The roll call developed the fact that there was not a quorum present, whereupon, On motion of Mr. Henderson, the House at 12.35 p. m. adjourned until 10 o'clock a. m. to-morrow.

**SEVENTEENTH DAY.**

Hall House of Representatives,
Austin, Texas,
Tuesday, Feb. 2, 1897.

The House met at 10 o'clock a. m., pursuant to adjournment.
Speaker pro tem. Patterson in the chair.

Roll called and the following members present:

- Ayers.
- Bailey.
- Beaird.
- Bennett.
- Burns.
- Callan.
- Carpenter.
- Carswell.
- Childs.
- Collier.
- Crawford.
- Crowley.
- Cureton.
- Dean.
- Dennis.
- Dickinson.
- Dorroh.
- Doyle.
- Drew.
- Evans of Hunt.
- Feild.
- Fields.
- Flint.
- Freeman.
- Graham.
- Green.
- Harris.
- Henderson.
- Hensley.
- Hill of Gonzales.
- Hill of Travis.
- Holland of Burnet.
- Humphrey.
- Kimbell.
- Lotto.
- Absent.
- Ayers.
- Bailey.
- Beaird.
- Bennett.
- Burns.
- Callan.
- Conoly.
- Dies.
- Edwards.
- Fisher.
- Lillard.
- Logan.
- Excused.
- Alexander.
- Bell.
- Blackburn.
- Bounds.
- Burney.
- Evans of Grayson.
- Ewing.
- Mercer.
- Moore, Fort Bend.
- Neighbors.
- O'Connor.
- Rogers.
- Schlick.
- Skillern.
- Strother.

The roll call developed the fact that there was not a quorum present, whereupon, 

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

- Barbee.
- Barrett.
- Bean.
- Benson.
- Bertram.
- Bird.
- Blair.
- Boyd.
- Brewster.
- Browne.
- Bumpass.
- Carpenter.
- Childs.
- Collier.
- Crawford.
- Crowley.
- Cureton.
- Curry.
- Dean.
- Dennis.
- Dickinson.
- Dorroh.
- Doyle.
- Drew.
- Evans of Hunt.
- Feild.
- Fields.
- Flint.
- Freeman.
- Graham.
- Green.
- Harris.
- Henderson.
- Hensley.
- Hill of Gonzales.
- Hill of Travis.
- Holland of Burnet.
- Humphrey.
- Kimbell.
- Lotto.
- Absent.
- Ayers.
- Bailey.
- Beaird.
- Bennett.
- Burns.
- Callan.
- Carpenter.
- Carswell.
- Childs.
- Collier.
- Crawford.
- Crowley.
- Cureton.
- Curry.
- Dean.
- Dennis.
- Dickinson.
- Dorroh.
- Doyle.
- Drew.
- Evans of Hunt.
- Ewing.
- Field of Grayson.
- Fields of Hill.
- Fisher.
- Flint.
- Freeman.
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Savage. Thomas.
Schlick. Thompson.
Seabury. Tracy.
Shelburne. Tucker.
Shropshire. Turner.
Sluder. Vaughan of Collin.
Smith. Vaughan, Guadalupe.
Smyth. Wall.
Stamper. Ward.
Staples. Welch.
Stokes. Williams.
Strother. Wolters.
Thaxton. Wood.

Absent.
Beaird. Mercer.

Excused.
Alexander. Neighbors.
Conoly. O'Connor.
Evans of Grayson. Rogers.
Holland of Harris. Skillern.
Jones. Wallace.
Moore, Fort Bend. Wilcox.
Morris.

A quorum was announced present. Prayer by Dr. J. A. Jackson, Chaplain.

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

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Evans of Grayson for to-day, on motion of Mr. Feld.
Mr. O'Connor for to-day, on motion of Mr. Good.

On account of sickness:
Mr. Mercer for to-day, on motion of Mr. Bertram.
Mr. Bean and Mr. Morris until Monday, on motion of Mr. McGaughey.
Mr. Conoly indefinitely, on motion of Mr. Melton.

UNFINISHED BUSINESS.

When the House adjourned yesterday, it had under consideration, on its engrossment House bill No. 254, a bill to be entitled "An act to amend sections 4 and 18 and 19, of an act entitled 'An act to incorporate the city of Waco, and to define its boundaries,' approved on the 19th day of February, 1889."

The same was laid before the House as unfinished business, and was ordered engrossed.

Mr. Sluder moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and the bill be put on its third reading and final passage.

The motion was lost by the follow-

ing vote (not receiving the necessary constitutional four-fifths majority):

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tbody>
<tr>
<td>62</td>
<td>43</td>
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Barbee. Kimbell.
Barrett. Lotto.
Benson. Love.
Bird. Manson.
Blair. Maxwell.
Boyd. Meade.
Brewster. Melton.
Callan. Peery.
Carpenter. Pitts.
Childs. Randolph.
Crawford. Reiger.
Cureton. Rhea.
Dean. Robbins.
Dennis. Schlick.
Dickinson. Shropshire.
Doroh. Sluder.
Doyle. Stamper.
Evans of Hunt. Staples.
Evans of Grayson. Thomas.
Flint. Thompson.
Freeman. Tracy.
Gilbough. Tucker.
Good. Vaughan, Guadalupe.
Green. Ward.
Harris. Welch.
Henderson. Williams.
Henderson. Wolters.
Hill of Gonzales. Wood.

Bean. McKamy.
Bell. McKellar.
Bennett. Morton.
Blackburn. Mundine.
Bumpass. Oliver.
Burns. Pfeuffer.
Carswell. Renubell.
Collier. Rogan.
Curry. Savage.
Fields of Hill. Seabury.
Fisher. Shelburne.
Garrison. Smith.
Hensley. Smyth.
Hill of Gonzales. Stokes.
Holland of Burnet. Strother.
Humphrey. Thaxton.
Kirk. Turner.
Lillard. Vaughan of Collin.
Logan. Wall.
Martin.

Absent.
Beaird. Drew.
Bertram. Jones.
Burney. Moore, Fort Bend.
Crowley. Rudd.

Excused.
Alexander. Evans of Grayson.
Conoly. Holland of Harris.
Mr. Gilbough moved to suspend the regular order, to take up and place on its second reading, House bill No. 242, and the motion was lost.

(Mr. Ward in the chair.)

On motion of Mr. Love, the regular order was suspended to take up and place on its second reading, House bill No. 162, a bill to be entitled “An act to amend article 193, chapter 1, title 7, of the Penal Code of the State of Texas, relating to disturbance of religious worship.”

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

Mr. Randolph moved to suspend the regular order to take up and place on its second reading, House bill No. 168, and the motion was lost.

Mr. Martin moved to suspend the regular order to take up and place on its second reading, House bill No. 96, and the motion was lost.

On motion of Mr. Randolph, the regular order was suspended to take up and place on its second reading, House bill No. 168, a bill to be entitled “An act to punish persons for wilfully turning out or permitting to run at large within a county or subdivision of any county in which the stock law has been adopted, stock not permitted to run at large.”

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

Mr. Bertram offered the following amendment:

Strike out the word “ten” and insert “five,” in line 18.

Mr. Humphrey offered the following substitute for the amendment:

Amend by striking out all of the bill after “not,” in line 18, and insert the words “exceeding one hundred dollars, and provided no such fine shall be assessed unless such stock have been guilty of some depredations causing damage.”

On motion of Mr. Randolph, the substitute was tabled.

The amendment by Mr. Bertram was adopted.

Mr. Rogan offered the following amendment:

Amend by adding the following: “Provided, that this act shall not apply to persons who are non-residents of the county or subdivision of the county where the stock law is in force.”

Mr. Wolters moved the previous question, and it was not seconded.

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

Mr. Beaird offered the following amendment:

Amend by exempting Smith, Henderson, Rusk and Upshur from the operations of this bill.

Mr. Seabury moved the previous question, and it was not seconded.

The following amendments to the amendment by Mr. Beaird were offered, and, by unanimous consent, were considered and acted on as one whole:


By Mr. Melton: Amend by exempting Concho, McCulloch, San Saba and Mills counties.

By Mr. Oliver: Amend by exempting Cass county.


By Mr. McKellar: Amend by exempting Cherokee county from the operations of this act.

By Mr. Burns: Amend by exempting Brown and Coleman counties from this bill.

By Mr. Love: Amend by exempting Lamar county from the operation of this act.

By Mr. Mundine: Amend so as to exempt Lee county from the operations of this bill.

By Mr. McKellar: Amend by exempting San Jacinto and Polk counties from the provisions of this bill.

By Mr. Kirk: Amend by exempting Lavaca county from the provisions of the bill.

By Mr. Burney: Amend by exempting Kerr, Kendall and Bandera counties.

By Mr. Carpenter: Amend by exempting Fannin county from the operations of this act.

By Mr. Tucker: Amend by exempting Taylor, Jones, Slackelford, Callahan.

The House, by unanimous consent, agreeing to consider and act on the amendments to the amendment as one whole, after consideration,

Mr. Freeman moved the previous question, which was seconded, and the main question was ordered.

Question first recurred on the amendments to the amendment, upon which yeas and nays were demanded by Mr. Blackburn, Mr. Thaxton and Mr. Savage.
Lost by the following vote:

Yeas—48.


Nays—58.


Excused.


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

On engrossment of the bill, yeas and nays were demanded by Mr. Tracy, Mr. Burns and Mr. Smith.

The bill was ordered engrossed by the following vote:

Yeas—65.


Nays—43.

Strother. Vaughan, Guadalupe
Tucker. Wall.
Turner. Absent.
Bean. Jones.
Benson. Ward.
Drew. Excused.
Alexander. Morris.
Conoly. Neighbors.
Evans of Grayson, Porter.
Holland of Harris. Rogers.
Mercer. Wallace.
Moore, Fort Bend. Wilcox.

I vote "no," because I am not in favor of establishing the smoke houses of the Texas farmer in Kansas City, Chicago or St. Louis. If crops are gathered and neighbors by mutual agreement permit each other's hogs to run at large gathering the waste of our corn fields and the mast of our woods, I can see no reason why he should pay from $10 to $100 for the privilege. It is my opinion that such laws as these cut off a poor man's privilege, and it is already hard enough for the tenant to live and the small farmer without making the struggle for existence any harder.

SMITH.

PETITIONS AND MEMORIALS.
By Mr. Burney:
A petition from Chas. Schreiner, W. T. Anderson, John W. Vann, and 130 other citizens of Kerr and adjoining counties in favor of the scalp law.
Read and referred to Judiciary Committee No. 1.

By Mr. Kirk:
A petition from 80 citizens of Lavaca county, asking for the passage of a general stock law, similar to that now in force in regard to hogs, sheep, and goats.
Referred to Committee on Agriculture.

BILLS AND RESOLUTIONS.
By Mr. Kimbell:
House bill No. 320, a bill to be entitled "An act to amend title 104, chapter 3, article 5131, of the Revised Civil Statutes of the State of Texas, relating to the rolls of tax assessors, by adding to said article 5131 the clause, "for a period of two years, when same shall be destroyed by the clerk."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Rogan:
House bill No. 321, a bill to be entitled "An act to amend article 4566 of the Revised Statutes of the State of Texas, relating to the rates, regulations, orders, and classifications of the Railroad Commission."

(Provides that such rates, regulations, etc., shall not be deemed unjust or unreasonable unless in violation of the Constitution of the State or of the United States.)
Read first time and referred to Committee on Internal Improvements.

By Mr. Rogan:
House bill No. 322, a bill to be entitled "An act to amend article 1407 of the Revised Statutes of the State of Texas, and providing that neither the State of Texas nor the Railroad Commission of Texas shall be required to give bond on any appeal or writ of error taken by it, or either of them, in any civil case."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Fisher:
House bill No. 323, a bill to be entitled "An act to amend article 3228, title 66, chapter 4 of the Revised Civil Statutes of the State of Texas, relating to chattel mortgages and other chattel liens."

(Provides that no chattel mortgage, deed of trust, or other instrument of writing, or lien of any kind, whether in writing or not, intended to operate as a mortgage or lien upon a stock of goods or merchandise exposed to daily sale, or which has been within thirty days prior to the execution of such instrument or making of said lien, exposed to daily sale, be valid, but all such instruments or liens attempted to be created shall be absolutely void and of no effect for any and all purposes. The term void, as used in this provision shall not be construed to mean voidable, but shall be held to mean "absolutely of no effect."
And in no event shall such instrument as mentioned in this proviso be received for filing and recording by any clerk of any county court within the State.)
Read first time and referred to Judiciary Committee No. 1.

By Mr. Humphrey:
House bill No. 324, a bill to be entitled "An act to amend title 35, article 1690 (1647) of the Revised Civil Statutes of the State of Texas, relating to the descent of the property of a decedent."

(Makes a change in the descent of property where decedent was abandoned by a parent.)
Read first time and referred to Judiciary Committee No. 1.
By Messrs. Ward and Hill:
House bill No. 325, a bill to be entitled "An act to provide for the sale of all unappropriated public lands of the State of Texas, including all the public lands heretofore set aside and reserved for sale by chapter 52 of the general laws of the State of Texas, entitled an act to provide for a sale of a portion of the unappropriated public lands of the State of Texas, and the investment of the proceeds of such sale, approved July 14, 1879, and all laws amendatory thereto, and to provide for the investment of the proceeds of such sale, and repeal all laws and parts of laws in connec

(Provides that the proceeds arising from the sale of public lands under the provisions of this act shall go one-half to the public free school fund, and one quarter to the State University fund, and so much of the other quarter as may be necessary to improve the Capitol grounds, and to build a new mansion for the Governor.)

Read first time and referred to Committee on Public Lands and Land Office.

By Mr. Bailey:
House bill No. 326, a bill to be entitled "An act to revive and restore the charters of private corporations chartered under the laws of the State of Texas, and all permits issued by the State of Texas to foreign corporations to transact business in this State, which have, from failure to pay their annual franchise tax, lapsed or been declared forfeited by the Secretary of State."

Read first time and referred to Committee on Internal Improvements.

By Mr. Henderson:
House bill No. 327, a bill to be entitled "An act to amend article 3886 of chapter 5, title 86, of the Revised Civil Statutes of the State of Texas, relating to the admission of students in the Prairie View Normal School."

(Provides for the admission of one student from each Representative district into said school and three from the State at large.)

Read first time and referred to Committee on Education.

By Mr. Turner:
House bill No. 328, a bill to be entitled "An act to provide for the appointment of a receiver of the estates of insolvent debtors, and providing for an injunction in cases where an insolvent debtor has executed a mort-
gage or deed of trust, preferring fraudulent claims."

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

By Mr. Harris:
House bill No. 329, a bill to be entitled "An act to amend chapter 4, title 6, of the Penal Code of the State of Texas, by adding thereto article 189a, relating to elections for Federal, State, county and city officers."

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

By Mr. Crawford:
House bill No. 330, a bill to be entitled "An act to amend chapter 4943, title 103, chapter 3, of the Revised Statutes of the State of Texas, relating to the slaughter and sale of animals for market."

(Provides that every person engaged in slaughtering, selling, giving away or otherwise disposing of such slaughtered animals by peddling from wagons, etc., shall place the hide of the animal in a conspicuous place during the sale, etc.)

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

By Mr. Shelburne:
House bill No. 331, a bill to be entitled "An act to amend article 3063 of the Revised Civil Statutes of the State of Texas, and to abolish the office of district attorney except as otherwise provided."

(Provides that the Legislature may provide for the election of district attorneys in such districts alone, where it is shown that the county attorney is unable, by reason of an excessive amount of business, to give proper attention to same.)

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

By Mr. Ayers:
House bill No. 332, a bill to be entitled "An act to amend article 3064 of the Revised Civil Statutes of the State of Texas, and to require life, health, guaranty and fidelity, fire and accident insurance companies operating within this State to file power of attorney authorizing acceptance of service."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Dies:
House bill No. 334, a bill to be entitled “An act to amend article 1408, title 30, chapter 19, of the Revised Civil Statutes of the State of Texas, relating to appeal bonds of executors, administrators and guardians.”
(Provides that such executors, etc., shall not be required to give bond on any appeal or writ of error from the Court of Civil Appeals to the Supreme Court taken by them in their fiduciary capacity.)
Read first time and referred to Judiciary Committee No. 1.

By Mr. Martin:
House joint resolution No. 23, “to amend sec. 2, art. 6, of the Constitution of the State of Texas relating to suffrage, and permitting a qualified voter to vote anywhere in the State for Federal and State officers, and anywhere in the district for district officers, upon filing with the manager of the voting box where he offers to vote a certificate of his residence.”
Read first time and referred to Committee on Constitutional Amendments.

NOTICE.
Mr. Ward gave notice that on tomorrow he would offer to amend the Rules, as provided for in the following resolution:
Resolved, That Rule 25 be so amended as to strike out the word “municipal” where it occurs in the Rule.

COMMITTEE REPORTS.
By Mr. Ward, chairman:
Committee Room, Austin, Texas, Feb. 1, 1897.
Hon. L. T. Dashiel, Speaker of the House:
Your Judiciary Committee No. 1, to whom was referred
House bill No. 231, a bill to be entitled “An act to amend article 85, title 37, of the Penal Code of the State of Texas, so as to provide for separate waiting rooms for white and negro passengers at railway depots.”
Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be referred to the Committee on Revenue and Taxation.

WARD, Chairman.
Committee Room, Austin, Texas, Feb. 1, 1897.
Hon. L. T. Dashiel, Speaker of the House.
Your Judiciary Committee No. 1, to whom was referred
House bill No. 245, a bill to be entitled “An act to amend article 1010 (1), 1010 (3), 1010 (4), 1010 (5), chapter 13, title 18, of the Penal Code of the State of Texas, so as to provide for separate waiting rooms for white and negro passengers at railway depots.”
Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be referred to Judiciary Committee No. 2.
WARD, Chairman.
Committee Room, Austin, Texas, Feb. 1, 1897.
Hon. L. T. Dashiel, Speaker of the House.
Your Judiciary Committee No. 1, to whom was referred
House bill No. 271, a bill to be entitled “An act to amend article 4221 (3992) and article 4227 (3999) of the Revised Civil Statutes of the State of Texas.”
Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be referred to the Committee on Public Printing.
WARD, Chairman.
Committee Room, Austin, Texas, Feb. 1, 1897.
Hon. L. T. Dashiel, Speaker of the House:
Your Judiciary Committee No. 1, to whom was referred
House bill No. 32, a bill to be entitled “An act to amend article 1816, title 37, of the Revised Civil Statutes of the State of Texas, so as to conform the same to the law of the United States on the same subject.”
Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass, be-
cause another bill embodying the same matter has already been reported favorably.

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 72, a bill to be entitled "An act to amend chapter 5, title 36, of the Revised Statutes of the State of Texas, providing for a more effectual ballot system, by creating articles 1742a, 1742c, 1742f."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass, because another bill embodying the same matter has already been reported favorably. WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 151, a bill to be entitled "An act to amend article 120a of the Revised Civil Statutes of the State of Texas, relating to suits for the recovery of the wife’s separate property."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass. WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 133, a bill to be entitled "An act to repeal article 1189, chapter 2, of title 30, of the Revised Civil Statutes of the State of Texas, giving time before amendments are filed."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass. WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 209, a bill to be entitled “An act to amend article 4986, of title 102, chapter 5, of the Revised Statutes of Texas, concerning the mode of preventing certain animals from running at large in counties and subdivisions, defining who may be entitled to vote at elections held under the provisions of said chapter.”

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass, because in conflict with article 16, section 23 of the Constitution of the State of Texas.

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 213, a bill to be entitled “An act to restore and confer upon the county court of Hardin county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act.”

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

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 232, a bill to be entitled “An act to facilitate the collection of wages, salaries and earnings due for labor performed.”

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 243, a bill to be entitled “An act to amend article 881 of the Revised Statutes, and to repeal all laws in conflict therewith.”
Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass, and that the accompanying committee substitute bill be adopted in lieu thereof; and that the original bill be not printed.

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 233, a bill to be entitled “An act to prevent the barter, sale and gift of any pistol, dirk, dagger, and to repeal all laws or parts of laws in conflict therewith.”

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 252, a bill to be entitled “An act to amend article 1200, title 30, chapter 5, of the Revised Civil Statutes of the State of Texas, relating to practice in the district court, and to repeal all laws or parts of laws in conflict therewith.”

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 195, a bill to be entitled “An act to amend article 2441 of chapter 1, title 45, of the Revised Civil Statutes of the State of Texas, and to repeal articles 4045, 4047 and 4048 of chapter 2, of title 87 thereof, relating to fees to be charged by the Commissioner of the General Land Office.”

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

WARD, Chairman.

By Mr. Bailey, chairman:
Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 2, to whom was referred
Senate bill No. 32, a bill to be entitled “An act to amend chapter 4, title 7, of the Code of Criminal Procedure, by adding thereto article 524a, providing for the issuance of attachments for witnesses residing in the county of the prosecution, when such witness is about to remove therefrom.”

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. L. T. Dashiell, Speaker of the House:

Your Judiciary Committee No. 2, to whom was referred
Senate bill No. 31, a bill to be entitled “An act to amend article 888 of chapter 6, title 17, of the Penal Code of the State of Texas, defining the crime of burglary.”

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

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. L. T. Dashiell, Speaker of the House:

Your Judiciary Committee No. 2, to whom was referred
Senate bill No. 22, a bill to be entitled “An act to amend title 17, chapter 3, of the Penal Code of the State of Texas, by adding article 794a after article 794 of said chapter, for the purpose of preventing stock from running at large in counties, districts and subdivisions of counties where stock are forbidden by law from running at large, and to provide a penalty therefor.”

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass, for the reason that Senate bill No. 168, on the same subject, has been reported favorably.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 1, 1897.

Hon. L. T. Dashiell, Speaker of the House:

Your Judiciary Committee No. 2, to whom was referred
House bill No. 264, a bill to be entitled “An act to prevent the barter, sale and gift of any pistol, dirk, dagger,
slungshot, sword-cane, spear or knuckles made of any metal or hard substance, etc., to any minor without the written consent of parent or guardian of such child, or of someone standing in lieu thereof, and providing a penalty for violation thereof."

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

BAILEY, Chairman.

Committee Room, Austin, Texas, Feb. 1, 1897.

Hon. L. T. Dashiell, Speaker of the House:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 302, a bill to be entitled "An act to amend title VII, chapter 193, 194 and 195, of the Penal Code of the State of Texas, relating to offenses which affect the free exercise of religious opinions."

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

BAILEY, Chairman.

Committee Room, Austin, Texas, Feb. 1, 1897.

Hon. L. T. Dashiell, Speaker of the House:

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 68, a bill to be entitled "An act to amend article 636, title 20, of the Revised Civil Statutes of the State of Texas."

And find the same correctly engrossed.

DIES, Chairman.

Committee Room, Austin, Texas, Feb. 2, 1897.

Hon. L. T. Dashiell, Speaker of the House:

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 75, a bill to be entitled "An act to prevent immoral publications and to prevent the sale and distribution of such publications, making a violation thereof a felony, prescribing penalty therefor, and declaring an emergency."

And find the same correctly engrossed.

DIES, Chairman.

Committee Room, Austin, Texas, Feb. 2, 1897.

Hon. L. T. Dashiell, Speaker of the House:

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 67, a bill to be entitled "An act to amend article 635, title 20, of the Revised Civil Statutes of the State of Texas."

And find the same correctly engrossed.

DIES, Chairman.
Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 140, a bill to be entitled "An act to amend article 4744, title XCVII, chapter 4, of the Revised Civil Statutes of Texas of 1895, relating to powers and duties of overseers of public roads."

And find the same correctly engrossed.

DIES, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 41, a bill to be entitled "An act to amend article 1277 and to repeal all laws in conflict therewith."

And find the same correctly engrossed.

DIES, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 40, a bill to be entitled "An act to repeal article 1277 and to amend article 1278 of the Revised Statutes of Texas, relating to continuance."

And find the same correctly engrossed.

DIES, Chairman.

Committee Room,
Austin, Texas, Feb. 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 61, a bill to be entitled "An act to amend article 888 of chapter 6 of the Penal Code of the Revised Statutes of Texas, defining the offense of burglary."

And find the same correctly engrossed.

DIES, Chairman.
ed or amended since the 1st day of January, 1887, and which have failed or are about to fail to construct their roads and branches, or any part thereof, within the time required by law.

And find the same correctly engrossed.

FIELDS, Acting Chairman.

By Mr. Lillard, chairman:

Committee Room, Austin, Texas, Feb. 2, 1897.

Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Enrolled Bills have carefully examined and compared

House bill No. 3, a bill to be entitled "An act making an appropriation to pay mileage and per diem of presidential electors of Texas," And find the same correctly enrolled, and have this day at 11.05 o'clock a.m., presented the same to the Governor for his approval.

Lillard, Chairman.

By Mr. Moore of Lamar, chairman:

MAJORITY REPORT.

Committee Room, Austin, Texas, Feb. 1, 1897.

Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Privileges and Elections, to whom was referred the contested election of A. F. Brigance v. I. M. Bennett, from the Fifty-fourth Representative District of Texas, composed of Grimes county, for a seat in this House, have had the same under consideration and report back to the House as follows:

We find that after counting all the ballots in the boxes from Grimes county that there was cast for I. M. Bennett, contestee, 2205 votes; for A. F. Brigance, contestant, 2220, making a majority of 15 votes for A. F. Brigance. We therefore recommend that A. F. Brigance, the contestant, be accorded his seat in this Legislature, and that contestee be unseated and his certificate of election cancelled.

Moore of Lamar, Chairman.

MINORITY REPORT.

Committee Room, Austin, Texas, Feb. 1, 1897.

Hon. L. T. Dashiell, Speaker of the House.

A minority of your Committee on Privileges and Elections, to whom was referred the contest case for a seat in this House, with instructions to investigate said case, and particularly to inquire into the merits of the respective claimants, have had under consideration the case of A. F. Brigance, contestant, against I. M. Bennett, contestee, from Grimes county, Texas.

In pursuance of your instructions, we beg to submit to you and for the consideration of this House the following facts:

1. That on November 3, 1896, there was held in the county of Grimes, and State of Texas, a general election, and among those to be voted upon were the several candidates for Representative from said county, and that the following were candidates: I. M. Bennett, populist nominee; A. F. Brigance, democratic nominee; and W. H. Blunt, republican nominee.

We further find that there were 20 voting boxes in said county, each of which was presided over by fair and honest judges as shown by the evidence, who, with the assistance of their clerks, counted the ballots and declared the result to be as follows: A. F. Brigance, 2148; I. M. Bennett, 2226; W. H. Blunt, vote shown by tally lists; and that from the evidence it appears that said returns were estimated by the commissioners court of Grimes county at a regular session thereof, and the result of said election again declared as aforesaid, whereupon there was issued to contestee his certificate of election as Representative from said county.

That it appears from the tally and poll lists offered in evidence that the said contestee received 98 votes more than contestant at said general election.

That there appears to have been voted at said general election a ticket as is described in contestant's petition, which was printed and distributed at some of the voting boxes without the knowledge or consent of contestant or contestee.

2. That in the beginning of the investigation of this contest before the committee, the committee, through its chairman, announced to contestant and contestee, and as well to their attorneys, that the rules of the district court governing the introduction of testimony in civil cases, and which is fully provided for and prescribed in articles 1503 and 1504 of the Revised Civil Statutes, would apply and be adhered to in this case, and that the parties to this contest and their attorneys should govern themselves accordingly; that after the examination of the third witness offered by contestant, the chairman announced to contestant and
contestee, and their attorneys, that the committee would only hear evidence tending to show: First, that the ticket commonly known as the "cocked hat" ticket, and as appears described in contestee's petition, was voted at home; third, among what class of voters the same was generally used; and fourth, as to the quality of paper upon which the ballot was printed. With this limitation, contestee was cut off from interrogating witnesses as to the charges in contestee's petition and counter-charges in contestee's answer.

That thereafter contestee continued to offer testimony, and which testimony substantially appears in the majority report of this committee, and which we in submitting this minority report adopt and make a part hereof, except so much as appears wrongly written by the stenographer, as follows: By the substitution of the word "not" between the words "could" and "possibly" in the testimony of P. C. McKee in the following sentence: "A person with a heavy overcoat could possibly have went in there and went off with a ballot box," said word "not" having been inserted as above indicated, and inserted between said words "could" and "possibly" with ink, as appears in original record of the evidence.

That in concluding the testimony for contestee, as shown by the records of the stenographer, contestee announced that he had no further testimony, whereupon contestee offered his testimony, as partly appears in the majority report, which we in this report adopt and make a part hereof; and in addition thereto we respectfully represent and show that the report of the evidence as appears in the majority report is incomplete, in that it fails to show the number of the votes cast for contestee and contestee as appears from the tall sheets and poll lists of the voting boxes at Pointer's Prairie Precinct No. 10, Naraosota Ward 3, Precinct 15, and Ward 1, Precinct 13, which said tally sheets and poll lists were by contestee offered as evidence.

Contestee, through his attorneys, then announced that he would offer the ballot boxes of Grimes county as evidence in his behalf, and asked that this committee consider the same; and that to this manner of proceeding contestee objected, first, because contestee had closed his case in chief and had so announced the same through his attorneys; second, because each witness as examined on the matters above mentioned was notified that he was discharged and could return home; third, that said witnesses having been discharged, it would thereby be unable to interrogate them touching the matters and things named and set out in the petition of contestee and the counter-charges mentioned and set out in contestee's answer. We beg to add at this particular stage of this case that we think the ballot boxes, for the reasons above stated, should not have been introduced, but that this committee should, in passing upon the question as to who was entitled to the seat, should with the evidence before us declare contestee duly elected.

At another and later meeting of your committee, while in executive session, we further find that contestee filed with the clerk of this committee the following objections in writing, assigning reasons among other things as to why the ballot boxes should not be introduced and requested that the same be considered:

"A. F. Briggance vs. I. M. Bennett.—In and before the Twenty-fifth Legislature of the State of Texas:

"To the Hon. W. P. Moore, Chairman of the Committee on Elections and Privileges, and to the members of said committee:

"Comes now the contestee in above cause, and with leave of this committee interposes the following objections to this committee's proceeding further in the trial of this cause:

"1st. Contestee says that the evidence does not either affirmatively or negatively show that any of the tickets similar to that one marked 'exhibit A' and attached to contestee's petition were at any box in Grimes county cast or counted for contestee.

"Assuming this proposition to be true, then contestee says that this committee, nor the Legislature, has no authority to give to either said committee or the Legislature by law or otherwise to open said ballot boxes of Grimes county, or to break the fastenings attached to said ballot boxes; the law plainly indicating the reason why, the time when, and the place where such opening of ballot boxes may or shall take place.

"2nd. Contestee objects to the introduction of the ballot boxes, because the contestee announced before contestee opened his case by introduction of testimony, that he, contestee, had
closed his case in chief, and had no further testimony to introduce in his, contestent's behalf; and contestee says for this reason contestent ought not to be permitted to introduce said ballot boxes, because

"a. Contestee has introduced all his testimony, and this committee will not permit him to introduce testimony to show the irregularities in the returning and keeping of said ballot boxes, and to show further that said boxes have not remained in the keeping of the officers charged with that duty, and to show that said boxes have been handled by the public, and that in this particular the law has been violated, and that the said ballot boxes do not come to this committee direct from the Clerk of the County Court or Judge of said court of Grimes county, Texas.

"b. That the chairman of this committee informed contestant and contestee of the matters and things about which they could inquire, and limited the matters concerning which testimony could be introduced, having been limited to the question solely as to the legality of the ticket, after which said witnesses were discharged by the chairman and permitted to return home.

"3rd. Contestee further objects to the introduction of the ballot boxes before the committee because no ballot boxes have ever been identified by either contestant or contestee as the original ballot boxes of Grimes county by competent and legal evidence as is required in such cases. No evidence having ever been offered to identify any boxes as the ballot boxes of Grimes county.

"4th. Contestee objects to the throwing out or failing to count any of the ballots cast for contestee because they may have been folded as appears from 'exhibit A,' attached to contestant's petition, for the reason that the evidence shows that the tickets above complained of were all folded when brought to the various ballot boxes, and further, that said tickets were by many voters voluntarily unfolded and many times unfolded by the request of presiding officers of the various voting boxes, and still at other places voters were required to unfold said ballots before the presiding officers would receive and deposit and count said votes.

"That the testimony further shows after the several voting places had closed, and in counting the votes, the officers would not re-fold the tickets as they were voted, but replaced them in the boxes without any considera-

tion for the manner of their original folding.

"Conclusion: Assuming this to be true, then contestee says that if upon examination any ticket bears lines indicating two foldings then said ticket or tickets must have been opened after being originally folded in the manner shown by the ticket marked exhibit 'A,' and before being voted re-folded to conform to the wishes or ideas of the particular voter casting the same or to comply with the demands or requests of the various presiding officers: thus in this way not destroying or infringing upon the secrecy of the ballot.

"Wherefore, contestee prays that his objections be sustained and that this committee report to the honorable House of Representatives that contestee be permitted to retain his seat."

"M. C. GRANBERRY,
"E. J. PRESTON,
"A. W. BOYD,

"Attorneys for Contestee."

That at the same time with the filing of the foregoing objections, contestee filed with the clerk of this committee a list of witnesses whom contestee believed would be material upon the inquiry as to the keeping, handling and preservation of the ballot boxes, and whom contestee believes and so avers would testify to the several charges set out in his answer, wherein he charged that at Plundersville, Iola and other places the ballots after being deposited were changed so as to not reflect the will of the voters casting the same and so as to elect contestant, all of which said witnesses contestee asked for process to issue in the event this committee overruled contestee's objections and decided to open the ballot boxes. We further represent that these objections of contestee were not permitted to be read before this committee when one of your committee offered to read or have the same read, and we further represent that contestee claimed the right to be present, either in person or by counsel, at the opening of the ballot boxes and to remain during the counting of the ballots, which was denied him, for only in this way would contestee or contestee be enabled to intelligently offer evidence to either show the boxes were in good condition or that they had been changed in any manner, and further we respectfully submit that contestant and contestee or their attorneys, or all of them, should have been permitted to be present at the opening of the ballot boxes and to re-
main during the counting of the ballots therein contained for the reasons above stated and for the further reasons, first, that contestee should be given the privilege, as he charges in his answer, of showing the ballots counted were different from those in fact voted or to show that since the 3d day of November, 1896, and up to and including the date of the opening of the ballot boxes by this committee, said boxes or either of them were opened and a ticket or tickets changed, altered or substituted by others than those originally deposited, and that he could only come into possession of the necessary facts for the protection of his rights and for the further furnishing of information to sustain said charges and to enable your committee to act intelligently in reporting to this House, by bringing before this committee the necessary witnesses, he having been denied the privilege of interrogating the witnesses on this line of testimony when before your committee in person and by attorneys during the trial of said contest; second, we further find that from the testimony when before your committee to further furnish the facts for the protection of contestant and contestee.

We therefore recommend that the tally sheets, being the best evidence in this case and showing that contestant was duly elected, he having received a majority of the votes cast at said election for the several candidates for Representative, be declared the duly elected Representative from Grimes county, and that this House in its judgment from the facts thus far introduced be not satisfied that said contestee is the duly elected Representative from Grimes county, then we ask that this case be recommitted, with instructions to further investigate the same and to hear additional testimony fully and impartially to both contestant and contestee.

J. G. BURNEY.

A. F. BRIGANCE, CONTESTANT,

vs.

I. M. BENNETT, CONTESTEE.

Austin, Texas, Jan. 16, 1897.

The Committee on Privileges and Elections met on January 16 at 3 o'clock p. m. On this day, January 16, were placed on file the following papers, wherein A. F. Brigance is contestant, and I. M. Bennett contestee:

Notice of contest, answer of contestee.

Deposition of H. Schumacher.

Depositions of J. A. McAlpine.


On motion committee adjourned to meet Thursday, January 21, at 10 a. m.

January 20.

Application for subpoena for William Niblett and M. C. Pickett. Issued same date.

January 21, 1897.

The Committee on Privileges and Elections met pursuant to adjournment. Notice of contest read; also answer of contestee. Return of attachments made by J. S. Boggs, Sergeant-at-Arms of the Twenty-fifth Legislature.

By consent of contestant and contestee, the word "glazed" to be inserted in the pleadings before the word "ballots."

On motion, adjourned to 2 p. m. Met pursuant to adjournment.

Certified copies of the poll books and depositions of George M. Courts and John D. Keith filed.

By request of committee, presiding officers of election will file returns of same with the committee clerk for future use.

Returns of Stonham Precinct No. 18, Whitehall Precinct No. 6, and Plantersville Precinct No. 4 filed.
Proceeded to the introduction of evidence.
Witnesses were sworn and put under the rule.
Proceeded to the introduction of evidence.
Adjourned on motion until 9 a. m. January 22.

January 22.
Met pursuant to adjournment.
Examination of witnesses continued.
Adjourned until 2.30 p. m.
Met pursuant to adjournment.
Examination of witnesses continued.
Adjourned on motion until 9.30 a. m. January 23.

January 23.
Committee met pursuant to adjournment.
Examination of witnesses continued.
Return of subpoenas for William Niblett and M. C. Pickett.
Return of subpoenas for William Wood.
Adjourned to 2.30 p. m.
Met pursuant to adjournment.
On motion, committee went into executive session.
Decided that the ballot boxes were to be opened at option of committee.
On motion, counsel limited to one hour on each side, and to discuss only the legality of the ticket in question. Argument heard.
Adjourned to 9 a. m. January 25.

January 25.
Committee met as per adjournment.
Went into executive session. Decided that further time was needed in which to consult authorities relative to the case.
On motion, adjourned until 2.30 p. m., January 26.

January 26.
Committee met pursuant to adjournment.
Moved that this committee declare the "cocked hat" ticket a legal ballot. Carried, 7 ayes, 6 nays.
Motion election held at Keith Precinct No. 9 be declared legal. Carried.
Moved that committee reconsider the vote by which "cocked hat" ticket was declared legal. Carried, 7 ayes, 6 nays.
Moved that "cocked hat" ballot be declared legal. Carried, 7 ayes, 6 nays.
Moved and seconded that committee adjourn until 2 p. m. to-morrow, and chairman compel the attendance of all members of committee. Carried.

January 27.
Committee met pursuant to adjournment.
Roll call disclosed full committee of 15 present.
Moved to proceed to count the ballots cast for Representative in Grimes county, and exclude all ballots folded in "cocked hat" shape, or shown to have been folded in this shape, and tabulate the returns. Carried, 9 ayes, 6 nays.
Adjourned on motion, until 2 p. m. to-morrow.

January 28.
Met pursuant to adjournment.
Motion that committee be arranged in groups of four, and proceed to count the ballot. Carried.
Ballot boxes opened and count begun, pending which adjourned until 2 p. m. to-morrow.

January 29.
Committee met at 2 p. m. Quorum present.
Count of ballots finished.
Adjourned to 9 a. m. to-morrow.

January 30.
Committee met a 9 a. m. Quorum present.
Moved that on actual count of all the ballots, contestant be declared entitled to his seat, having received a clear majority of 15 votes, and that a tabulated statement of all the votes cast, together with all the testimony offered in evidence be included in the report of the committee. Carried.

The following witnesses were sworn together; they were all sworn at the same time:

R. C. Wood: I was presiding officer at Dolph box No. 17, Grimes county, at the last election, November 3, 1896. The negro vote at this box is estima-
ed to be about 50. Several kinds of tickets were in use on that day. One Democratic ticket and one Populist ticket printed on white paper, and also the three-cornered ticket, were there. Did not see any of the latter opened out. It was between 10 and 11 o'clock when I saw them. Prior to seeing these tickets, I inquired of the negroes why they did not vote, and they replied that the Republican ticket had not come. I then asked the negroes who had the tickets, and they said Mr. Tom Hurst would bring them. The negroes said I did not have the kind of tickets their boss told them to vote; they were not shaped right. I told them all kinds of tickets were there. The negroes brought the tickets to me when they came and said that was the ticket he was looking for, and would not vote until it came. I saw the negroes vote this three-cornered ticket. Most of these negroes voted the three-cornered ticket. Saw the negroes present the ticket folded as exhibited. The Democratic and Populist tickets were long, narrow strips.

Cross-examined: I was manager of the election at Dolph, Texas. Was duly appointed. None of the three-cornered tickets were voted until between 10 and 11 o'clock. The name of the negro I talked with was Andrew Allen. I did not go out to consult with the negro. Received the ballot of the negro I was manager of the election. I knew the three-cornered ticket was a Republican ticket because the negro Allen told me when it came that this is the ticket my boss told me to vote. The negro showed me the ticket for inspection. I was not there to vote the negroes, but wanted to see what kind of a ticket it was. The election at Precinct No. 17 was a fair election. The vote for A. F. Brigance was counted so far as I know. I think the election at box 17 was a fair election. Can not say how many votes were cast for contestee and contestee. I have a copy of returns of this election at box No. 17. This is an exact copy of the returns sent to the county judge of the election at box 17. I find these papers in an envelope, poll list and tally sheet. I find the name of the negro Allen is No. 17. There were cast 120 ballots at box 17. Allen's vote was 35. Did not vote over 20 ballots before 12 o'clock at box 17. Tally sheet says for Representative Fifty-fourth district, A. F. Brigance got 49 votes and Bennett got 68, total vote cast 128. Both contestee and contestee received 117 votes. I suppose the other three votes did not vote for either. Know it was a fair election. If there was any unfairness there I do not know it. I haven't one of the straight Populist tickets. Think most of the Populist tickets were long, narrow, straight tickets. Think some of the Populist tickets were in the shape of the tickets exhibited, which was nearly a square. Think Judge Neal's name was on the ticket folded as a three-cornered ticket.

Q. Do you know who brought that three cornered ticket to the voting boxes? A. No sir.

Q. Mr. Wood, do you know whether or not Mr. Brigance's name or Mr. Bennett's name was on these voted tickets? A. I did not see Mr. Brigance's name on any of them, and do not know whether they were scratched or not.

George Crittenton: My name is George Crittenton. I reside in Grimes county. I saw a negro vote at box. The tickets were voted sometimes one way and another. The ticket was not thrown down loose on the table of the officers. The tickets were not placed on the table at any time. — is about eleven or twelve miles from the county seat. I was the manager of the election. I returned a copy of the returns. I saw ballots like the one you have in your hand presented. I saw some of them voted as you have them in your hand. I do not know who carried that ballot. I know Mr. Bennett, the contestee. I do not know whether he was here on the day of election or not. I did not see any one manipulating with the ticket. It was a Republican and People's Party ticket. There were some People's Party nominees on this ticket. They were not all voted like that (lawyer holding ticket in his hand). I noticed the tickets voted that way (as the lawyer held it in his hand). Some of the Democratic were voted differently. The People's Party and Republican tickets were folded in the same way. I do not know who distributed the tickets that day. Do not know who presented them. Biggers was the candidate for constable on the People's Party ticket. Alex Biggers was the candidate for constable on the People's Party ticket. Alex lived in Grimes county. I was presiding officer of the election. This is the shape of the ticket (holding it in his hand). Some came along with a ticket that was voted before the polls was closed. We may have had some Democratic tickets too. As I live to open the polls I think there was about sixty or seventy congregated near the bridge;
Thornson was working February 2, 1897.

In the interest of some of his friends, Mr. Thompson was there distributing tickets at that place. That was not the only ticket distributed (lawyer holding ticket in hand). I do not know who presented these tickets folded up. When I passed in the morning, by the bridge Mr. Brigance was there. Mr. Thompson was working for Garrett Scott and his ticket. One man out was a candidate for sheriff of our county on the Populist ticket; was nominated by the People's Party and endorsed by the Republicans. The man Brigance was at the bridge. I did not see him with any tickets. There was more of the colored men voting than any other. Mr. Brigance polled 206 votes at that place. The total vote was 278.

J. A. McCalpin: I live in Grimes county. I was connected with the holding of the election in my precinct. No tickets were placed on my table. I do not know how the negroes came in possession of the tickets. I saw some men outside distributing them. They were Populists. The negroes voted that ticket in that shape (cocked hat ticket shown witness). I told the people I could not receive them. They then refolded them, and brought them in tickets. The man that was receiving them did take them in this position. They were counted from five to ten at a time and taken out. When I opened the box we would take out about ten of this kind (cocked hat) and then call them out. We put down six cards or tally sheets at a time. There were two or three standing around getting them out.

Cross-examined: They were folded in different shapes. When handed to me they were folded up. I heard that Sullivan had some of the tickets. He was folding them and I sent word to him that we could not receive those tickets as they had been folded incorrectly. I did not know he brought the tickets there. He was there early, and I suppose the tickets were there early. Mr. Brigance was not there that day. I did not unfold any of the tickets when they were presented to me. I refused to take some of them when they were presented to me. Some were refolded and given to me. Don't know how many we received folded. Mr. Bennett was not there that day. They may have counted those blocks of ten, but I do not know how far. They all came back and voted. At

White Hill I did not have anyone to challenge the votes. The officers did not challenge the votes. When I came to count the tickets folded Whites they were not put in. Tickets of the other party were counted in the same way. The straight long tickets were counted just alike. My board were divided as to politics. We had Populists and Democrats, but no Republicans. There were two or three of each. Don't remember whether there were any other candidates running or not. The long tickets were counted in blocks of ten just like the other ticket. Think they were Democratic tickets.

T. E. Tucker: I live in the extreme southwestern portion of the county. I was at an election and saw tickets voted in three different ways. I saw the ticket folded in the middle. I saw some of them in the boxes and handled a good many of them myself. Mr. Ed Thompson had charge of the boxes. He distributed the tickets. Mr. Brigance was making a speech when I came up. The tickets were distributed among the negroes. He wanted them to vote for him. There were 75 may be all told at the bridge about 7 o'clock. I do not know where those voters had been before they came up. I do not know anything about the barbecue being held there. I have been a candidate for commissioner. Mr. Brigance was there, but Mr. Bennett was not there. Thompson was with the man on that ticket. He was interested in the sheriff more than anything else. He had a brother running for constable. He was interested in Garrett Scott.

R. C. Wood: The poll list shows that J. F. Brigance received 49, and that I. M. Bennett 68 votes at Dolph Precinct No. 17.

W. R. Williams: I was presiding officer of Precinct No. 10, Apolonia postoffice. I have the full returns of the election. A. F. Brigance received 101 votes and I. M. Bennett 77.

G. S. Crittendon: I was presiding officer of the general election of Grimes county, Precinct No. 15. Have the tally sheets, etc., with me. The vote was Brigance 105, Mr. I. M. Bennett received 92 votes for Representative at Stoneham Precinct.

Alex Williams: I was the presiding officer at Precinct No. 4, Plantersville postoffice. Have the tally sheets with me. A. F. Brigance received 206 votes and I. M. Bennett 60; H. H. Blunt received 1.

J. A. McAlpin: I was the presiding officer at White Hall Precinct No. 6, Grimes county. A. F. Brigance re-
ceived 89 votes and I. M. Bennett got 197, and W. H. Blunt 90.

W. W. Hoke: I was the presiding officer of Prairie Plane, Grimes county, Precinct No. 8. There were tickets in this (cocked hat) shape. They were in the hands of a negro, a third party, who had them in a sack on his shoulder. His name was Tom Edwards. He was distributing them among the colored people. They brought them there doubled in that shape (cocked hat shape).

Cross-examined: I do not know in whose interest this negro was working. I do not think there were but two distributing tickets. Do not know how many candidates were running. Did not understand that Mr. Blunt was a candidate. Did not hear of anything about Mr. Blunt being a candidate. He was not there on the day of the election. Never saw any of those tickets in Mr. Bennett’s hands; Mr. Bennett is a stranger entirely to the ticket as far as I know. A. F. Brigance received 108 votes and I. M. Bennett received 137. This is a correct account of the two candidates whose interest this negro was working. He generally gets tickets every year. He generally gets up the tickets. I think he got them in Houston. That ticket was kept at my house. They were given to each candidate to be distributed around for the election. We folded the tickets so as to get them in packages. There was no object in folding the tickets as they were. I did not tell him why tickets should be folded that way. Mr. Scott and I never talked about the tickets. I could not tell which one of the tickets the Republican had. He talked there was a straight Republican ticket there. This cocked hat ticket was the only ticket they had. The man they liked they let him read the ticket and took it most any way. We never sent any tickets up in that county hardly. I think Mr. Upshur carried them up there. Mr. Bennett left Navasota a week before the election. Joe H. Eagle is the Populist nominee for State Senator, and J. H. Smithers was the Democratic nominee. We sent some of the tickets at each place. The Republican vote in my county is largely colored. There are only about eight or ten white Republicans in my county. The majority of the county commissioners court are Democrats.

W. P. Moseley: I was connected with holding the election at Mobly’s Gin. I was presiding officer. This box is a little above the county seat. I saw the (cocked hat) ticket used there. The negroes began
cross-examined: Do not know who brought the tickets there. You could get them from most anybody in town. I was presiding officer in Precinct No. 16, Ward 4. There were three candidates voted for at the election. A. F. Brigance received 199 votes and M. Bennett received 95 votes, W. H. Blunt 24. On the 3d day of November I was presiding officer of the election in Ward 4, Precinct 16. Will Brown made out the poll list. I made returns of these papers as Precinct No. 3. I did not know in what form they went in. The tickets were folded so large that I refused to receive them. I folded them up so I could get them in the ballot boxes. The voters refolded them before I would receive them. It is my impression that Blunt was running. There was a straight Republican ticket put out. I could not tell who was using them on the outside of the house. I think Mr. Teague distributed more than anyone else. Do not know whether I saw Mr. Forrester there or not. Do not remember seeing Mr. Forrester there. W. H. Forrester was a candidate for justice of the peace. His son was a candidate for constable. The vote there is principally the negro vote. I did not see these Democratic candidates using these (cocked hat) tickets. I sought the advice of Mr. Neal as to whether it was a legal ticket or not. He was city attorney at the time. There were no tickets thrown out there. I did not require them to refold them. The corners of most of the tickets were folded down. I received the tickets folded in different ways.

Cross-examined: Mr. Brigance asked me if I thought it was an illegal ticket. He told me he thought it was an illegal ticket. Mr. Bennett was not there. Mr. Brigance came in and asked me if I had noticed how the tickets were folded. I called in Judge Neal in the presence of the judges and clerks. Judge Neal said the district only composed one county. I know Haines Shannon. Do not remember what Mr. Shannon had to say. I did not understand that he was down there in the interest of Mr. Brigance. These returns are not mixed up with any other papers.

George L. Chandler: I was presiding officer of the election in Anderson. I may have seen tickets folded with three corners. I think I saw the tickets. Do not remember positively whether they were folded or not. Don't know how they were handled in there.
fice. When I went there in the evening there were no tickets there.

Cross-examined: Have the returns with me. They have not been opened since I received them, until this morning when I opened them. A. F. Brigance received 221 votes and I. M. Bennett received 231. The total votes cast was 476 in Anderson Precinct No. 1. Did not see any other candidates voted for. Did not know that a man by the name of Blunt was running. This election was fairly held. Every vote was counted. These tickets were there at Anderson Precinct No. 1. There were a good, large number of them. Some of the tickets were voted for Mr. Brigance. I was not receiving judge. Did not receive the ballots. I am a Democrat. Was a candidate for a nomination on the Democratic ticket. Do not know who brought these tickets there. I was not the regular presiding officer. I do not know whether either Mr. Brigance or Mr. Bennett brought them there.

R. M. West: I was the presiding officer at Courtney box, Precinct No. 5. Saw some of the three-cornered tickets at my box. Do not know who brought them there. When I saw these tickets at the box it was in the morning. I opened about 10 o'clock, perhaps half past 10. Kept open until 6 o'clock in the evening. The tickets commenced to come in about dinner. This ticket was folded with this flap to it. I saw a good many at the window standing there with those tickets. We could not get them in the box. They called on me for a knife, and I gave them a knife and they cut the box. We would mash the tickets up in any shape. I did not distribute all the tickets. There was two men with them in their hands, going around; one was a negro and the other a white man. Will Steel had some of the tickets. Emmet Scott was a brother of Garrett Scott.

Cross-examined: The Populists were not on the slick paper business. Do not know who brought these tickets to Courtney. I noticed the tickets with a peculiar fold. Do not think any white men voted that ticket. Negroes voted them mostly. Do not know whether the tickets were folded with three corners or not. I saw nothing that would indicate that anything was wrong with the election. I opened the envelope at home. There have been no changes in the tally sheets. They have been in the hands of the officers here since I came. A. F. Brigance received 140 votes and I. M. Bennett 148. Blunt was a candidate for Representative. I do not know what party he represented. Democrats and Populists were represented here. I had two Populists on the board.

Jno. R. Davis: I live at Iola. Was connected as manager of the election of Precinct No. 2. It is about twenty-one miles from the county seat, north. There were votes of the cocked hat order. Do not know who brought that ticket to that box. Saw no one distributing them. They were in the hands of the negroes. They were folded in a three-cornered form. It must have been 11 o'clock when I first saw that ticket. The negroes had not been voting up to the time. On Tuesday night, after the election was closed, Dr. McDougal invited me and Dan Darby down to supper. Both of the Darbys were judges of the election. Jeff Darby took one of the boxes. I had one. Jeff Darby had one, and one of the managers had three other boxes. We took them in to supper with us. They did not pass into any one's hands that night. The tickets were all there in the room when we counted them. It is alleged that J. W. Darby took them out of the boxes.

Cross-examined: My initials are Jno. R. and not J. W. I was the presiding judge of that election. Two Mr. Darbys. Mr. Peters, Mr. B. Ab. Woodward, and D. H. Fair were my helpers. Do not know whether Mr. Bennett brought any tickets there or not. A. F. Brigance received 132 votes and I. M. Bennett 121. This envelope has been in my possession since the day of election. No one has had possession of it besides me. The returns here are the same as rendered that night. I did not see anything that would indicate that the election was not carried on in a fair and square way. There were no other candidates there for Representative. Did not know Mr. Blunt. Did not know of his being a candidate. I think those returns are all exactly right. I reside near Iola, in the northern part of the county, about 10½ miles from the county seat. Keith is nearly six miles due south of Iola. Trans school house is one-half mile from Keith. I understood that there was to be an election there. There is a blacksmith shop there and an old store house.

Cross-examined: On the 3rd day of November there was no postoffice at Keith. I never went to a political speaking at Trans school house. Trans school house is in the same precinct as Keith. The postoffice was discontinued out where the old Keith post-
office used to be, and I think may be nearly a year ago it was re-established. The postoffice has only been located twice since I have been there, and at Keith each time. The store house was torn down and carried away. These two places are something near a mile and a half west. Trans school house has been in existence about two years. I do not live in the precinct with Trans school house. I was the only Davis connected with holding the election. The boxes I had were closed when I left. It took me three days to count the vote. I know Mr. Neabitt at Anderson postoffice. I did not talk with him on the 4th day of November.

M. McClain: I was the presiding officer of the election in my precinct, Grimes county. I do not think there were any tickets brought in (cocked hat). Probably twenty-five negroes voted at my box. Have lived in that section about twenty-five years. I know where the Keefe postoffice was first established. Keefe is a postoffice where there was a store. The election had not been held at the old school house for about eight or ten years. The store house has been pulled down. There were several buildings around close to the voting place. A blacksmith shop, a gin, and a small house. Trans school house has been there about two years I think.

Cross-examined: I was the presiding officer at this box. I did not know which one of the places was Keefe. Th ink it was as far from one as the other. The shop was not in a good condition to hold the election. The school house was tendered to hold the election. I did not hold it there for the benefit of any of these candidates. We had some political meetings. The one I attended was held at Trans school house. The school house is something near the center of the precinct. There was a decrease in the election compared to last year. As far as I know, the election was fair. I am a Democrat, and a presiding judge of that election. Did not hear of any other place to vote that day. Think there were a few that did not vote, perhaps three or four. I had four Populists on the election board. Think the commission called for Keefe. A. F. Brigueance received 40 votes and I. M. Bennett 108. This tally list is a correct list as far as I know. It has been in my possession ever since the day of the election. No one has had it.

M. C. Pickett: I live in Navasota. I remember hearing Mr. Garrett Scott discussing the ticket. He just remarked that he would like to be chairman of the committee. He first made the remark that when he was chairman of the committee you never had any trouble with the ticket. I have seen this three-cornered ticket. First saw it on the morning of the election. Some of them were given me to carry out. Mr. Teague gave me the tickets. They were given him to take out to Terrell's gin. I was a candidate for constable, but withdrew before the polls opened. Saw that some of the people had formed a combination to beat me. Mr. Hiles' name was on the cocked-hat ticket in Precinct No. 3. Did not know what Garrett Scott was doing until the morning of the election. There was a Populist ticket. The other one was known as a straight Populist ticket. There was no Populist regular nominee in that precinct.

Cross-examined: I was a candidate for constable. The tickets I saw would be given in doubled small. Never saw the cocked-hat ticket voted. Do not know what was known as a double ticket. The cocked-hat ticket voted. Do not notice any tickets folded that way (the cocked-hat order). Never noticed any tickets folded that way. I do not know that Mr. Bennett had anything to do with the ticket. I have been collecting for the merchants every fall. Know where Trans' school house is. They have had three postoffices in that precinct. Trans' school house is near the center of the precinct. The last postoffice used was at Dreeland's. There is no postoffice there now. Trans' school house is the most satisfactory for holding the election. I have gotten letters addressed at different places. I have attended a political meeting at Trans' school house. Keith was generally advertised for meetings of politicians. It has been three or four years since there was a store there. If there was a store there two years ago I do not know of it. Do not know when the postoffice was torn down. Don't know when the school house was torn down.

M. McLain: I know where Trant has his store. The election was held at Keith. There was a storehouse there then. The house was torn down in August, 1895. The postoffice was discontinued at that time. Do not know of any other postoffices besides these two. The postoffice at Trant's store has been run for four or five years.

John R. Davis: There was a store at Keith postoffice. There used to be a store kept there, but I do not know when it was discontinued. It was re-
Cross-examined: I was in the clerk's office all the time until I went out of the office. My office was opened so anyone could go into it. I had sometimes two and three deputies; sometimes I only kept one. From the best of my knowledge these boxes were not tampered with. No one could have taken the ballots unless I knew it. The vault was behind my desk. No one could have opened the boxes until I knew it. There are three windows to the room. The ballots were at the north window. One window was on the north side and two windows on the east side in the vault. A man could not get in there without making some kind of racket. Most of the ballots had paper on them and the number of the precinct. A person with a heavy overcoat could not possibly have went in there and went off with a ballot box. They might have taken a cigar box, but not a ballot box. I looked every time I came in to see that they were turned in for proper grade of book paper. There are iron shutters there also. It was a blind window all the time. I was in my office attending to my duties all the time.

M. S. Womack: I hold the position as county clerk at this time. I qualified on the 10th of November, seven days after the election. It was not on the 10th of December. When I took charge I received the ballot boxes of the election. I know no one went into the ballots since they were in my possession. They were still in the boxes when I was in the clerk's office every day. There was nobody interfering in the daytime, I know. When I came to Austin I delivered my papers to the Sergeant-at-Arms.

Cross-examined: I qualified on the 10th of November. The commission- ers court canvassed the returns. Have one deputy. I have some letter heads printed. Mr. R. J. Campbell is my deputy. When I was not in the office I would go home to my meals, sir. As clerk I have been there nearly every day. Have been to Navasota since I was elected. Have been out to my farm in the clerk's office part of the time every day. The door in the hall is the only door that enters to my office. My desk is between the two windows. There is but one entrance to the vault. There are two windows in the vault on the east side. When I took possession of these boxes I found them at the left hand corner of the vault. When I was at my desk I could not see the ballot box. A man could not have gone in there without my knowing it. I would have heard some racket. I never noticed how the boxes were closed. Some of them were sealed, and some of them were nailed any way. One of them was loose. It was aantesvkle. I called Captain Boggs' attention to it. No one except myself, my son, and the clerk have the keys to the vault. I did not present at the canvass at the left hand corner of the boxes until I found them. Mr. McKee was acting clerk when they were counted. The combination was all right.

Bryan Drew, on being sworn, said:
My business is printer. I have had twenty-three years experience in handling paper. This is a good quality of clean book paper. There are different grades of white paper. This is not what is known as legal cap paper. The paper you have in your hand is not a white, but cream. In general terms I would recognize it as white paper. One has a gloss, and the other has not a gloss, and the other has an iron grate on the north window. There are iron shutters there also. It was a blind window all the time. I was in my office attending to my duties all the time.

Captain Boggs' attention to it. No one except myself, my son, and the clerk have the keys to the vault. I did not present at the canvass at the left hand corner of the boxes until I found them. Mr. McKee was acting clerk when they were counted. The combination was all right.
(the one with the ticket on it). Would call it a tint or tinted paper. Take the last laws of the Legislature; they were printed on white paper. The paper of the last House Journal was printed on — — white paper. This paper is used for finer printing. This is not plain white paper. It is not legal cap paper. Paper that the Revised Statutes is printed on is not white. I did not print the last acts of the Legislature. The Statutes are not plain white paper. This paper of the last House Journal was or not. This is not pure white paper. It is not generally called white paper. If a specification called for pure white paper, I would not print it on that paper. The Statutes are not plain white paper. Would call that (the ticket paper) an off color or a tinted paper. Tinted paper is a paper that is not absolutely white. A paper comes in between tinted and white paper. The next step from white is tinted paper. The legal cap paper, I would not give you an — —. If you came in to the store down there and asked Mr. Durst to give you a legal cap paper, I would not give you another kind. I may have some paper in my shop that would be used for letter paper. This is a high class of paper for printing. We print cuts on this kind of paper. It is a high class of paper for good printing. Would not use this paper for letter paper. I do not print the acts. Ben C. Jones & Co. print them. I am not a paper maker. Do not think different pulps gives different colors. The yellow the blood forms green. It is the mixing of two colors that forms other colors. They had pure white pulps at the World's Fair. These colors I saw there were very distinct. I make a great many book papers from book pulp. Do not know how this paper is made. Never knew they made paper out of sugar cane. I only propose to know the difference in this case. This is not plain white paper, and it is not plain legal cap paper. It is easily distinguished between legal cap paper.

WITNESSES FOR CONTESTEE.

H. R. Forrester: I was presiding officer at the box No. 20. I brought the returns as kept by me at that box. The vote for candidates for Representative at that box as shown by the tally sheets are A. F. Brigance, 51, and J. M. Bennett, 35. Total voted, 87. There was none of the three-cornered tickets at my box.

P. D. Taylor: Have been sworn. I was presiding officer of Roanes Prairie, Grimes county. When I left home I came in the rain and left part of the returns. Brought the tally sheets. This tally sheet has not been in any one's possession since the election. The vote was: A. F. Brigance, 55; J. M. Bennett, 75, and the total 172. There was some tickets voted at my box in a three-cornered shape.

Dr. R. M. Weathersby: I live in Grimes county, and was presiding officer at Bedias, Precinct No. 7. Brought the tally sheets with me. A. F. Brigance, 109; J. M. Bennett, 124; J. N. Bletter, 1, and M. A. Beusett, I vote. I opened the envelope this morning. It had not passed out of my hands since I left home. I gave them to the Sergeant-at-Arms when I reached here. There were a few three-cornered tickets voted there. Do not know how they got there. I know Mr. Bennett. It is his home box. Could not say that I saw him handling these tickets there.

K. J. Terrell: I live in Grimes county. My box is Terrell's Gin. I was presiding officer there. Have never opened the box since it was sealed. It has been in my possession ever since. A. F. Brigance received 128 votes; J. M. Bennett, 227, and Blunt 14. Mr. Blunt, was a colored gentleman. He was a candidate on the Republican ticket. Don't know whether he was the nominee of that ticket or not. There was about 150 three-cornered tickets voted there. Do not know who brought these tickets there. Never saw Mr. Bennett with any of them. Do not know that he had anything to do with the ticket. I am a democrat. Never scratched but one, in Democratic in my life. These tickets were not placed on the table there for free distribution. The majority of them was voted in the three-cornered shape. Do not know whether some of them were folded again or not.

J. H. Freeman: I live in Grimes county. Was presiding officer of Precinct 14, in Ward 2, of the city of Navasota. Have the tally sheets with me. A. F. Brigance received 114 votes, J. M. Bennett 42, and W. H. Blunt 3. Blunt was a candidate on the Republican ticket. There was some three-cornered tickets used there. They were in the hands of the
negroes mostly. They were handed in in a three-cornered shape. The receiving judge tossed them. Do not know who brought these tickets there. Do not know whether Mr. Bennett had anything to do with the tickets or not. Do not know whether he had anything to do with them being circulated or not. There were no tickets voted for Mr. Bennett thrown out.

W. R. Williams: I live in Grimes county. Was presiding officer of Precinct No. 10, Apoloma postoffice. The tally list shows a correct list, but the footing does not for that particular office. The number of votes cast for Mr. Bennett were 97; the tally sheets footed up show 77. Mr. Bennett has twenty votes short that was not counted for him. The tally list shows 97, and the footing up shows 77. The footing up was what was counted. One of the officers of the election swore to it.

E. F. Greenwood: There were tickets used at my postoffice. I saw tickets taken down. Mr. Henry Scott had them. He was a brother of Garrett Scott. Do not know whether Mr. Bennett had any connection with the tickets or not. I claim to be a Democrat. The tickets were presented in the three-cornered shape. There were four or five negroes that handled them. It attracted my attention by the way they were folded. I received the tickets myself, and I folded some of them up and sometimes made the voters fold them. Mr. Scott was right out in front of the window and took the tickets out. The boys called the tickets cockatil tickets. There was a crowd around and I could not see who had them. There was a negro by the name of John Farrow who had some of them. He got them from Mr. Scott. They distributed them around. I did not know at the box that those were the tickets. Did not see any of the tickets there before Mr. Scott came. Did not hold the election there two years ago. Do not believe there was any tickets like that two years ago. Do not know that any of the tickets were refolded. If there were, they could have been passed in without my knowing it. The paper being heavy and the way it was folded commanded my attention.

E. H. Terrell: I live in Grimes county. Was commissioner of Precinct No. 4. This is my second term. Was the commissioner the last two years. Was one of the commissioners that counted the votes at the last election. The votes were counted for each man just as were given them from the returns. We thought the votes were fair and square. I am a Democrat. A man by the name of Blunt was a candidate. He was nominated by the Republicans. The straight Republican ticket started out, but played out. There were a few votes cast for treasurer. He had pulled down. This election contest was before the commissioners' court of my county; that is, one of the boxes were. The issuing of the certificate to Mr. Bennett was not contested. After this the certificate was issued. The commissioners' court were Democratic.

Tom Tucker: I am deputy sheriff in my county. Was county commissioner for the last two years. My voting box is Plantersville. I remember passing the bridge on the morning of the election. There was a crowd there. Mr. Brigance was making a speech. Had some conversations with some of the men. Saw some tickets folded on the three-cornered shape. I scratched that ticket. I scratched it for Mr. Brigance and Mr. Campbell. I scratched Mr. Bennett's name and inserted Mr. Brigance's name. Mr. Brigance was there working for himself. We had a conversation there. He asked me to help him get his name on the ticket. This is the same ticket they were manipulating there that morning. It was folded like that when I received it. I did not unfold them. They were all generally folded that way. I scratched about twenty-five tickets. When I gave them the ticket I gave it to them to vote. Did not assist any of them at Plantersville. From the way the tickets were cast for Mr. Bennett, they were voting for. Was elected two years ago as a county commissioner, I being a Democrat.

Cross-examined: When I found this crowd at the bridge Mr. Brigance was pleading for them to vote for him. Campbell was running for county attorney. I was not working for Scott. Mr. E. P. Thompson had the tickets at the bridge. He was working for Scott and his brother, who was running for constable. Thompson was distributing these tickets there in charge. It is 15½ miles from Navasota. The tickets were first folded when I first saw them. They were all folded in that shape. In the shape of the ticket I could not tell who you were voting for. I knew that to be a Republican ticket.

C. A. Quinn: I was one of the officers at Navasota. When I received the ticket it was folded in various different shapes. They were presented to the presiding officer, Mr. Lott, and
he told them to refold them. The judge would not take them that way, and they would refold them. Do not know whether he did that in every case or not. Do not know who brought these tickets there. Do not know that Mr. Bennett had anything to do with the ticket of the same term. If I wanted to get a white paper as tinted, I would order it as tinted. If your preferences are for blue white you say so in ordering paper. If you wanted the blue, it would come on the tinted side. If you wanted cream white it would come on the tinted side. The ticket of the Republican would be called coated paper. If I ordered plain white paper, I would not get this. The coating is put on after the paper is made. It is put on in passing through the rollers. The ticket paper is not classed as plain white paper. It is not the same as plain white fools cap or plain white letter paper. It is book paper, legal cap paper, or writing paper. The difference between plain white paper and colored white paper is a very broad term. Plain white paper embraces some paper that had some color. There are perhaps a hundred shades of plain white paper. If you should tell me you wanted clear white paper I would hunt for the best I had. If you asked for white paper I would give you anything that was white. A newspaper is generally printed on a paper with a bluish tint. The acts of the Twenty-fourth Legislature is printed on paper furnished by the State. The Revised Statutes is printed on white paper. The paper of the Revised Statutes has not as fine a gloss as the one upon which the ticket is printed.

Cross-examined: Mr. Lott told them to fold them smaller. I saw the ticket before it was ever voted at Mr. Greer's house. All of the tickets were not folded in that shape. After the presiding officer told them he would not receive them in that shape they refolded them. I could not tell from the paper what kind of ticket was being voted when it was handed to me. The presiding judge would not receive the tickets in that shape, because he could not put them in the box. No objection was raised as to white paper.

V. A. Fenner, being sworn, said: I am in the printing business in connection with Ben C. Jones & Co. They are doing one class of the State printing. I can tell the difference between claret and white paper. Have some paper in my establishment like the cocked hat ticket. All the papers you have in your hand are different shades of white paper (lawyer holding several kinds in his hand). There are different shades of white paper. I would class the ticket as a cream white. It is one of the shades of white paper. When you asked me to look at the paper in my shop, you had not said you wanted me for a witness. After running paper through a pulp one time after another it would come out in different shades. Some paper would be called a class of blue white and cream white. There are different shades of white paper. The book printed for the general laws of the State is classed as white paper. There is such a thing as tinted white. The ticket paper is tinted white or cream white. There are different shades of white paper, but in the general term they are of the same term. If I wanted to get a white paper as tinted, I would order it as tinted. If your preferences are for blue white you say so in ordering paper. If you wanted the blue, it would come on the tinted side. If you wanted cream white it would come on the tinted side. The ticket of the Republican would be called coated paper. If I ordered plain white paper, I would not get this. The coating is put on after the paper is made. It is put on in passing through the rollers. The ticket paper is not classed as plain white paper. It is not the same as plain white fools cap or plain white letter paper. It is book paper, legal cap paper, or writing paper. The difference between plain white paper and colored white paper is a very broad term. Plain white paper embraces some paper that had some color. There are perhaps a hundred shades of plain white paper. If you should tell me you wanted clear white paper I would hunt for the best I had. If you asked for white paper I would give you anything that was white. A newspaper is generally printed on a paper with a bluish tint. The acts of the Twenty-fourth Legislature is printed on paper furnished by the State. The Revised Statutes is printed on white paper. The paper of the Revised Statutes has not as fine a gloss as the one upon which the ticket is printed.
Tabulated Statement of Votes Cast for Representative in Grimes County, Texas, at an Election Held November 3, 1896.

<table>
<thead>
<tr>
<th>No. precinct</th>
<th>Name of precinct</th>
<th>A. F. Brigance</th>
<th>I. M. Bennett</th>
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<tbody>
<tr>
<td></td>
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<td>Plain tickets.</td>
<td>Cooked hot.</td>
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<tr>
<td>1</td>
<td>Anderson</td>
<td>204</td>
<td>16</td>
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<tr>
<td>2</td>
<td>Iola</td>
<td>132</td>
<td>113</td>
</tr>
<tr>
<td>3</td>
<td>Terrell's Gin</td>
<td>130</td>
<td>113</td>
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<tr>
<td>4</td>
<td>Plantersville</td>
<td>136</td>
<td>113</td>
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<td>114</td>
<td>29</td>
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<tr>
<td>16</td>
<td>Navasota, Ward 4</td>
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<td>25</td>
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<tr>
<td>17</td>
<td>Dolph</td>
<td>48</td>
<td>29</td>
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<tr>
<td>18</td>
<td>Stoneham</td>
<td>95</td>
<td>83</td>
</tr>
<tr>
<td>19</td>
<td>Pointer's Prairie</td>
<td>11</td>
<td>140</td>
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<tr>
<td>20</td>
<td>Pankey</td>
<td>31</td>
<td>51</td>
</tr>
<tr>
<td></td>
<td>Total</td>
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<td>1,185</td>
</tr>
</tbody>
</table>

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, Feb. 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Sir: I am directed by the Senate to inform the House that the Senate has passed

Senate bill No. 18, a bill to be entitled "An act to amend article 386c, chapter 1, title 18 of the Revised Civil Statutes of Texas, relating to cities and towns," by the following vote: Ayes, 24; noes, none.

Also,

Senate bill No. 57, a bill to be entitled "An act making an appropriation to pay for publishing the constitutional amendments proposed by the Twenty-fourth Legislature," by the following vote: Ayes, 25; nays, none.

Further, Senate bill No. 36, a bill to be entitled "An act to amend article 723, title 8, chapter 3, of the Code of Criminal Procedure of the State of Texas relating to the reversal of cases by the Court of Criminal Appeals," by the following vote: Ayes, 26; nays, none.

Senate bill No. 43, a bill to be entitled "An act to amend article 672 of title 8, chapter 3, of the Code of Criminal Procedure of the Revised Statutes of the State of Texas of 1895,"

Respectfully,

WILL LAMBERT,
Secretary Senate.

SENATE BILLS ON FIRST READING.

The following bills, received from the Senate, were read first time and referred as follows:

Senate bills Nos. 36 and 43, to Judiciary Committee No. 2.

Senate bill No. 18, to the Committee on Towns and City Corporations.

Senate bill No. 57, to the Committee on Finance.

BILLS WITHDRAWN.

House bill No. 270, on request of Mr. Harris.

House bill No. 238, on request of Mr. Smyth.

House bill No. 297, on request of Mr. Stokes.

FURTHER TIME GRANTED.

For consideration of House bill No. 202, on request of Mr. McGaughey, chairman.

Mr. Moore of Lamar called up the report of the Committee on Privileges and Elections, in the contest case of
Brigance vs. Bennett, and moved that it be made a special order for next Thursday, February 4, at 10 o'clock a. m.

The motion prevailed.

SPEAKER'S TABLE.

The Speaker laid before the House, on its second reading,
House bill No. 24, a bill to be entitled "An act to enable cities, towns and villages of this State to pay, provide for the payment of, or revive, indebtedness barred by the statute of limitations."
The bill was read second time and was ordered engrossed.

The Speaker laid before the House, on its second reading,
House bill No. 81, a bill to be entitled "An act to make the living together and having carnal intercourse with each other, or the habitual carnal intercourse with each other without living together, of a man and woman within the State of Texas when not legally married together a criminal offense, and to provide an appropriate penalty for said offense, and to repeal articles 353, 354, 355, 356, 357, and 358 of title 10, chapter 3 of the Penal Code of the State of Texas and all other laws and parts of laws in conflict with the provisions of this act."

On motion of Mr. Beaird, further consideration was postponed until next Tuesday, February 9, at 10 o'clock a. m.

The Speaker laid before the House, on its second reading and passage to a third reading,
Senate bill No. 6, a bill to be entitled "An act to prescribe the time when suits for personal injuries and for injuries resulting in death shall be instituted, and to fix the period of limitation in such action."

With amendment by the committee.
The bill was read second time, and the committee report was adopted.
The amendments were adopted, and
The bill was passed to a third reading.

The Speaker laid before the House, on its third reading and final passage,
House bill No. 62, a bill to be entitled "An act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since the first day of January, 1887, and which have failed or are about to fail to construct their roads and branches, or any part thereof, within the time required by law."
The bill was read third time.

Mr. Turner moved to postpone further consideration until next Friday.
On motion of Mr. Feild, the motion to postpone was tabled.
The bill was passed by the following vote:

Yeas—99.
Ayers.
Bailey.
Barbee.
Barrett.
Beaird.
Bell.
Bennett.
Benson.
Bird.
Blackburn.
Bouds.
Boyd.
Brewster.
Browne.
Burney.
Burns.
Callan.
Carpenter.
Carswell.
Childs.
Crawford.
Crowley.
Cureton.
Crawford.
Crowley.
Curley.
Curry.
Dean.
Dennis.
Dickinson.
Dorroh.
Doyle.
Evans of Hunt.
Ewing.
Evans of Hunt.
Feld.
Fields.
Fisher.
Flint.
Freeman.
Garrison.
Gilbough.
Good.
Graham.
Green.
Harris.
Henderson.
Hensley.
Holland of Burnet.
Humphrey.
Kimbell.
Kirk.
Bertram.
Collier.
Dies.
Bean.
Blair.
Bumpass.
Drew.

Nays—5.
Manson.
Thaxton.
Absent.
Jones.
Moore of Lamar.
Ward.
Mr. Maxwell moved to adjourn until 10 o'clock a. m. to-morrow; Mr. Henderson until 3 p. m. to-day; and Mr. Bertram until 9.30 a. m. to-morrow. The motion of Mr. Maxwell prevailed, and the House at 12.35 p. m., adjourned accordingly.

EIGHTEENTH DAY.

Hall House of Representatives, Austin, Texas, Wednesday, February 3, 1897.

The House met at 10 o'clock a. m., pursuant to adjournment.

Speaker pro tern. Patterson in the chair.

Roll called, and the following members present:

| Ayers          | Bailey          | Barbee          | Barrett         | Beaird          | Bell            | Bennett        | Benson         | Bertram        | Bird            | Blackburn      | Blair           | Bounds         | Boyd            | Brewster       | Browne         | Bumpass        | Burney         | Burns          | Callan         | Carpenter      | Carswell       | Childs         | Collier        | Crawford       | Crowley        | Cureton        | Curry          | Dean           | Dennis         | Dickinson      | Dies           | Dough          | Doyle          | Drew           | Edwards        | Evans of Hunt  |
|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|---------------|----------------|----------------|----------------|----------------|---------------|----------------|----------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
|               |                |                |                |                |                |                |                |               |                |                |                |                |                |                |                |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |
|               |                |                |                |                |                |                |                |               |                |                |                |                |                |                |                |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |

A quorum was announced present.

Prayer by Dr. J. A. Jackson, Chaplain.

Pending reading of the Journal of yesterday.

On motion of Mr. Stamper, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of sickness:

Mr. Tucker for to-day, on motion of Mr. Boyd.

Mr. Stokes indefinitely, on motion of Mr. Skillern.

Mr. Mundine for to-day, on motion of Mr. Burney.

PETITIONS AND MEMORIALS.

By Mr. Melton:
A protest from L. B. Vance and 40 other citizens of McCulloch county against the creation of any new county out of any part of McCulloch county.

Referred to Committee on Counties and County Boundaries.

By Mr. Wood:
A petition from J. M. De Ware and 120 other citizens of Marion county, asking for an appropriation for the purpose of building and maintaining an orphan home for colored children in the State of Texas.

Also, a petition from 30 citizens of Camp county, same as above; and 125