Question next recurring on the majority report, it was adopted.

First amendment was read as follows:

(1) Amend section 1, line 20, so as to read as follows: "extract teeth or make applications for the relief of pain."

Mr. Blair raised the point of order that the adoption of the majority report carried with it the adoption of the amendments submitted by the committee, and that it was not now in order to act on the amendments separately, as they had become really a part of the bill by adopting the report.

The Chair overruled the point of order.

Mr. Evans of Hunt and Mr. Blair appealed from the ruling of the Chair. The Speaker then laid the question before the House, and the House sustained the ruling.

The first amendment was adopted.

Second committee amendment by the committee was read as follows:

(2) Strike out section 4 and substitute the following in lieu thereof:

"Section 4. When such appointments are to be made the State Dental Association shall suggest to the Governor twice as many names as there are appointments to be made, and from them the Governor shall select the members of said board, and the same shall be submitted to the Senate for confirmation. Upon confirmation by the Senate they shall be empowered by law and authorized to discharge the duties incumbent upon them by this act. Each member of this board shall be appointed for the term of two years, and hold the appointment until his successor is appointed. In case of vacancy occurring by resignation, removal from State, or by death, such vacancy may be filled for the unexpired term by the Governor."

Mr. Lillard offered the following amendment to the amendment:

Add after the first word "confirmation" in line 13, page 5, the following words: "Provided, that the first board appointed under this act shall not be confirmed by the Senate, as hereinbefore provided."

Lost.

Mr. Evans of Grayson moved the previous question, and it was not seconded.

Mr. Doyle moved to adjourn until to-morrow at 10 o'clock a.m.

Mr. Evans of Grayson moved to adjourn until 9 o'clock a.m. to-morrow. The motion of Mr. Doyle prevailed, and the House adjourned accordingly.

### NINETEENTH DAY.

Hall House of Representatives, Austin, Texas, Thursday, February 4, 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:

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<td>Ayers</td>
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February 4, 1897

HOUSE JOURNAL.

Feild of Grayson
Fields of Hill
Fisher.
Freeman
Garrison.
Gilbough.
Good.
Graham.
Green.
Harris.
Henderson.
Hensley.
Hill of Gonzales.
Hill of Travis.
Holland of Burnet.
Holland of Harris.
Humphrey.
Jones.
Kimbell.
Kirk.
Lillard.
Logan.
Lotto.
Love.
Manson.
Martin.
Maxwell.
McFarland.
McGaughney.
McKenny.
McKeller.
Mende.
Melton.
Mercer.
Moore of Fort Bend.
Moore of Lamar.
Morris.
Morton.
Mundine.
Neighbours.

Speaker Dashiell until Monday, on motion of Mr. Hill of Travis.
Mr. Rogers until Monday, on motion of Mr. Good.
On motion of Mr. Garrison, W. J. Townsend, committee clerk, was excused indefinitely, on account of the death of his mother.

MESSAGE FROM THE SENATE.

Senate Chamber.
Austin, Texas, Feb. 4, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Sir: I am instructed by the Senate to inform the House that the Senate has passed the following bills:

Senate bill No. 13, a bill to be entitled “An act to abolish the unorganized counties of Buchel and Foley and incorporate their territory in the county of Brewster, to provide for the payment of certain bonds held by the State against said unorganized counties out of funds now on hand to their credit, and for the transfer and payment of the balance of said funds to the proper officers and said Brewster county.”

Senate bill No. 23, a bill to be entitled “An act to provide a mode of service binding upon the inhabitants of any town or village to whom land grants have been made, and which are not otherwise incorporated, in suits brought in relation to said lands, and to regulate proceedings thereunder.”

Senate bill No. 52, a bill to be entitled “An act to require every express company to keep a general office in this State, and to furnish such information in relation to its property, indebtedness and business as may be required by the Railroad Commission of Texas.”

Senate bill No. 82, a bill to be entitled “An act to amend Article 256 of the Revised Civil Statutes of Texas, relating to applications for license to practice law.”

Also, Senate concurrent resolution No. 6, providing for the appointment of a joint committee to visit the State penitentiaries and other penal institutions.

Also, Senate concurrent resolution No. 7:

Be it resolved by the Senate, the House of Representatives concurring, that the joint rules for the government of the Senate and House of Representatives adopted by the Twenty-fourth Legislature be adopted as the joint rules of the Twenty-fifth Legislature.

Respectfully,
WILL LAMBERT, Secretary.
SENATE BILLS ON FIRST READING.

The following bills, received from the Senate, were read first time and referred as follows:
- Senate bill No. 82, to Judiciary Committee No. 1.
- Senate bill No. 23, to the Committee on Towns and City Corporations.
- Senate bill No. 52, to the Committee on Internal Improvements.
- Senate bill No. 13, to the Committee on Counties and County Boundaries.

BILL WITHDRAWN.

House bill No. 249, on request of Mr. Carpenter.

BILLS RECOMMENDED.

- Senate bill No. 32, on motion of Mr. Bailey.
- House bill No. 170, on motion of Mr. McGaughey.

Mr. Ward in the chair.

UNFINISHED BUSINESS.

When the House adjourned yesterday, it had under consideration House bill No. 90, on its engrossment.

Pending question, committee amendment No. 2, to strike out section 4 and substitute the following in lieu thereof:

"Section 4. When such appointments are to be made the State Dental Association shall suggest to the Governor twice as many names as there are appointments to be made, and from them the Governor shall select the members of said board, and the same shall be submitted to the Senate for confirmation. Upon confirmation by the Senate they shall be empowered by law and authorized to discharge the duties incumbent upon them by this act. Each member of this board shall be appointed for the term of two years, and hold the appointment until his successor is appointed. In case of vacancy occurring by resignation, removal from State, or by death, such vacancy may be filled for the unexpired term by the Governor."

The Speaker laid the same before the House.

Mr. Blair raised a point of order that the amendment had already been adopted in adopting the majority report, and that it was not now in order to again take a vote on the same question.

The Chair overruled the point of order.

Mr. Fields moved to table the amendment.

Mr. Blair raised the point of order that the motion to table was out of order for the reason that by adopting the majority report, the House had adopted the amendments recommended in that report, making them thereby a part of the bill.

The point of order was overruled.

Mr. Blair appealed from the ruling of the Chair, which appeal was seconded by Mr. Wolters.

Upon the question, shall the chair be sustained, yeas and nays were demanded by Mr. Blair, Mr. Wolters and Mr. Vaughan of Collin.

The ruling of the Chair was sustained by the following vote:


Nays-36: Evans of Grayson, Beard, Bennett, Bertram, Burd, Blair, Bumpass, Burney, Callan, Dickinson, Drew, Evans of Grayson, Feld of Grayson, Good, Henderson, Hensley, Holland of Harris, Kirk, Lotto, Manson, Martin, Mercer.
Moore, Fort Bend. Robbins.
Moore of Lamar. Shelburne.
Neighbors. Sluder.
Oliver. Stokes.
Peery, Vaughn of Collin.
Pfeuffer. Welch.
Pitts. Wolters.
Accept.
Carpenter.
Dennis.
Edwards.
Evans of Hunt.
Harris.
Excused.
Alexander.
Bean.
Conoly.
Flint.
Porter.

I vote "no" on the question of sustaining the Chair because it is contrary to parliamentary practice as stated in Jefferson's Manual. After a committee report with amendments has been adopted, the amendments of the committee named in full in the Journal again taking them one by one. The proper way to bring the question again before the House is a motion and decision to reconsider the vote.

Lotto.

The motion to table the second committee amendment prevailed.

The third, fourth and fifth committee amendments were then read and adopted seriatim, as follows:

1. Motion to table the second committee amendment prevailed.
2. "Amend section 12 by adding the following: All fines collected from prosecution under this law shall be appropriated to the common school fund in the county where collected."
3. "Sec. 4a. Before entering upon the duties of this office each and every member of this board shall make oath before any officer authorized to administer an obligation, who shall be empowered to use a seal of office, that he will faithfully discharge the duties incumbent upon him to the best of his ability. The same shall be filed for record with the county clerk in the county in which affiant resides. The county clerk shall receive for recording the same the 50 cents."
4. "Amend section 12 by adding the following: All fines collected from prosecution under this law shall be appropriated to the common school fund in the county where collected."
5. "Recommend that section 15 be stricken out."

Adopted.

Pending engrossment.

On motion of Mr. Wolters, further consideration of House bill No. 90 was postponed until to-morrow at 10 o'clock a.m.

(Speaker pro tem. Patterson in the chair.)

15—House.
to show the same result as the copy held by the presiding officers and by them turned over to the committee.

And whereas, the ballot box from one of the aforesaid precincts, viz., Plantersville, was open or loose when the same was delivered to the Sergeant-at-Arms of this House by the county clerk of Grimes, as is shown by the testimony of said clerk before the committee.

And whereas, the contestee in this case, I. M. Bennett, does aver that he can and will at his own expense prove to this House by the voluntary affidavits of the voters of said Plantersville and Pointer's Prairie precincts that the ballots as now contained in said ballot boxes do not reflect the true result of the election held in their respective precincts for the office of Representative on the 3rd day of November, 1896, but that the ballot boxes have been tampered with, and ballots taken out and other ballots substituted for same, to the detriment and injury of said contestee; and he further avers that he can and will prove as above indicated, that at Iola box, precinct No. 1, I. M. Bennett received about 40 votes upon what is known as the "cocked hat ticket," when in fact it is shown by the recount of the ballots in said box that there are now only 11 of the said tickets in the said box.

And whereas, the said I. M. Bennett has received the depositions of the judges of the election held November 3 last, at said Pointer's Prairie box, all of whom aver that the vote cast for Bennett and Brigance, respectively, was exactly as it was certified to on the tally sheets sent up to the county seat of Grimes county, and verified by the several election judges of said county who appeared before the committee on Privileges and Elections here, said election officers declaring in their affidavit that if the count of the tickets made here did not accor with the figures on the tally sheet, then the ballot box had been tampered with after it had left their hands;

And whereas, it is and should be the purpose and desire of this House to do even and exact justice to each part in every election contest case; therefore be it

Resolved, That the House do hereby grant the request of I. M. Bennett, giving him one week's time in which to produce further evidence in his behalf, in the shape of voluntary depo-
sitions of voters, which evidence he proposes to procure without any expense to the State. (Signed: Lillard, Rogan, Fields of Hill, Kilbrell, Garrison, Melton, Fisher.)

Read second time, and

Mr. Bertram moved the previous question on the resolution, which was seconded, and the main question was ordered.

On the resolution by Mr. Lillard, yeas and nays were demanded by Mr. Burney, Mr. Stokes and Mr. Mundine.

The resolution was lost by the following vote:

**Yeas—56.**

Barbee. Jones.
Barrett. Kimbell.
Bertram. Kirk.
Brewster. Lillard.
Bumpass. Love.
Burney. Manson.
Burns. Melton.
Carswell. Mercer.
Cureton. Morton.
Curry. Mundine.
Dean. Peery.
Dickinson. Rien.
Doyle. Rogan.
Parker. Shelburne.
Garrison. Smith.
Graham. Stokes.
Hill of Gonzales. Thomas.
Holland of Burnet. Wall.

**Nays—72.**

Ayers. Henderson.
Bailey. Hcusley.
Benard. Hill of Travis.
Bell. Holland of Harris.
Benson. Humphrey.
Bird. Logan.
Blackburn. Lotto.
Blair. Martin.
Bounds. Maxwell.
Browne. McGaughey.
Callan. McKenny.
Carpenter. McKellar.
Childs. Mendez.
Collier. Moore, Fort Bend.
Crawford. Moore, Lamar.
Crowley. Morris.
Dennis. O'Connor.
Dyes. Oliver.
Doroh. Pfeiffer.
Drew. Pitts.
Evans of Grayson. Robbins.
Ewing. Rudd.
Feild. Savage.
Fields. Schilck.
Freeman. Seabury.
Gibbough. Sladmore.
Good. Slinder.
Green. Smyth.
Harris. Stamper.
February 4, 1897

Staples. Wallace.  
Strother. Ward.  
Thompson. Wilcox.  
Tracy. Williams.  
Turner. Wolters.  
Vaughan, Guadalupe Wood.  
Vaughan of Collin.  

Present and excused (under Rule 15) from voting—Mr. Bennett.

We vote no, because we believe the count has given a fair and impartial hearing to the parties to this contest, and it would be a reflection on the honesty and sincerity of the committee, and add additional expense to the State, to reopen the case, as all the evidence goes to show that the committee acted without favor or prejudice against either party.

OLIVER, MARTIN.

I vote no, because I see no chance for additional testimony that would affect this case. SAVAGE.

I vote “aye” for the following reasons:

1st. The cocked-hat tickets have been decided by the Supreme Court in a case in 1895, entitled State vs. Philip, 63 Texas Reports, that tickets folded in the manner described were legal and should be counted.

2d. The opening of the ballot boxes operated to introduce new testimony after the issue had been joined and the grounds mapped out.

3d. The contestee simply asks the opportunity to prove that the returns as made from the Pointer’s Prairie box were “doctored,” and in my opinion it is in the interest of good government to have the voice of the people of Grimes county known and respected and obeyed. If the ballot boxes were “stuffed,” as alleged by the officers who counted the ballots, and who were Democrats, it is the duty of the Legislature to ferret this out. It is surprising to me that a party so largely in the majority should refuse to allow further investigation.

SMITH.

I vote no upon this question, because I think a postponement of this case will subserve no good purpose, for the reason that if every voter in Grimes county should swear to his ticket and thus sustain election tally sheet and returns as originally certified to by said election officers, it would not change the result or affect contestant’s legal right to his seat; because I contend that the cocked-hat ticket is a vicious ballot, amounting in its nature to a device, by reason of the character of paper upon which it is printed and manner in which said ticket was folded, and should not be counted. The tabulated statement of the result of the count of the ballot to exclude the cocked-hat ticket shows Brigance elected by a large majority, and should accordingly be sented without further delay. CROWLEY.

Mr. Fields moved to adjourn until 9 o’clock a. m. to-morrow, and the motion was lost.

Mr. Burney moved that attorneys for contestant and contestee be allowed one hour each on the floor of the House.

Mr. Field moved to table the motion of Mr. Burney, upon which yeas and nays were demanded by Mr. Lillard, Mr. Burney and Mr. Mundie.

The motion to table prevailed by the following vote:

Yeas—86.

Ayers. Harris.  
Beard. Hensley.  
Bell. Hill of Gonzales.  
Benson. Hill of Travis.  
Blackburn. Holland of Harris.  
Blair. Humphrey.  
Bounds. Jones.  
Boyd. Logan.  
Brewster. Lotto.  
Browne. Manson.  
Callan. Martin.  
Carpenter. Maxwell.  
Childs. McFarland.  
Collier. McGaughey.  
Crawford. McKamy.  
Crawley. McKellar.  
Dennis. Meade.  
Dickinson. Melton.  
Dies. Mercer.  
Dorroh. Moore, Fort Bend.  
Drew. Moore of Lamar.  
Evans of Hunt. Morris.  
Evans of Grayson. O’Connor.  
Ewing. O’Jever.  
Field. Peery.  
Fisher. Pfeuffer.  
Freeman. Pitts.  
Gibbons. Reiger.  
Good. Rhea.  
Graham. Robbins.  
Green. Rudd.
February 4, 1897

Present and excused (under Rule 15) from voting—Mr. Bennett.

Mr. Moore of Lamar moved to adopt the majority report.

Mr. Burney moved to substitute the minority report for the majority report.

Mr. Seabury moved to table the motion of Mr. Burney, upon which yeas and nays were demanded by Mr. Stokes, Mr. Mundine and Mr. Holland of Burnet. The motion to table prevailed by the following vote:

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The House ordered the main question, upon which yeas and nays were demanded by Mr. Mundine, Mr. Stokes and Mr. Burney. The majority report was adopted by the following vote:

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Present and excused (under Rule 15) from voting—Mr. Bennett.

Question next recurred on the motion of Mr. Moore of Lamar to adopt the majority report, and Mr. Wolters moved the previous question.

The House ordered the main question, upon which yeas and nays were demanded by Mr. Mundine, Mr. Stokes and Mr. Burney. The majority report was adopted by the following vote:
February 4, 1897

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Yeas—96.

Ayers. Logan.
Bailey. Love.
Barbee. Love.
Barrett. Manson.
Bell. Maxwell.
Benson. McFarland.
Blackburn. McGaughy.
Blair. McKamy.
Bonds. McKellar.
Boyd. Meade.
Bre water. Melton.
Brown. Moore, Fort Bend.
Carran. Moore, Lamar.
Carpenter. Morris.
Carswell. O'Connor.
Childs. Oliver.
Crawford. Peery.
Crowley. Pfeuffer.
Dean. Relger.
Dennis. Robbins.
Dickinson. Rhea.
Dies. Rudd.
Dorroh. Savage.
Doyle. Schlick.
Drew. Seabury.
Evans of Hunt. Shelburne.
Evans of Grayson. Shropshire.
Ewing. Shuler.
Field. Smyth.
Fields. Stamper.
Fisher. Staples.
Freeman. Strother.
Garrison. Thaxton.
Gibbough. Thomas.
Good. Thompson.
Graham. Tracy.
Green. Turner.
Harris. Vaughan, Guadalupe.
Henderson. Vaughan of Collin.
Hensley. Wall.
Hill of Gonzales. Wallace.
Hill of Travis. Ward.
Holland of Harris. Wilcox.
Humphrey. Williams.
Jones. Wolters.
Kimbell. Wool.

Nays—11.

Burney. Lillard.
Burns. Morton.
Cureton. Mundine.
Curry. Smith.
Holland of Burnet. Stokes.
Kirk.

Absent.

Bertram. Pitts.
Bird. Reubell.
Collier. Rogers.
Edwards. Welch.
Neighbors.

Excused.

Alexander. Conoly.
Bean. Flint.

Present and excused (under Rule 15) from voting—Mr. Bennett.

Conscientiously believing, from all the evidence that we have seen, that I. M. Bennett was fairly and honestly elected Representative of Grimes county, and not impugning the sincerity of those who think differently, we vote "no," because we will not on any proposition vote against our honest convictions. Majorities are not always right; and in this case we think the majority erred in not allowing the contestee time to prove by voluntary depositions that one or more ballot boxes had been tampered with and votes therein changed, so as to cause his defeat. He ought also to have been allowed a hearing on the floor of the House, through his counsel, who represented him before the Committee on Contested Elections.

BURNS, KIRK, LILLARD.

We vote no, because we do not believe the contestee has been treated fairly by the House not allowing him the proper time to produce testimony in rebuttal to the counting of the ballots; and we believe from the testimony that the ballot boxes had been tampered with since the count was made by the election officers.

MORTON, STOKES, TURNER, MUNDINE.

Mr. Wolters moved to reconsider the vote by which the majority report was adopted and to table the motion to reconsider.

The motion to table prevailed.

Mr. Smith, by unanimous consent, called up the report of the Committee on Privileges and Elections in the case of Asberry v. Blackburn, printed in the Journal of yesterday, and moved that it be made a special order for tomorrow at 10 o'clock a. m.

The motion prevailed, and it was made a special order for that hour.

A. F. BRIGANCE SWORN IN.

Mr. Wolters rose in his seat and stated that Hon. A. F. Briganche was present in the hall.

The Speaker requested that Mr. Briganche come forward and take the oath of office.

Mr. Briganche then came forward and
took the oath of office, which was administered by the Chief Clerk in due form.

The Speaker pro tem, directed that Mr. Brigance be added to the following committees in lieu of Mr. Bennett, unseated: Claims and Accounts, Counties and County Boundaries, Public Lands and Land Office.

BILLS AND RESOLUTIONS.

By Mr. Hill of Gonzales:

House bill No. 349, a bill to be entitled "An act to amend chapter 2, title 32, of the Revised Civil Statutes of the State of Texas, relating to the powers and duties of commissioners' courts, by adding articles 1551a and 1551b."

(Makes it the duty of the commissioners' court to contract with some newspaper published in the county, which shall be the official county paper, for the purpose of publishing all notices required to be published by law; also to advertise for bids for the printing of all blanks, etc., and to contract with the lowest responsible bidder for such work.

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

By Mr. Hill of Gonzales:

House bill No. 350, a bill to be entitled "An act to regulate and limit the expenditures of State, county and local public school funds."

(Limits the expenditure of such funds to the payment of teachers' and superintendents' salaries, of fees for taking the scholastic census, for buying school sites, school houses, and repairing and furnishing school houses; also provides that local funds may be used in the purchase of appliances and supplies for schools.)

Read first time and referred to Committee on Education.

Mr. Fields called up Senate concurrent resolution No. 7, relating to adopting joint rules of the two houses.

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

Mr. Ward offered the following resolution:

Resolved, That Rule 25 be so amended as to strike out the word "municipal" where it occurs in the Rule.

Read second time, and adopted.

BILLS WITHDRAWN.

House bill No. 111, on request of Mr. Meade.

COMMITTEE REPORTS.

By Mr. Ward, chairman:

Committee Room,

Austin, Texas, Feb. 3, 1897.

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

Your Judiciary Committee No. 1, to whom was referred a petition asking for protection to depositors in banks; also

House bill No. 212, a bill to be entitled "An act to prohibit banks or bankers or associations of persons doing a banking business from unlawfully receiving deposits, and making a penalty therefor."

Have had the same under consideration, and I am instructed to report the same back to the House with the information that a bill (House bill No. 212) has been introduced meeting the requirements of the petition, and that the petition, together with House bill No. 212, be referred to Judiciary Committee No. 2.

WARD, Chairman.

MAJORITY REPORT.

Committee Room,

Austin, Texas, Feb. 3, 1897.

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

Your Judiciary Committee No. 1, to whom was referred

House bill No. 241, a bill to be entitled "An act to amend articles 1538 and 1544, chapter 2, of the Revised Civil Statutes, relating to the powers and duties of commissioners' courts."

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.

MINORITY REPORT.

Committee Room,

Austin, Texas, Feb. 3, 1897.

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

We, a minority of your Judiciary Committee No. 1, to whom was referred

House bill No. 241, a bill to be entitled "An act to amend articles 1538 and 1544, chapter 2, of the Revised Civil Statutes, relating to the powers and duties of commissioners' courts."

Do not concur with a majority of the committee, and beg to report the same back to the House with the recommendation that it do not pass.

TRACY,

NEIGHBORS,

SEABURY.
House bill No. 340, a bill to be entitled "An act to amend article 740c, of chapter 18, of title XXI, of the Revised Civil Statutes, restricting land holdings of certain corporations."

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. 3, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Judiciary Committee No. 1, to whom was referred

House bill No. 275, a bill to be entitled "An act to regulate the sale and transfer of judgments of courts of record and of causes of action or interest therein when suit has been filed thereon, and to provide for recording such transfers."

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. 3, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Judiciary Committee No. 2, to whom was referred

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

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 Stock and Stockraising.

BAILEY, Chairman.

MAJORITY REPORT.

Committee Room,
Austin, Texas, Feb. 3, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Judiciary Committee No. 2, to whom was referred

House bill No. 301, a bill to be entitled "An act to amend title 15, chapter 15, of the Penal Code of the State of Texas, by adding thereto, after article 714, articles to be known as articles 714a, 714b, 714c and 714d, defining lynching, fixing the penalty for the offense of murder committed by lynching, establishing the venue in cases of murder committed by lynching, fixing the penalty of murder committed by lynching, and specifying the prosecuting attorney, fixing his fees, and authorizing the employment of additional counsel for the State in such cases."

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.

MINORITY REPORT.

Committee Room,
Austin, Texas, Feb. 3, 1897.
Hon. L. T. Dashiell, Speaker of the House:

We, a minority of your Judiciary Committee No. 2, submit a minority report on House bill No. 301, a bill to be entitled "An act to amend title XV, chapter 15, of the Penal Code (1895) of the State of Texas, by adding thereto after article 714, articles to be known as articles 714a, 714b, 714c and 714d, defining lynching, fixing the penalty of murder committed by lynching, establishing the venue in cases of murder committed by lynching, and specifying the prosecuting attorney, fixing his fees, and authorizing the employment of additional counsel in such cases," and recommend that the bill do not pass, for the following reasons:

Because the crime of murder is amply punished by the law as it now stands; that lynching is murder, and that the bill seeks to change the venue to Travis county, thereby creating enormous unnecessary expense and inconvenience to witnesses and citizens of counties in which lynchings may occur.

DENNIS.
KIMBELL.
LOVE.

Committee Room,
Austin, Texas, Feb. 3, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 2, to whom was referred

House bill No. 263, a bill to be entitled "An act to prohibit persons engaged in running pool or billiard table in a public place, or for profit, permitting minors in or about their place of business without the written consent of their parents or guardians, and to provide a penalty therefor."

BAILEY, Chairman.
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.

By Mr. Freeman, chairman:

Committee Room, Austin, Texas, Feb. 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Public Health and Vital Statistics, to whom was referred

House bill No. 190, a bill to be entitled "An act to amend articles 3778, 3785, 3786 and 3788, Revised Statutes of the State of Texas, prescribing the number of practising physicians who may be appointed by district courts on boards of medical examiners, to prescribe the localities where certificates issued by said boards shall be valid, limiting the number of temporary certificates that may be granted to one applicant; and providing that those who have taken the course leading to a diploma in medical branch of the State University of Texas, and have received a diploma therefrom, shall not be required to stand an examination before such boards."

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 a bill on the same subject has been reported favorably.

FREEMAN, Chairman.

Committee Room, Austin, Texas, Feb. 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Public Health and Vital Statistics, to whom was referred

House bill No. 43, a bill to be entitled "An act to amend articles 3778, 3785, 3786 and 3788, Revised Statutes of the State of Texas, prescribing the number of practising physicians who may be appointed by district courts on boards of medical examiners, to prescribe the localities where certificates issued by said boards shall be valid, limiting the number of temporary certificates that may be granted to one applicant; and providing that those who have taken the course leading to a diploma in medical branch of the State University of Texas, and have received a diploma therefrom, shall not be required to stand an examination before such boards."

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 a bill on the same subject has been reported favorably.

BAILEY, Chairman.

Committee Room, Austin, Texas, Feb. 3, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 2, to whom was referred
Senate bill No. 43, a bill to be entitled "An act to amend article 672, title 8, chapter 3, of the Code of Criminal Procedure of the Revised Statutes of the State of Texas of 1895."

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. 3, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 2, to whom was referred
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 186a, relating to elections for Federal, State, county and city officers."

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. 3, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 2, to whom was referred
House bill No. 257, a bill to be entitled "An act to amend article 207, chapter 1, title 8, of the Penal Code, changing the penalty in perjury cases except as provided for in article 208 of the Penal Code, from not more than ten years nor less than five years in the penitentiary to not more than ten years nor less than two years in the penitentiary."

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.
February 4, 1897

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Article 4, line 23, after the word “members,” it shall read 7 instead of 5.

Article 5, line 10, after the words a “fee of,” it shall read $10 instead of $15.

Article 7, line 4, shall strike out the following words, “who have been legally licensed and.”

Article 7, line 12, after the words “this act,” shall add the following:

“Provided, that the provisions of this act shall not apply to persons who have been practicing physicians in this State for five consecutive years prior to the passage of this act.”

Article 8, commencing at the word “indirectly,” in line 7, and striking out all words down to “this act,” in line 11.

Article 10, line 7, add the following, “$10 per day.”

Article 12, line 3, the following words shall be added, “shall be deemed guilty of a misdemeanor.”

FREEMAN, Chairman.

By Mr. Williams, chairman:

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

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

Your Committee on Internal Improvements, to whom was referred

House bill No. 127, a bill to be entitled “An act to amend article 4573, and section 5 of article 4574, of title 94, chapter 13, of the Revised Statutes of the State of Texas, relating to the freight and passenger tariffs of railway companies,”

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.

WILLIAMS, Chairman.

MAJORITY REPORT.

Committee Room, Austin, Texas, Feb. 4, 1897.

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

Your Committee on Internal Improvements, to whom was referred

House bill No. 126, a bill to be entitled “An act to amend article 4573, and section 5 of article 4574, of title 94, chapter 13, of the Revised 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 do pass.

WILLIAMS, Chairman.

MINORITY REPORT.

Committee Room, Austin, Texas, Feb. 4, 1897.

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

A minority of your Committee on Internal Improvements, to whom was referred

House bill No. 126, a bill to be entitled “An act to amend article 4573, and section 5 of article 4574, of title 94, chapter 13, of the Revised 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 do pass.

LILLARD.

Committee Room, Austin, Texas, Feb. 4, 1897.

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

Your Committee on Internal Improvements, to whom was referred

House bill No. 128, a bill to be entitled “An act to further define the duties of the Railroad Commission of Texas, to make and enforce rules concerning same,”

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.

WILLIAMS, Chairman.

By Mr. Sluder, acting chairman:

Committee Room, Austin, Texas, Feb. 3, 1897.

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

Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 18, a bill to be entitled “An act to amend article 386c,
chapter 1, title 18, of the Revised Statutes, relating to cities and towns."

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.

SLUDER, Acting Chairman.

Committee Room.

Austin, Texas, Feb. 3, 1897.

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

Your Committee on Towns and City Corporations, to whom was referred House bill No. 299, a bill to be entitled "An act providing for uniform method of recording maps and plats of townsites, additions and subdivisions, and to legalize those heretofore made,"

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.

SLUDER, Acting Chairman.

INVITATION.

The following invitation, presented by Messrs. Browne and Holland of Harris, was read in the House, and ordered spread on the Journal:

To the Honorable, the House of Representatives of the State of Texas:

Should an adjournment of your honorable body be taken in order to visit the city of Galveston during the stay of the battleship Texas, in the harbor of that city, on behalf and by authority of the Houston Business League, an organization representing the commercial and industrial interests of Houston, I hereby extend an invitation to this entire body, and the officers thereof, to make the trip from Houston to Galveston by steamer as the guests of said league. Transfer will be made by rail directly from the train to the steamers, and every provision necessary to your comfort and pleasure will be made. ample time will be allowed to visit the battlefield of San Jacinto, to the end that the members of this honorable body may have the privilege of standing on that historic ground, which is immortally hallowed by the devotion and consecrated by the blood of the sons of Texas.

NORMAN G. KITRELL.
Second Vice-President Houston Business League.

Mr. Evans of Grayson moved to adjourn until 9:30 a. m. to-morrow, and Mr. Henderson until 10 o'clock a. m. to-morrow.

The motion of Mr. Henderson prevailed, and the House, at 1:30 p. m., adjourned accordingly.

TWENTIETH DAY.

Hall House of Representatives, Austin, Texas.

Friday, February 5, 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. Logan.
Bailey. Lotto.
Barbee. Love.
Barret. Manson.
Beaird. Martin.
Bell. Maxwell.
Benson. McFarland.
Bertram. McCaughey.
Bird. McKamy.
Blackburn. McKellar.
Blair. Mende.
Bounds. Melton.
Boyd. Mercer.
Brewster. Moore, Fort Bend.
Brigance. Moore of Lamar.
Browne. Morris.
Burns. Murdie.
Callan. Oliver.
Carpenter. Patterson.
Carswell. Peery.
Childs. Pfenniger.
Collier. Pitts.
Crowley. Reiger.
Cureton. Reubell.
Curry. Rhea.
Dean. Robbins.
Dennis. Ragan.
Dickinson. Rudd.
Dies. Savage.
Dorrah. Schlick.
Doyle. Scabury.
Drew. Shelburne.
Edwards. Shropshire.
Evans of Grayson. Sluder.
Ewing. Smith.
Field. Smyth.
Fields. Stampler.
Fisher. Staples.
Freeman. Stokes.
Garrison. Strother.
Gilbough. Thaxton.
Graham. Thomas.
Green. Tracy.
Harris. Turner.
Henderson. Vaughan, Guadalupe.
Hensley. Vaughan of Collin.
Hill of Travis. Wall.
Holland or Burnet. Wallace.
Holland of Harris. Ward.
Humphrey. Welch.
Jones. Wilcox.
Kimbell. Williams.
Kirk. Wolters.
Lillard. Wood.

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