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. Dashiell, Speaker of the House:
Your Committee on Towns and City Corporations, to whom was referred House bill No. 299, a bill to entitle "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. KITTRELL.
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. Martin.
Barrett. Maxwell.
Bell. McFarland.
Benson. McCaughey.
Beaird. Mckay.
Brewster. McKellar.
Brigance. Melton.
Browne. Mercer.
Browning. Moore, Fort Bend.
Browning. Morris.
Bumpass. Mundine.
Burns. Peery.
Brewster. Peenifer.
Brewster. Pitts.
Brewster. Morton.
Brewster. Mundine.
Brewster. Oliver.
Brewster. Patterson.
Brewster. Peery.
Brewster. Pfenffer.
Brewster. Pitts.
Brewster. McFarland.
Brewster. Robinson.
Brewster. Roga.
Brewster. Rudd.
Brewster. Savage.
Brewster. Schick.
Brewster. Scabury.
Brewster. Shelburne.
Brewster. Shropshire.
Brewster. Smee.
Brewster. Smyth.
Brewster. Smee.
Brewster. Staples.
Brewster. Stokes.
Brewster. Strother.
Brewster. Thaxton.
Brewster. Thomas.
Brewster. Tracy.
Brewster. Turner.
Brewster. Vaughn.
Brewster. Vaughn of Collin.
Brewster. Vaughan.
Brewster. Vaughan of Collin.
Brewster. Wall.
Brewster. Wall.
Brewster. Ward.
Brewster. Welch.
Brewster. Wilcox.
Brewster. Williams.
Brewster. Wolters.
Brewster. Wood.
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Absent.
Burney.  O'Connor.
Crawford.  Randolph.
Evans of Hunt.  Rogers.
Good.  Skillern.
Hill of Gonzales.  Thompson.
Neighbors.  Tucker.

Excused.
Alexander.  Flint.
Bean.  Porter.
Conoly.

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

GRANTED LEAVE OF ABSENCE.

On account of sickness:
Mr. Tucker indefinitely, on motion of Mr. Boyd.
Mr. Neighbors until Monday, on motion of Mr. Pfeuffer.

On account of important business:
Mr. O'Connor until Monday, on motion of Mr. Childs.
Mr. Thompson indefinitely, and Mr. Burney until next Tuesday, on motion of Mr. Vaughan of Guadalupe.
Mr. Hill of Gonzales until Monday, on motion of Mr. Hogan.
Mr. Peery until Tuesday, on motion of Mr. Hensley.
Mr. Good for to-day, on motion of Mr. Henderson.
Mr. Crawford until Tuesday, on motion of Mr. Stampers.
Mr. Barbee until Monday, on motion of Mr. Holland of Harris.

On motion of Mr. Ward, Ruskin Ardlie, page, was excused until Monday, on account of sickness.

COMMITTEE REPORT.

By Mr. Bailey, chairman:

Committee Room,
Austin, Texas, Feb. 4, 1897.
Hon. L. T. Dashiel, Speaker of the House:

Your Judiciary Committee No. 2, to whom was referred
House bill No. 221, a bill to be entitled "An act to preserve and protect the wild game birds and wild fowls of State of Texas, by adding thereto articles 2923a, 2923b, 2923c and 2923d."

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, but that a substitute House bill No. 221, accompanying same, do pass in lieu thereof.

BAILEY, Chairman.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, Feb. 5, 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 the following bills:
Senate bill No. 60, a bill to be entitled "An act to amend article 1180, title 30, chapter 1, of the Revised Civil Statutes of Texas, relating to the institution of suits on holidays and on Sundays."

Senate bill No. 10, a bill to be entitled "An act to punish certain officers for a failure in duty and for entering into agreements whereby the laws of the State may be nullified."

Senate bill No. 30, a bill to be entitled "An act to enable the Railroad Commission of Texas to make emergency freight rates to prevent the evil effects of interstate rate wars upon the business and interests of the people and railroads of this State."

Senate bill No. 44, a bill to be entitled "An act to amend article 881, title XVII, chapter 11, of the Penal Code of the State of Texas of 1895, relating to the theft of horses, asses and mules."

Senate bill No. 50, a bill to be entitled "An act to amend article 878, of title XVII, chapter 9, of the Penal Code of the State of Texas, in regard to receiving stolen property."

Senate bill No. 66, a bill to be entitled "An act to provide for single election polls in cities and towns not having more than 400 electors, and to repeal all laws and parts of laws in conflict therewith."

By the following vote: Ayes 23, nays none.

House bill No. 38, "An act to amend article 887, of title 10, of the Code of Criminal Procedure of the State of Texas, prescribing the form of a recognizance in appeals of cases of misdemeanor, and to repeal all laws and parts of laws in conflict herewith."

Respectfully,

WILL LAMBERT,
Secretary Senate.

SENEASE BILLS ON FIRST READING.

The following bills, received from the Senate, were read first time and referred as follows:
Senate bill No. 60, to Judiciary Committee No. 1.
Senate bills 10 and 66, to Committee on Towns and City Corporations.
Senate bill No. 30, to Committee on Internal Improvements.
Senate bills Nos. 44 and 50, to Judiciary Committee No. 2.

BILLS WITHDRAWN.
House bill No. 245, on request of Mr. Pitts.
House bill No. 92, on request of Mr. Humphrey.

APPOINTMENTS ANNOUNCED.
The Chair, for Speaker Dashiell, announced the following appointments:
Joint committee on the part of the House to redistrict the State into judicial districts: Messrs. Holland of Harris, Logan, Seabury, Good, Thompson, Feery, Staples.

SPECIAL ORDER.
The Speaker laid before the House, on its engrossment, Substitute House bill No. 90, a bill to be entitled “An act to regulate the practice of dentistry in the State of Texas, and to prescribe penalties for the violation of same, and to provide for appointment of a State Board of Dental Examiners.”

Mr. Shropshire offered the following amendment to the bill:
Amend section 4 so as to read as follows:
“Section 4. The members of said board shall be appointed by the Governor and shall serve for a term of two years, excepting that the members of the board first appointed shall be made as follows: Three for one year, and three for two years, respectively, and until their successors are duly appointed; in case of vacancy occurring in said board by resignation, removal from State or death, such vacancy may be filled for its unexpired term by the Governor, as provided by this act.
Adopted.

Mr. Turner offered the following amendment:
Amend by adding to section 1, after the word “purposes,” in line 21, on page 1, a second proviso to read as follows: “Provided further, that the extraction of teeth solely for the purpose of relieving pain shall not be deemed a violation of any of the provisions of this act.”

Mr. Curry moved the previous question, which was seconded, and the House refused to order the main question.
Mr. Shelburne moved to table the amendment, and the motion was lost.
Mr. Green moved to postpone further consideration of the bill until the 3d day of May, 1897, and the motion prevailed.

Mr. Feild moved to reconsider the vote by which further consideration of the bill was postponed until the 3d day of May, 1897.

Mr. Bertram moved to table the motion to reconsider, upon which yeas and nays were demanded by Mr. Fields, Mr. Bertram and Mr. Feild.

The motion to table was lost by the following vote:
Yeas—32.

Nays—77.
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Vaughan of Collin.  Wilcox.  
Wall.  Williams.  
Ward.  Wolters.  
Welch.  

Absent.  

Callan.  Rogers.  
Randolph.  Skillern.  

Excused.  

Bean.  Neighbors.  
Burney.  O'Connor.  
Conoly.  Peery.  
Crawford.  Porter.  
Flint.  Thompson.  
Good.  Tucker.  

The motion to reconsider prevailed.  

Mr. Turner, by unanimous consent, withdrew his amendment.  

Mr. Beard offered the following amendment:  

Amend by inserting between the words "dentistry" and "for," in line 23, section 2, of the bill, the words "for pay or."  

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

The amendment was adopted.  

Mr. Wolters offered the following amendment:  

Amend by inserting after the words "United States," in line 13 of section 1, the words "or some foreign country."  

(Signed Schlick, Wolters.)  

Adopted.  

Mr. Turner offered the following amendment:  

Amend by striking out the words "And each day in which a sale, exhibition or advertisement is made, shall constitute a separate offense," in lines 24 and 25 of section 13, on page 4.  

Adopted.  

Mr. Bertram offered the following amendment:  

Amend by striking out the enacting clause.  

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

On the amendment to strike out the enacting clause, yeas and nays were demanded by Mr. Bertram, Mr. Jones and Mr. Fields.  

(Mr. Wolters in the chair.)  

The amendment was lost by the following vote:  

Yeas—28.  

Barbee.  Cureton.  
Bertram.  Curry.  
Bird.  Dorroh.  
Browne.  Doyle.  
Bumpass.  Drew.  
Burns.  Graham.  

Green.  Mercer.  
Henderson.  Morton.  
Hensley.  Mundine.  
Holland of Burnet.  Rhea.  
Humphrey.  Seabury.  
Kirk.  Smith.  
Manson.  Wallace.  
Melton.  Wood.  

Nays—71.  

Bailey.  Love.  
Beard.  Martin.  
Bell.  Maxwell.  
Benson.  McFarland.  
Blair.  McGaughey.  
Bounds.  McKamy.  
Boyd.  Meade.  
Brewster.  Moore, Port Bend.  
Brigance.  Moore, Lamar.  
Callan.  Morris.  
Carpenter.  Oliver.  
Carswell.  Pfeuffer.  
Childs.  Pitts.  
Collier.  Reiger.  
Crowley.  Reubell.  
Dean.  Rogan.  
Dennis.  Rudd.  
Dickinson.  Savage.  
Edwards.  Schlick.  
Evans of Grayson, Shelburne.  
Ewing.  Sluder.  
Feild.  Stamper.  
Pfeilds.  Staples.  
Fisher.  Strother.  
Freeman.  Thaxton.  
Garrison.  Thomas.  
Gilbough.  Tracy.  
Harris.  Turner.  
Hill of Travis.  Vaughan, Guadalupe.  
Holland of Harris.  Vaughan of Collin.  
Jones.  Wall.  
Kimbell.  Ward.  
Lillard.  Welch.  
Logan.  Wilcox.  
Lotto.  Williams.  

Absent.  

Ayers.  Robbins.  
Barrett.  Rogers.  
Blackburn.  Skillern.  
Dles.  Smyth.  
McKellar.  Stokes.  
Randolph.  

Excused.  

Bean.  Neighbors.  
Burney.  O'Connor.  
Conoly.  Peery.  
Crawford.  Porter.  
Flint.  Thompson.  
Good.  Tucker.  

I vote against this bill for the reasons it is possessed of anti-Democratic principle, in that it is a long step toward the centralizing of power which the Democratic party has always
strongly resisted. This bill provides that the Governor shall appoint the examining board of the State, composed of six persons, to meet anywhere the board may so designate in the State. It will be easily seen that this will work a hardship upon all who will have to go before said board for a certificate.

WOOD.

I vote against the bill for the reason that I think that it has too much of a centralizing feature in giving the appointing power to the Governor.

GRAHAM.

Question next recurred on engrossment of the bill, and it was ordered engrossed.

Mr. Fields moved to reconsider the vote by which substitute House bill No. 90 was ordered engrossed, and to table the motion to reconsider.

The motion to table prevailed.

SPECIAL ORDER.

The Speaker laid before the House the report of the Committee on Privileges and Elections in the contested election case of Asberry v. Blackburn, which was printed in full in the Journal of Wednesday, February 3, and on yesterday made a special order for today at 10 o'clock a.m.

The report was read in full, and Mr. Tracy moved that it be adopted.

Mr. Smith offered the following resolution as a substitute for the motion of Mr. Tracy:

Be it resolved, that the report of the committee be recommitted, with instructions from the House to fairly hear and determine the case upon its merits, endeavoring to ascertain who received the majority of the legal votes cast, and to report the same to the House.

Tabled on motion of Mr. Tracy.

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

The report was adopted.

Mr. Seabury moved to reconsider the vote by which the report of the Committee on Privileges and Elections in the contest case of Asberry v. Blackburn was adopted, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Meade, the regular order was suspended to take up and place on its third reading and final passage House bill No. 107, a bill to be entitled "An act to define cold storage in local option counties, precincts, cities, towns or subdivisions, and affix penalties for keeping same."

The bill was laid before the House, read third time, and

Mr. Fisher offered the following amendment:

Amend by adding between the words "any" and "house," the word "such," in line 20, and by adding after the word "act," in line 27, the words, "Provided, that this act shall not be so construed as to prevent any person not the owner, proprietor, manager, agent or employee of any such cold storage from ordering intoxicating liquors by telegraph, telephone or express company, to be shipped by freight or express to his own address."

Adopted.

On the final passage of the bill, yeas and nays were demanded by Mr. Pfouffer, Mr. Bell, and Mr. McFarland.

The roll call showed no quorum present, whereupon

Mr. Evans of Grayson moved a call of the House, which was duly seconded, and the Clerk was directed to call the roll.

The following were announced absent without leave: Messrs. Blair, Dean, Ewing, Patterson, Smith, Seabury, Vaughan of Collin.

A quorum was announced present.

The Sergeant-at-Arms was directed to bring in the absentees.

On motion of Mr. Reiger, the absentees were excused.

Mr. Reiger moved to adjourn until to-morrow at 10 o'clock a.m., and the motion was lost.

Yeas and nays having been demanded, the Clerk was directed to call the roll, and the bill was passed by the following vote:

Yea—87.

Ayers. 
Barrett. 
Beaird. 
Benson. 
Bertram. 
Bird. 
Blackburn. 
Bourns. 
Boyd. 
Brewster. 
Brignac. 
Bumpass. 
Burns. 
Callin. 
Carpenter. 
Carswell. 
Collier. 
Crowley. 
Curry. 
Dennis. 
Dorroh. 

Doyle. 
Drew. 
Evans of Hunt. 
Evans of Grayson. 
Fields. 
Fisher. 
Freeman. 
Garrison. 
Gilbough. 
Graham. 
Green. 
Harris. 
Henderson. 
Hensley. 
Hill of Travis. 
Holland of Burnet. 
Humphrey. 
Jones. 
Kimbell. 
Lillard.
Logan. Rogan.  
Love. Savage.  
Manson. Shelburne.  
Martin. Shropshire.  
Maxwell. Sluder.  
McGaughey. Smyth.  
McKamy. Stamper.  
McKellar. Staples.  
Meade. Strother.  
Melton. Thaxton.  
Mercer. Thomas.  
Moore, Fort Bend. Tracy.  
Moore of Lamar. Turner.  
Morris. Vaughan, Guadalupe.  
Morton. Wall.  
Mundine. Wallace.  
Oliver. Ward.  
Pitts. Welch.  
Reiger. Wilcox.  
Reubell. Williams.  
Rhea. Wood.  
Robbins.  

Nays—15.  
Bailey. Holland of Harris.  
Bell. Kirk.  
Browne. Lotto.  
Childs. McFarland.  
Dickinson. Pfeiffer.  
Dies. Rudd.  
Edwards. Schlick.  

Absent.  
Blair. Seabury.  
Cureton. Skillern.  
Dean. Smith.  
Ewing. Stokes.  
Randolph. Vaughan of Collin.  
Rogers.  

Excused.  
Barbee. Neighbors.  
Bean. O’Connor.  
Burney. Peery.  
Conoly. Porter.  
Crawford. Thompson.  
Flint. Tucker.  
Good.  

I vote “yea” on this bill because the law recognizes the sale of whisky and beer as a legitimate business and annually collects and receives from liquor dealers the sum of $550,000, and from beer dealers the sum of $90,000, in round numbers, which entitles those engaged in either avocation to the fullest protection under the law against the competition of “blind tigers,” “cold storage” joints or any other like evasion of the local option or occupation tax law.  

Mr. Brigance, by unanimous consent, offered the following resolution:  

Resolved, by the Twenty-fifth Legislature, that we be paid his mileage and per diem by the Speaker of the House drawing his draft in the same manner as is provided for the payment of members of the House of Representatives, to be paid out of the appropriation made for the payment of contingent expenses, the payment to include up to and including the 4th day of February, 1897.  

Read second time and unanimously adopted.  

Mr. Robbins moved that House bill No. 13, a bill to be entitled “An act to validate certain illegal sales of public school, university and asylum lands, sold under section 22, chapter 99, of the acts of 1897, and the amendments thereto, sold as isolated and detached lands, which were not in fact isolated and detached,” be made a special order for next Monday at 10 o’clock a.m.  

Mr. Blair moved as a substitute to postpone further consideration of the bill until the 1st day of May, 1897.  

Tabled on motion of Mr. Robbins.  
Mr. Reiger moved to adjourn until to-morrow at 10 o’clock a.m., and the motion was lost.  

The motion of Mr. Robbins prevailed, and House bill No. 13 was made a special order for next Monday at 10 o’clock a.m.  

On motion of Mr. Thomas, the House adjourned until 10 o’clock a.m. to-morrow.  

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TWENTY-FIRST DAY.  

Hall House of Representatives,  
Austin, Texas.  

Saturday, February 6, 1897.  

The House met at 10 o’clock a.m., pursuant to adjournment.  
In the absence of Speaker Dashiel and Speaker pro tem. Patterson, Chief Clerk Lee J. Rountree called the House to order.  

Roll called, and the following members present:  

Ayers. Beard.  
Bailey. Bell.  
Barrett. Benson.  

Mr. Williams moved to reconsider the vote by which House bill No. 107 was passed, and to table the motion to reconsider.  

The motion to table prevailed.