements now being erected shall have been finished its capacity will reach 1084 patients; and that the present capacity of the Southwestern Asylum at San Antonio is 668 patients.

In addition to the patients to be constantly cared for there are a large number of employees at each institution, for whom the superintendent must be responsible. It should also be borne in mind that the property belonging to those institutions and ranging from three hundred thousand to five hundred thousand dollars each in value is also under their direct control.

Under these circumstances it would seem that a salary of three thousand dollars per annum, supplemented by an allowance of such fuel, light, water, household and table furniture and quarters, as may be needed, would be altogether reasonable, and this I earnestly recommend.

The following items of appropriation are submitted the Legislature for its consideration:—
January 24, 1900

H O U S E J O U R N A L.

DEFICIENCIES.

Quarantine Department.......................... $3,252.00
Live Stock Sanitary Commission.................. 4,200.00
Wood and coal, Blind Institute .................. 500.00
Erection of an annex for females at the North Texas Insane Asylum .................. 2,500.00

COURT OF CIVIL APPEALS—FIRST DISTRICT.

Postage ........................................... 40.00
Contingent expenses ............................... 100.00
Law books ........................................ 100.00

COURT OF CIVIL APPEALS—SECOND DISTRICT.

Contingent expenses ............................... 100.00
Law books ........................................ 100.00
Stationery ....................................... 200.00
Postage ........................................... 50.00
Subpoenaed and attached witnesses ............... 75,000.00
Salary of special judges .......................... 3,000.00
Relief of liquor dealers (local option districts) .. 1,000.00
Fees in examining trials .......................... 5,000.00
Clerks' fees, Criminal Court of Appeals .......... 750.00

CONTROLLER'S DEPARTMENT.

Two additional clerks, Pension Department ........ 2,400.00

NORTH TEXAS INSANE ASYLUM.

For contingent expenses to March 1, 1900 ........ 200.00
For new kitchen and bakery, including rooms in second story for occupation by employees .. 18,777.00
For power house, to include room for three batteries of three boilers each and for coal ........ 13,500.00
Nine new boilers, connections, new fittings and fixtures for same .................. 6,381.00
For one plasterer ................................ 480.00
For one supervisor of grounds and repairs .......... 480.00
For one assistant carpenter ........................ 300.00
For one shoemaker ................................ 300.00
For one tailor ................................... 300.00
For one assistant gardener ........................ 300.00
For one assistant dairyman ........................ 240.00
For one scavenger ................................. 240.00
For one front yardman ............................. 240.00
For one mattress maker ............................ 240.00
Additional laundry machinery, electric motor and fitting up of new laundry .......... 3,000.00
For one slop wagon ................................ 80.00

STATE LUNATIC ASYLUM.

For two pairs of mules and harness ............... 450.00
For stables and sheds for dairy herd .............. 500.00
For coal shed .................................... 230.00
For general repairs .............................. 1,000.00
For repairing stoves with new heating apparatus, in buildings .................. 5,500.00

SOUTHWESTERN INSANE ASYLUM.

Six additional attendants ......................... 1,440.00
Two night watches ................................ 1,200.00
Medical stores ................................... 500.00
Purchase of cows .................................. 500.00
Contingent expenses ............................... 150.00
P. T. Shields, for work already done ............... 85.65

DEAF AND DUMB INSTITUTE.

For repairs to buildings and grounds for the year ending February 28, 1901 ........ 2,500.00

PUBLIC BUILDINGS AND GROUNDS.

For water, fuel, lights, pipes, plate glass, piping, etc., for the year ending February 28, 1901 .. 3,000.00

CONFEDERATE HOME.

To finish hospital ............................... 5,000.00

GENERAL LAND OFFICE.

For additional clerical force for the year ending February 28, 1901 ................ 12,000.00

BLIND INSTITUTE.

Two solid metallic washers, a centrifugal extractor and repairs to laundry .......... 1,100.00
For one two-story brick building .................. 6,500.00
For general repairs for year ending February 28, 1901 ........................ 850.00

STATE UNIVERSITY.

Medical Branch, Galveston.
Out of general revenue for two years ending February 28, 1901 ................ 6,000.00
For support and maintenance in addition to the appropriation from general revenue, all fees collected from students for the two years ending February 28, 1901.

AGRICULTURAL AND MECHANICAL COLLEGE.

For construction of sewers and system ............. 3,000.00

TREASURY DEPARTMENT.

For an additional clerk .......................... 1,200.00
For porter ....................................... 300.00
Maintenance of inmates. All of the available fund of said asylum for the two years ending February 28, 1901, in addition to the appropriation herefore made out of general revenue.

Joseph D. Sayers,
Governor.

GENERAL LAND OFFICE,
Austin, Texas, November 14, 1899.
His Excellency, Joseph D. Sayers, Governor of Texas.

DEAR SIR: On the 29th day of August, 1899, I addressed a letter to the Attorney-General, a copy of which is herewith enclosed, in which I requested his opinion concerning the validity of certain alleged Spanish and Mexican land grants or titles, and as to how they should be regarded by the Land Office. I did this with a view of submitting the matter to your Excellency in my report in tabulating the account between the public domain and the permanent school fund, which report was made to you on the 1st inst.

There being such a great amount of work and so many legal points involved (it being necessary to examine and give an opinion upon each file), the Attorney-General has never had the opportunity since that time to fully investigate the same, and consequently has not furnished me with his opinion. Not knowing how to report thereon, or whether the land involved, or any part thereof, should be regarded as belonging to the State, no special mention was made of it in my report.

By reference to the accompanying letter, it will be observed that the amount of land involved comprises 1,138,857 acres. The claims are not now, and have never been, in condition to patent. The land belongs either to the State or to individuals. The claims of individuals to these alleged grants have no standing in the Land Office, and are not recognized as valid. If it belongs to the State, that fact should be determined so that the Commissioner of the General Land Office could exercise jurisdiction over it and make it produce a revenue to the State, and so it could be disposed of in such manner as may be provided by law. If it belongs to individuals that fact should also be determined, and the Commissioner of the General Land Office authorized to issue patents and to cancel any and all claims subsequently made thereon for school and other purposes, and the matter finally set at rest.

Not having had the benefit of the Attorney-General's opinion as to how I should classify it, I decided it was the safest course to regard these supposed grants as segregated from the public domain, and account them as outstanding liabilities existing prior to the adoption of the Constitution of 1876.

Among this number of claims of doubtful origin and validity are two alleged grants to which I especially invite your attention. The Legislature, by an Act approved August 15, 1879, authorized claimants to sue the State in the District Court of Travis county for the purpose of establishing title. The same Act provided that if any of such claims should be rejected, or in other words, if any of said claimants should fail to establish title, the same should be deemed, held and considered as part of the public domain of the State. Said Act further provided that said suits should be filed within three years from and after the same took effect.

Acting under this law, Juan de la Guerez filed suit against the State to recover two leagues of land aggregating 8,806 acres, situated in Encinal, but now Webb county. On the 13th day of February, 1879, judgment was rendered for the plaintiff. The State perfected an appeal to the Supreme Court, and on the 22nd day of May, 1879, the judgment of the court below was reversed and remanded. On the 7th day of March, 1884, the plaintiff dismissed the suit, and certified copies of the proceedings were duly filed in the General Land Office.

Sachas Fuentes et al. also filed suit against the State to recover five leagues of land aggregating 22,140 acres, situated in Encinal, but now Webb county. On the 26th day of October, 1878, said cause was tried, and judgment was rendered for the State. The plaintiff appealed the case to the Supreme Court, and on the 26th day of October, 1883, the judgment of the court below was affirmed, and certified copies of the proceedings were duly filed in the General Land Office. From some cause, the reasons for which do not appear from the records in the office, both pretended grants were patented on the 10th day of December, 1891, both of which have long since been covered by alternate scrip locations, and suit should be instituted to cancel the patents last mentioned.

I am also of the opinion that it is highly important this matter should be brought to your Excellency's attention at this particular time, for in the event it should be determined that the permanent school fund is short more than 26,000 acres, after applying to the deficiency the unsurveyed vacant land now

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Abstent.

Barrett. Morris.
Decker. Palmer.
Garner. Pitts.
Graham. Staples.
Hurley. Tarkington.
Lane. Tarver.
Masterson. Wright.

Absent—Excused.
Beaty. McKellar.
Childs. Oliver.
Clements. Poery.
Gill. Prince.
Grogan. Schluter.
Henderson, Brazos. Scurry.
Henderson, Lamar. Shelburne.
Kittrell. Smith of Collin.
Lake. Smith of Grayson.
Lillard. Tompkins.
Lomery. Wootten.

Mr. Grubbs offered the following resolution:
Resolved, That the Sergeant-at-Arms be authorized and required to have printed two thousand copies each of the House Journals of the 23rd and 24th inst., containing the two messages of the Governor upon matters of importance to be considered by the Legislature, and of special interest to the people of Texas, for the use of this House; provided, the said extra copies shall not cost over twenty-five dollars, the said two day's proceedings to be bound together or separately, as the Sergeant-at-Arms may determine.
(Speaker in the chair.)

Read second time, and Mr. Bridgers offered the following amendment:
"Amend by striking out "1900" and inserting "1900.""

Mr. Shropshire moved to refer the Committee on Contingent Expenses. Lost.

The resolution pending.
Mr. N. A. Cravens, Private Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following

MESSAGE FROM THE GOVERNOR.

To the Legislature:

I herewith transmit, for consideration with the items for appropriation submitted on yesterday, a resolution adopted by the Board of Penitentiary Commissioners at its regular meeting held in Austin, Wednesday, January 24, 1900:

"Resolved, That the Penitentiary Board recommends that the Governor ask the Special Session of the Twenty-sixth Legislature for permission for said Board to use, in the erection and equipment of a twenty-ton ice plant at the House of Correction and Reformatory, near Gatesville, Texas, three thousand dollars of the amount appropriated by the Regular Session of said body for the maintenance of said House of Correction and Reformatory during the year ending February 28, 1900, in view of the fact that said amount can be spared from the fund indicated without interfering with the successful operation of the Reformatory, and can be employed to a much better purpose in the establishment of the manufacturing plant mentioned."

JOSEPH D. SAYERS,
Governor.

The message was read in full, and referred by the Speaker to the Committee on Finance.
The House resumed consideration of the resolution by Mr. Grubbs, with amendment of Mr. Shropshire pending.
On motion of Mr. Ellis, the amendment was tabled.

Yeas and nays were demanded by Mr. Pitts, Mr. Barbee and Mr. Bridgers.
The resolution was adopted by the following vote:

Yeas—51.

Allen of Hopkins. McDowell.
Ayers. McKamy.
Barbee. Meitzen.
Beaty. Mercer.
Bolin. Monroe.
Bridgers. Morrow.
Caldwell. Murphy.
Chambers. Murray.
Collins. Parish.
Crawford. Peery.
Culp. Pfeiffer.
Diers. Phillips of Camp.
Ellis. Poole.
Frost. Ratliff.
Garrett. Rogers.
Goodlett. Sansom.
Grogan. Stewart.
Graham. Tarkington.
Greenwood. Tate.
Grubbs. Thomas of Fannin.
Howard. Thomas of Wise.
Jones. Tucker.
Lane. Vaughan.
Little. Walton.
Maxwell.

Nays—29.

Adams. Conoly.
Bean. Dean.
Blount. Derden.
Calvin. Evans.
Childers. Goodman.
Childs. Hamilton.
25, the following words, 'provided, that nothing in said Section a shall be so construed as to prevent the exchange, sale or transfer of such notes, accounts, county warrants, city warrants, time checks or accounts of laborers in ordinary or business transactions.'

Pending consideration, Mr. Otto H. Pfeiffer, Private Stenographer to the Governor, appeared at the bar of the House, and being duly announced, presented the following:

MESSAGE FROM THE GOVERNOR:

To the Legislature:

The attention of the Legislature is invited to the following subjects, all of which are submitted for consideration:

First. It has been represented to me through personal conferences and memorials, that a system known as "double-heading" has been introduced into the operation of the railways in the State.

Under this practice there results the consolidation of two trains into one under a single crew of trainmen, eliminating all of the crew of one train, who, with the engineer and the fireman, who with their engine and train are added to the other train.

Thus, it is earnestly contended by very many railway employees, creates new elements of danger, and for that reason should be restrained by law. It is a matter well worthy of careful investigation and considerate action.

Second. The press of the State has, for past years, been endeavoring to secure a statutory enactment fully and clearly defining its own privileges, and also the rights, remedies and redress of individuals libeled.

That it and the public are entitled to a plainly written law defining and protecting the proper rights of both, can not be doubted. Without undertaking to deal with the question exhaustively, it may be said that there should be a statute upon the subject of libel clearly expressed and easily understood. Free expression of fact and opinion concerning public and official matters is indispensable in a republican form of government and a basic principle as well as a constitutional guarantee. No honest and well meaning official need fear any wrong that will not be promptly and fully corrected.

Third. The opinion of the Supreme Court in the case of Kimbrough vs. Barnett, makes it necessary that immediate legislation should be had regarding the independent school districts, and at the request of the Superintendent of Public Instruction, the matter is submitted to the Legislature for its consideration.

In this connection and also at his request, the propriety of changing the present school census law from an annual to a biennial enumeration, thereby saving to the State an expenditure of thirty or forty thousand dollars each alternate year, is suggested.

Fourth. It has been found impossible to comply with the provisions of Section 7, of Chapter V, approved February 9, 1890, entitled An Act to provide for the creation and building of a branch asylum for the care and treatment of the epileptic insane.

Suitable and permanent buildings, sufficient to accommodate at least five hundred patients, are required to be erected, including all necessary equipments and contingencies, at a cost not to exceed one hundred thousand dollars. After careful examination and inquiry, the conclusion has been reached that either the number of inmates should be decreased or the limit of cost extended to not less than one hundred and seventy-five thousand dollars.

The requirement for advertising for plans and specifications should also be dispensed with.

Fifth. Such further legislation as may be necessary for the protection, sale or lease of the public domain and of the lands belonging to the permanent school fund and to the educational and elementary institutions.

Sixth. To authorize the sale of the temporary capital building in the city of Austin, or its donation and the lot upon which it stands to the city of Austin in trust for the purpose of a free public library.

Seventh. To amend Sections 43 and 45, Article 2, revised charter of the city of San Antonio.

Joseph D. Sayers,
Governor.

The message was read, and the various subjects contained therein were referred by the Speaker, as follows:

"Double-headings," to the Committee on Internal Improvements.

"School Districts," to the Committee on Education.

"Libel Law," to Judiciary Committee No. 2.

"Epileptic Insane Asylum," to the Committee on Asylums.

"Land Leases," to the Committee on Public Lands and Land Office.

"Temporary Capitol Building," to the Committee on Public Buildings and Grounds.
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deficit of 'private banker,' in lines 20, 30 and 31, page 12."

Tabled on motion of Mr. Chambers.

Mr. Frost offered the following amendment to the amendment:

"Amend the amendment by inserting before the words '3000 inhabitants' the words 'in towns of 1000 or less inhabitants, $10,000.'"

Accepted by Mr. Stewart.

Mr. Garner offered the following substitute for the amendment:

"Amend by striking out clause (b), Subdivision 5."

[Signed GARNER, KENNEDY.]

Mr. Ellis raised the point that the substitute was not in order, for the reason that the Journal of yesterday shows that a similar amendment had been offered and tabled.

Sustained by the Chair.

Question then recurs on the amendment by Mr. Stewart, and it was adopted.

Mr. Kittrell offered the following amendment:

"Amend paragraph b, Subdivision 5, by striking out the words 'Investment brokers' wherever they occur in said paragraph."

Mr. Chambers moved to table the amendment, and the motion was lost.

Pending consideration, Mr. Otto H. Pfeiffer, Private Stenographer to the Governor, appeared at the bar of the House, and being duly announced, presented the following

MESSAGE FROM THE GOVERNOR.

To the Legislature:

The following subjects are submitted to the Legislature for its consideration:

1. Amendments to the charter of the city of Dallas as follows:

First. An amendment to Section 119 of said charter, causing the same to read hereafter as follows:

"The city council shall have power to provide by ordinance for funding the whole or any part of the existing debts of the city, or any future debt, by canceling the evidences thereof, and issuing to the holders or creditors notes or bonds in lieu thereof with coupons attached, bearing interest not to exceed the rate of the original bonds or evidences of indebtedness."

Second. An amendment to Section 120 of said charter, causing the same to hereafter read as follows:

"The council shall have power to appropriate so much of the general revenue of the city for the purposes of retiring and discharging the accrued indebtedness of the city, and for the purpose of improving the streets, constructing sewers, erecting and maintaining public buildings of every kind, water works, and for the purpose of erecting, maintaining and operating an electric light plant, etc., as the council may from time to time deemed expedient; and in furtherance of any or all of these objects the city shall have the right and power to borrow money upon the credit of the city, and to issue coupon bonds therefor, in such sum or sums as may be deemed expedient, to bear interest not to exceed six per cent. per annum, payable semi-annually, at such place or places as may be designated by the city ordinance; provided, that the aggregate amount of said bonds shall not at any time exceed the sum of two millions of dollars, outstanding; provided further, that nothing in this section shall prohibit the issuance of bonds necessary to construct an electric light plant not to exceed $500,000; and provided further, that nothing in this section shall prohibit the issuance of bonds for the cost and expense of extending, improving, maintaining and operating water works, water supply and a sewer system, adequate to the necessities of the city, not to exceed one hundred thousand dollars. The proposition to issue new or additional bonds as authorized in this section, as well as the amount of such issuance, and the specific purpose of the same, shall be first submitted to a vote of the qualified voters of the city who are property taxpayers in said city, at an election to be held for that purpose, the time, place and manner of said election, and the making of the returns and declaring the results thereof to be prescribed by ordinance as nearly in accord with the laws regulating regular city elections as may be practicable, and unless a majority of the qualified taxpayers voting in such election are in favor of the issuance of such bonds the same shall not be issued."

Third. An amendment to Section 56 of said charter, causing the same to hereafter read as follows:

"To prevent the encumbering of streets, alleys, sidewalks and public grounds with carriages, wagons, carts, heeds, buggies or other vehicles, or with boxes, timber, firewood, posts, awnings, signs or anything whatever, in any manner whatsoever: to compel all persons to keep all weeds, filth, rubbish, trash of every kind from their premises, and from the sidewalks, streets and gutters in front of the premises occupied by them, and to pass all ordinances necessary to enforce such things. To provide for, establish and maintain a free public
library within said city, and to co-operate with any person, firm or corporation under such terms as the council may prescribe for the establishment and maintenance of such free public library, and to that end the city council shall have power to annually appropriate out of the general revenues of the city a fund not to exceed four thousand dollars per annum.

Fourth. An amendment to Section 77 of said charter, by adding thereto at the end thereof, the following words:

"All receipts and revenues from the waterworks shall constitute a separate and sacred fund, which shall never be diverted or drawn upon for any other purpose than the extension, improvement, operation, maintenance, repair and betterment of the waterworks, and water supply, and sewer system of the city, but the city council, subject to the approval of the board of commissioners, as is elsewhere provided in this charter, may appropriate or pledge said receipts and revenues for the purpose of extending, improving, operating, maintaining and bettering the waterworks plant and mains and supply, and for constructing and extending lateral sewers, and also for the purpose of discharging or retiring the indebtedness of the city incurred or accrued for waterworks purposes; provided, that if at any time the receipts of the waterworks shall be in excess of the necessities and expenses for the extension, improvement, operation, maintenance and bettering of the same and of the water supply and the sewer system of the city, it shall be the duty of the city council to at once reduce the water and sewer rates to consumers in proportion to such excess."

Second. To fix the tenure of office for the members of the Board of Regents for the State University and of the Board of Directors of the Agricultural and Mechanical College.

Third. To prohibit market gambling in agricultural products, dealing in "cotton futures," and all other gambling contracts, that are sold or purchased, or offered for sale or purchase of said products.

Fourth. In connection with appropriations herebefore presented:

**NORTH TEXAS INSANE ASYLUM.**

For repairs—flooring and ceiling old powder and boiler house, kitchen and laundry. $3,000 00

For equipping new kitchen and kitchen furniture. 1,200 00

**TREASURY DEPARTMENT.**

For postage. $500 00

**PRAIRIE VIEW STATE NORMAL AND INDUSTRIAL COLLEGE.**

Furniture for new dormitory. $1,000 00

And the unexpended balance of the appropriation to remove and repair the old Kirby building, may be used for the purchase of furniture necessary to equip the same for use.

**CONFEDERATE HOME.**

For quartermaster. $800 00

For painting and repairs. 1,000 00

JOSEPH D. SAYSERS,
Governor.

The message was read, and the various subjects contained therein were referred by the Speaker to the following committees:

"Amendments to Dallas City Charter," to the Committee on Towns and City Corporations.

"Tenure of Office of the Board of Regents of the State University," to the Committee on Education.

"To Prohibit Market Gambling in Agricultural Products," to Judicairy Committee No. 2.

"Appropriation for the North Texas Insane Asylum," to the Committee on Finance.

"Postage, Treasury Department," to the Committee on Finance.

"Appropriation, Prairie View Normal," to the Committee on Finance.

"Appropriation, Confederate Home," to the Committee on State Affairs.

**PETITIONS AND MEMORIALS.**

By Mr. Thomas of Fannin:

Petitions from one hundred merchants of Bonham, Fannin county, and thirty-one merchants of Honey Grove, same county, protesting against the merchants occupation tax.

By Mr. Evans:

Petition from forty merchants of Leonard, Fannin county; same as above.

By Mr. Stewart:

Memorial from the Fort Worth Board of Trade, protesting against the passage at this Special Session of the Legislature of the Commission tax bill, and requesting that the question be referred to the people, that they may consider the matter and instruct their representatives on the subject.

Read first time, and referred to the Committee on Revenue and Taxation.

**BILLS INTRODUCED.**

By Messrs. Greenwood and Staples:

House bill No. 14, A bill to be entitled "An Act to define libel and privileged
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Whereas, it is the sense of this House that we pass a tax bill and other measures submitted by the Governor; therefore, be it

Resolved by the House of Representatives, that the Speaker appoint a committee to call upon the Governor and request him to convene the Legislature in another Special Session, as soon as present session adjourns.

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

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

"I vote to table the resolution by Mr. Masterson, not because I am opposed to the passage of a tax bill, but because I believe the State of Texas has a Governor that is competent to take care of his end of the question, and needs no suggestions from this body."

"Bennett."

PENDING BUSINESS.

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

House bill No. 1, The Tax Bill, Chapter 3, Article 5057, being the part of the bill next under consideration.

Pending consideration, Mr. Otto H. Pfeiffer, Private Stenographer to the Governor, appeared at the bar of the House, and being duly announced, presented the following

MESSAGE FROM THE GOVERNOR.

To the Legislature.

I have to submit for your consideration an amendment to the charter of the city of Dallas, to read as follows:

"Amend Section 12 of said charter so that the same shall hereafter read as follows:

""Section 12. Said election shall be ordered by the mayor or the city council. For the purpose of holding such election and others ordered, the city council shall have the power to divide any ward of the city into any number of voting precincts or blocks, not to exceed one such voting place for each 500 qualified voters according to the returns of the last general city election, and shall have power to appoint some suitable person to act as presiding officer of all elections held in said voting precincts. The boundaries of such voting precincts or blocks shall be distinctly and clearly defined in the ordinances creating the same, as well as the places of voting therein, and such voting precincts shall be created and established biennially preceding each general city election; provided, that no person shall vote outside of the voting precinct or block in which he resides at the time the election is held; and provided, that at the first general election held under this act, the number of voting precincts in each ward shall not exceed three, the division into voting precincts to be as nearly as practicable on a basis of equality of voting strength of the several voting precincts."

Also amendments to Articles 5127, 5128 and 5166, of the Revised Statutes of 1895, regarding the publication of blank tax rolls and receipts for the assessment, rendition and collection of taxes.

JOSEPH D. SATYER,
Governor.

MOTION TO APPOINT SPECIAL COMMITTEE.

Mr. Wright moved that the Speaker be authorized and requested to appoint a special committee of five members to report to the House tomorrow at 10 o'clock a.m., the legal questions involved in Substitute Senate bill No. 2.

Mr. Little moved to table the motion of Mr. Wright, upon which motion to table was lost by 24 votes and 18 were demanded by Mr. Wright, Mr. Masterson and Mr. Adams.

Lost by the following vote:

Yea—24.

Adams.       McAmally.
Allen of Hopkins.    Mercer.
Beaty.       Pitts.
Chambers.    Poole.
Childers.    Rogers.
Eckols.      Sutherland.
Eills.       Tate.
Goodlett.    Teagle.
Hamilton.    Thomas of Fannin.
Jones.       Tolbert.
Little.      Tucker.
Looney.      Vaughan.
Nays—78.

Allen of Colorado.    Derden.
Bailey.       Evans.
Barrett.     Garrett.
Bean.        Goodman.
Bolin.       Gordon.
Caldwell.    Graham.
Calvin.      Grogan.
Cole.         Henderson, Brazos.
Collins.     Henderson, Lamar.
Conolly.     Howard.
Crawford.    Hurley.
Culp.         Kennedy.
Dean.         Kittrell.
Decker.      Lake.
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Duty: Shelburne. Wright.

Absent.—Excused.

Browne. Schluter.
Clements. Shannon.
Lane. Stewart.
Masterson. Tarkington.

Question recurred on the amendment. Pending consideration of which, Mr. Otto H. Pfeiffer, Private Stenographer to the Governor, appeared at the bar of the House, and being duly announced, presented the following:

MESSAGE FROM THE GOVERNOR.

To the Legislature:

I herewith submit for the consideration of the Legislature, and for such action as may be deemed advisable in the premises, a communication from me on a subject of great public interest, relative to the proposed monument to the Confederate dead. Permit me to state the facts briefly. A committee representing the John B. Hood Camp of Confederate Veterans of Austin, Texas, has requested me to submit to the Legislature the following:

Austin, Texas, February 15, 1890,
Hon. Joseph D. Sayers, Governor of Texas, Austin, Texas.

Dear Sir: Our attention has been directed to a resolution passed by the Senate on the 15th instant, protesting against the Confederate monument being built on the site ceded to the John B. Hood Camp, by the Twenty-fourth Legislature.

While we believe we have vested rights in the site selected, and that any action so far, upon the part of the present Called Session of the Legislature, is without authority and cannot effect our rights, yet, we recognize that the resolution above referred to is an expression of the opposition to the location of the monument and we, desiring to act in harmony with the government, are willing to re-lease our rights to the site selected, if the State of Texas will reimburse the board of trustees of the John B. Hood Camp for the money so far expended on the foundation and hold us harmless against the demands of the contractor by reason of any change of location, say in the sum of $1,200 in the aggregate, and we respectfully ask that you send a message to the Legislature now in session, requesting an appropriation of $1,200 for that purpose.

We herewith furnish you with a statement of the manner in which we obtained the site and under which we have expended a part of our monumental fund upon the foundation.

Respectfully,
(Signed) W. Von Rosenberg,
Fred Carlson,
Henry E. Sheldon,
Committee.

That by a Concurrent Resolution of the Twenty-fourth Legislature, approved March 16, 1895, the said camp was granted permission to erect a monument to the Confederate dead on the capital ground in the city of Austin, and that the Superintendent of Public Buildings and Grounds was authorized, in conjunction with the committee appointed by said camp, to select a site for said monument.

That the Superintendent and the committee met, went over the grounds, and the former agreed to give 24 by 12 feet of the capital ground outside the entrance to the enclosure; provided, the city of Austin would give a like piece of ground, 24 by 12 feet out of Eleventh street.

That the city of Austin did, by ordinance, dated April 1, 1893, grant to the camp the part of Eleventh street.

That J. R. Mobley, Superintendent of Public Buildings and Grounds, after obtaining the views of Governor C. A. Culberson, had a dedication of the grounds written out by the Attorney-General, M. M. Crane, signed and delivered to same, describing the same as follows:

The point where the center line of Congress Avenue intersects the southern line of the original capital grounds, that is the northern boundary of Eleventh street, to be the center of the monument grounds, to be twenty-four feet square around said center, in lines parallel and right angular to the line of Eleventh street.

That Governor Culberson, upon being shown by the said Superintendent and the said committee, approved of the selection, provided, before the contract be let, the plan of the monument to be laid before the Governor, in order to prevent any erection of a structure that might interfere with the view to and from the capital.

That on the 25th of April, 1895, said camp entered upon the ground, took possession of the same, by breaking the same and placing therein a solid foundation, about 8 feet deep, consisting of cement, gravel and granite spalls, at an expense of about $900.

That the ground thus prepared remained uncovered and showed itself distinctly from the sidewalk, to the eye of every passer-by. That during the session of the Twenty-fifth Legislature, the site
selected for the monument was thus visibly exposed, and no objection to the same was made by said Legislature.

That for financial reasons, said camp was prevented from erecting the monument within the time desired, upon the suggestion of Mr. J. R. Mobley, the place was covered with cement flagging, to correspond with the sidewalk.

That in the month of June, 1909, arrangements having been completed for the erection of the monument, a committee of said camp waited upon Governor Joseph D. Sayers and submitted the plan of the monument, as was agreed to verbally with Governor C. A. Culberson. Whereupon, Governor Sayers agreed to the plan, at the same time making some valuable suggestions.

That every condition having been complied with, a contract was made with Frank Tietch for the erection of the monument on the ground and upon the foundation provided for, for the sum of $13,000.

That said camp has acted throughout in good faith, has expended on the foundation $900, and is now liable to the contractor, who is at this time preparing the granite for the work.

Joseph D. Sayers, Governor.

The message was read and referred to the Committee on Public Buildings and Grounds.

PENDING BUSINESS.

The House resumed consideration of the pending business, and Mr. Barbee offered the following substitute for the amendment by Mr. Shropshire:

"Amend Article 5075, page 52, strike out lines 23, 27, 28 down to and including word 'sale,' line 29."

Mr. Shropshire raised the point of order that the substitute was not germane to the amendment for the reason that it pertained to a different part of the article.

Sustained by the Chair, and the substitute was ruled out of order.

Mr. Savage moved the previous question on Article 5075, and the motion was seconded.

On ordering the main question, yeas and nays were demanded by Mr. Smith of Grayson, Mr. Chambers and Mr. Nolan.

The main question was ordered by the following vote:

- Adams
- Allen of Hopkins
- Bailey
- Barney
- Bean
- Beaty
- Bennett
- Blount
- Caldwell
- Calvin
- Childs
- Cocke
- Conolly
- Cross
- Culp
- Deen
- Decker
- Derden
- Dorris
- Eckols
- Ellis
- Frost
- Garner
- Garrett
- Graham
- Greenwood
- Grubbs
- Hamilton
- Henderson, Brazos
- Henderson, Lamar
- Hurley
- Jones
- Lake
- Little
- Livey
- Looney
- Nays—39.
- Ayers
- Barrett
- Bridgers
- Chambers
- Childers
- Cole
- Collins
- Crawford
- Evans
- Goodlett
- Goodman
- Gordon
- Grogan
- Howard
- Kennedy
- Kittrell
- Lillard
- Loyd
- McKamy
- Metzner
- Nays—72.
- Marsh
- Maxwell
- McAnally
- McClellan
- McDowell
- McFarland
- McKellar
- Monroe
- Morris
- Morrow
- Murphy
- Murray
- Neal
- Oliver
- Palmer
- Pentry
- Pfeiffer
- Poole
- Ratcliff
- Rochelle
- Russell
- Savage
- Scoury
- Shropshire
- Staples
- Stripling
- Sutherland
- Tate
- Thomas of Wise
- Tompkins
- Tucker
- Vaughan
- Wells
- Willacy
- Absent.
- Bolin
- Dies
- Gill
- Absent—Excused.
- Allen of Colorado
- Clements
- Browne
- Lane
the House, for which Mr. Shropshire offered the following substitute:

"Amend amendment so as to read: 'All annual pensions granted by the State.'"

Adopted.

The amendment, as substituted, was adopted.

The House then resumed consideration of the pending amendment by Mr. Morrow to Chapter 6 of House bill No. 1.

Pending consideration of which, Mr. Otto H. Pfeiffer, Private Stenographer to the Governor, appeared at the bar of the House, and being duly announced, presented the following

MESSAGE FROM THE GOVERNOR.

To the Legislature:

I submit for consideration the following amendment to Article 418, of the Revised Civil Statutes of Texas, as follows:

"Article 418. To provide, or cause to be provided, the city with water, to make, to regulate and establish public wells, pumps and cisterns, hydrants and reservoirs, in the streets or elsewhere, within or beyond the limits thereof, for the extinguishment of fires and the convenience of the inhabitants, and to prevent the unnecessary waste of water. Provided that any city owning, or that may hereafter own, its water system and plant, shall not lease or sell the same without first submitting the question of such proposed lease or sale to a vote of the qualified voters who are property taxpayers of such city as shown by the last preceding tax roll, such election to be held after the sub-tance and terms of such proposed contract of lease or sale shall have been published once each week for two consecutive weeks in some newspaper published in such city. When the result of such election shall have been declared, the city council of such city shall immediately carry into effect the will of the people so expressed, but as to the details of such contract and provisions deemed necessary to protect the interest of such city, not inconsistent with the terms submitted to the people, the city council shall exercise its own discretion."

Joseph D. Sayres,

Governor.

The message was read, and referred to the Committee on Towns and City Corporations.

(Mr. Ellis in the chair.)

PENDING BUSINESS.

The House resumed consideration of the pending business, same being House bill No. 1, The Tax Bill, on its passage to engrossment, Chapter 6, being the part of the bill under consideration, with pending amendment by Mr. Morrow.

Mr. Tolbert offered the following amendment to the amendment:

"Amend Section 7, Article 5088, as amended by adding the following: 'Provided further, that the tax assessor or the commissioners' court, sitting as a board of equalization, shall have authority to require an itemized statement of the credits and debits of any one with whose rendition they are not satisfied.'"

Mr. Sutherland moved the previous question on the pending amendments, and it was not seconded.

After further discussion, Mr. Shelbourne moved the previous question on the pending amendments, and the main question was ordered.

Question first recurred on the amendment to the amendment, and it was lost.

On the amendment by Mr. Morrow, yeas and nays were demanded by Mr. Frost, Mr. McAnally and Mr. Chambers.

Adopted by the following vote:

Yea—70.

Ayers.       Ayres.
Barrett.    Monette.
Bean.       Morris.
Bennett.    Morrow.
Bridgers.   Murphy.
Brown.      Nell.
Caldwell.   Nolan.
Caldwell.   Nolan.
Calvin.     Pearson.
Childers.   Pettie.
Childs.     Pettie.
Cocke.      Phillips of Camp.
Crawford.   Powell.
Culp.       Prince.
Darrow.     Ratliff.
Derden.     Robertson of Bell.
Diereg.     Robertson, Harrison.
Dix.        Russell.
Doss.       Sansom.
Duncan.     Scurry.
Dumo.       Stripling.
Dyess.      Tate.
Hamilton.   Tingle.
Henderson, Lamar.  Terrell.
Howard.     Thomas of Wise.
Hurst.      Tompkins.
Kennedy.    Walton.
Kittrell.   Wells.
Lake.       Wells.
Lanham.     Willacy.
Lend.       Willcoats.
Leyhorst.   Wooten.
Meltzer.    Wright.
Nays—44.

Allen of Hopkins.  Baity.
Baley.        Blount.
Barbee.      Bolin.