The motion prevailed, and the House at 12:23 p. m., adjourned accordingly.

TWENTY-EIGHTH DAY.

Hall House of Representatives, Austin, Texas.

Monday, February 15, 1897.

The House met at 9 o'clock a. m. pursuant to adjournment.

Speaker Dashiell in the chair.

Roll called, and the following members present:

- Bailey.
- Barbee.
- Barrett.
- Beard.
- Bean.
- Benson.
- Bertram.
- Bird.
- Blackburn.
- Blair.
- Bounds.
- Boyd.
- Brewster.
- Briggance.
- Bumpass.
- Burney.
- Burns.
- Callan.
- Carpenter.
- Childs.
- Collier.
- Conoly.
- Crawford.
- Crowley.
- Cureton.
- Curry.
- Dean.
- Dennis.
- Dickinson.
- Maxwell.
- McFarland.
- McGaughey.
- McKamy.
- McKellar.
- Melton.
- Moore, Fort Bend.
- Mundine.
- Neighbors.
- O'Connor.
- Robbins.
- Rogers.
- Seabury.
- Smyth.
- Staples.
- Thaxton.
- Welch.
- Blackburn.
- Burney.
- Carswell.
- Dies.
- Evans of Hunt.
- Good.
- Henderson.
- Logan.
- Excused.
- Blackburn.
- Burney.
- Carswell.
- Dies.
- Evans of Hunt.
- Good.
- Henderson.
- Logan.

A quorum was announced present.

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

Pending reading of the Journal of Saturday.

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

GRANTED LEAVE OF ABSENCE.

On account of important business:

- Mr. Williams until Wednesday, on motion of Mr. Carpenter.
- Mr. Kirk for to-day, on motion of Mr. Freeman.
- Mr. Browne for to-day, on motion of Mr. Holland.
- Mr. Blair and Mr. Gilbough for to-day, on motion of Mr. Wolters.
- Mr. Ayers for to-day, on motion of Mr. Wallace.
- Mr. Melton for to-day, on motion of Mr. Burns.
- Mr. Neighbors for to-day, on motion of Mr. Seabury.
- Mr. Edwards until Wednesday, on motion of Mr. Rhea.
- Mr. Patterson until Wednesday, on motion of Mr. Benson.
On account of sickness:
Mr. Mundine for this week, on motion of Mr. Stokes.
On motion of Mr. Boyd, Mr. Sewell, assistant reading clerk, was excused indefinitely on account of important business.

BILLS SIGNED BY SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following bills:
House bill No. 10. "An act to amend chapter 1, of title 29, of the Revised Civil Statutes, and to add to said chapter two articles, numbered 1132b and 1132c, providing for the election of special county judges."
House bill No. 62, "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."

UNFINISHED BUSINESS.

When the House adjourned last Friday, it had under consideration House bill No. 47, Ward's general election bill, with majority favorable report recommending that the bill do pass, and minority adverse report recommending that the bill do not pass.
Pending question, motion of Mr. Ward to adopt the majority report and substitute therefor by Mr. Wolters to adopt the minority report in lieu of the majority report.
By unanimous consent, pending business was temporarily postponed to take up the morning call.

PETITIONS AND MEMORIALS.
By Mr. Tracy:
A petition from 35 employes of the San Antonio and Aransas Pass Railway, living in Milam county, asking for the passage of House bill No. 119, by Mr. Lotto, providing for a board of examiners of railroad telegraphers.
Referred to the Committee on Labor.

BILLS AND RESOLUTIONS.
By Mr. Harris:
House bill No. 434, a bill to be entitled "An act to validate and confirm an ordinance passed by the city council of the city of Galveston, ceding to the United States of America certain streets intersecting land purchased and to be purchased by the United States of America for the purpose of erecting fortifications thereof, and to authorize the commissioners' court of Galveston county to cede to the United States of America such portions of public highways in Galveston county for the purpose of establishing fortifications situated outside the limits of the city of Galveston."

Read first time and referred to Committee on Towns and City Corporations.

By Mr. Moore of Lamar:
House bill No. 435, a bill to be entitled "An act to amend article 425, chapter 1, title 12, of the Penal Code of the State of Texas, relating to carcases of dead animals, and to repeal all laws and parts of laws in conflict with this act."
(Amends so as to prevent persons from leaving such carcases within 100 yards of a private residence.)
Read first time and referred to Judiciary Committee No. 2.

By Mr. Drew:
House bill No. 436, a bill to be entitled "An act to amend article 5900a, chapter 1a, of title 104, of the Revised Civil Statutes of the State of Texas, 1895, relating to the regulation of the sale of liquor by taxation."
(Provides a tax of $300 on the sale of spirituals, vinous or malt liquors in quantities of one gallon or less, to be drank on the premises; and a tax of $600 for the sale of such liquor in quantities of one gallon or more.)
Read first time and referred to Committee on Revenue and Taxation.

By Mr. Barrett:
House bill No. 437, a bill to be entitled "An act to provide for the improvement of the public school system by creating county boards of education, and prescribing their duties."
Read first time and referred to Committee on Education.

By Mr. Hill of Gonzales:
House bill No. 438, a bill to be entitled "An act to prescribe the time of holding the terms of the District Court in the Twenty-fifth Judicial District of Texas."
Read first time and referred to Committee on Judicial Districts.

By Mr. Curry:
House bill No. 439, a bill to be entitled "An act to establish and provide for the maintenance of a normal department in the University of Texas."
Read first time and referred to Committee on Education.

By Mr. Wolters:
Resolved, that after the pending business is disposed of, the Speaker is hereby authorized and instructed to take up out of their regular order and present to the House for consideration all bills on his table that are based on the specific platform pledges made by the Democracy at the last Democratic State convention held at Fort Worth.

Read second time and adopted by the requisite two-thirds majority.

Further time was granted for consideration of Senate bill No. 10, on motion of Mr. Reiger, chairman.

COMMITTEE REPORTS.

By Mr. Bailey, chairman:

MAJORITY REPORT.

Committee Room, Austin, Texas, Feb. 12, 1897.

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

Your Judiciary Committee No. 2, to whom was referred House bill No. 273, a bill to be entitled “An act to prevent and suppress gaming houses, and to define the duties and enlarge the powers of the courts and officers in relation thereto; to provide penalties for owning, operating or having any interest in gaming houses; to empower officers to search premises and seize any property therein kept or used for gaming, and to provide for proceedings to condemn and destroy such gaming appliances; and prohibiting persons from resorting to and being present during the progress of unlawful gaming in such gaming houses.”

Beg leave to differ from the majority of your said committee and report the same back to the House with the recommendation that it do not pass.

WILCOX, ROGERS, LOVE.

By Mr. Reiger, chairman:

MINORITY REPORT.

Committee Room, Austin, Texas, Feb. 12, 1897.

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

We, a minority of your Judiciary Committee No. 2, to whom was referred House bill No. 273, being a bill to be entitled “An act to prevent and suppress gaming houses, and to define the duties and enlarge the powers of courts and officers in relation thereto; to provide penalties for owning, operating or having any interest in gaming houses; to empower officers to search premises and seize any property therein kept or used for gaming, and to provide for proceedings to condemn and destroy such gaming appliances; and prohibiting persons from resorting to and being present during the progress of unlawful gaming in such gaming houses,”

Have had the same under consideration, and we beg to report the same back to the House with the recommendation that it do pass with the following amendments:

(1) Amend caption by striking out all after the word “appliances,” to-wit: “and prohibiting persons from resorting to and being present during the progress of unlawful gaming in such gaming houses.”

(2) That section 2 of the bill be stricken out entirely and the numbers of subsequent sections be changed so as to make them of successive numbers.

(3) That section 3 be amended by striking out after the word “peace” the words “or grand jury before the said complaint is made.”

REIGER, Chairman.
MESSAGE FROM THE SENATE.

Senate Chamber, 
Austin, Texas, Feb. 15, 1897.
Hon. L. T. Dashielb, 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. 101, a bill to be entitled "An act to amend article 379, title 17, chapter 2, of the Penal Code of the State of Texas, in regard to theft from the person."

Senate bill No. 127, a bill to be entitled "An act to provide for the prosecution and punishment of a person found guilty of inducing, or attempting to induce, a witness not to appear or testify in any case in any of the courts of this State, or before any grand jury."

Senate bill No. 115, a bill to be entitled "An act to amend article 616, chapter 11, title 18, of the Revised Civil Statutes of the State of Texas, relating to abolished town and city corporations."

By the following vote: Ayes 21, nays, none.

I am also instructed by the Senate to request the return of House bill No. 62, relating to the franchise of belt suburban railways for the purpose of correcting calendar on the part of the Senate.

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. 101 and 127, to Judiciary Committee No. 2.

Senate bill No. 115, to the Committee on Towns and City Corporations.

The request of the Senate was granted for return of House bill No. 62.

SPEAKER'S TABLE.

The House resumed consideration of pending business, same being House bill No. 47, the general election bill, with motion pending to adopt the minority adverse report in lieu of the majority favorable report.

On motion of Mr. Fields, the regular order of business was suspended, to take up and place on its second reading.

House bill No. 103, a bill to be entitled "An act to amend subdivision 18 of article 22 of the Revised Civil Statutes of Texas, and to fix the times for holding courts in the Eighteenth judicial district."

On motion of Mr. Fields, House Rule No. 31, requiring that all bills reported favorably be printed and laid on the desk of each member before acted on by the House, was suspended.

The bill was read second time, and the committee report was adopted.

The bill was ordered engrossed.

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

The motion prevailed by the following vote:

Yeas—96.

Bailey. Lillard.
Barbee. Logan.
Barrett. Lotto.
Beard. Love.
Beau. Manson.
Benson. Martin.
Bertram. Maxwell.
Blackburn. McCaughey.
Bounds. McKamy.
Boud. Mercer.
Brignage. Moore, Lamar.
Bumpass. Morris.
Burns. Morton.
Callan. O'Connor.
Carpenter. Oliver.
Childs. Peery.
Collier. Pitts.
Conoly. Porter.
Crawford. Randolph.
Crowley. Reiger.
Cureton. Reubell.
Curry. Rhea.
Dean. Robbins.
Dennis. Rogan.
Dixon. Rogers.
Dorroh. Savage.
Doyle. Schlick.
Drew. Shelburne.
Evans of Grayson. Sluder.
Ewing. Smyth.
Feld. Stamper.
Fields. Staples.
Fisher. Stokes.
Flint. Strother.
Freeman. Thompson.
Garrison. Tracy.
Graham. Tucker.
Green. Turner.
Harris. Vaughan, Gualupe.
Hensley. Wall.
Hill of Gonzales. Wallace.
Hill of Travis. Ward.
Holland of Burnet. Welch.
Holland of Harris, Wilcox.
Humphrey. Wolters.
Jones. Wood.
Kimbell. 

forholding courts in the Eighteenth judicial district."
Substitute House bill No. 103 was then read third time, and was passed by the following vote:

**Yeas—96.**

- Bailey
- Barbee
- Barrett
- Beaird
- Bean
- Benson
- Bertram
- Bird
- Blackburn
- Bounds
- Boyd
- Brigance
- Bumpass
- Burns
- Callan
- Carpenter
- Childs
- Collier
- Conoly
- Crawford
- Crowley
- Cureton
- Curry
- Dean
- Dennis
- Dickinson
- Dorroh
- Doyle
- Drew
- Evans of Hunt
- Evans of Grayson
- Ewing
- Fields
- Fields
- Fisher
- Flint
- Freeman
- Garrison
- Graham
- Green
- Harris
- Staples
- Stokes
- Strother
- Thompson
- Tracy
- Tucker
- Turner
- Vaughan, Guadalupe

**Absent.**

- Bell
- Brewster
- Burney
- McKellar
- Moore, Fort Bend
- Pfeuffer

**Excused.**

- Alexander
- Ayers
- Blair
- Browne
- Carswell
- Dies
- Edwards
- Gilbough
- Good
- Henderson
- Kirk
- Meade
- Melton
- Mundine
- Neighbors
- Patterson
- Skillern
- Thomas
- Williams

**Nays—none.**
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<tr>
<th>Name</th>
<th>Votes</th>
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<tr>
<td>Oliver.</td>
<td>Tracy.</td>
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<td>Porter.</td>
<td>Turner.</td>
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<td>Rogers.</td>
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<td>Rudd.</td>
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<td>Seabury.</td>
<td>Wolters.</td>
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<td>Smith.</td>
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<td>Nays—60.</td>
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February 15, 1897

Mr. Bell (absent), who would vote "yea," with Mr. Moore of Lamar (present), who would vote "nay."

Mr. Lotto (absent), who would vote "yea," with Mr. Shelburne (present), who would vote "nay."

Mr. Childs (absent), who would vote "yea," with Mr. Carpenter (present), who would vote "nay."

I vote "no" on the adoption of the minority report, and reserve the right to myself to vote against the bill on final passage, if it is not amended from its present form.

CRAWFORD.

I am opposed to House bill No. 47 as it is, but vote "no," so as to keep the bill before the House to see whether or not it can be amended, and have its objectionable features stricken out.

LILLARD.

(Speaker in the chair.)

Question recurring on engrossment of the bill.

Mr. Love moved that further consideration be postponed until February 23, at 10 o'clock a.m. and that it be made special order for that day.

Mr. Turner moved as a substitute that further consideration be postponed until February 26, at 10 o'clock a.m.

The substitute was lost.

The motion of Mr. Love prevailed, and the bill was made a special order for Tuesday, February 23, at 10 o'clock a.m.

Mr. Evans of Hunt moved to suspend the regular order to take up and make a special order for Friday, February 26, at 10 o'clock a.m. House bill No. 176, the Confederate Veteran validating act.

On motion of Mr. Harris, the regular order was suspended to take up and place on its second reading.

House bill No. 434, a bill to entitled "An act to validate and confirm an ordinance passed by the city council of the city of Galveston, ceding to the United States of America certain streets intersecting land purchased and to be purchased by the United States of America for the purpose of erecting fortifications thereon, and to authorize the commissioners' court of Galveston county to cede to the United States of America such portions of public highways in Galveston county for the purpose of establishing fortifications situated outside the limits of the city of Galveston."

The bill was laid before the House.

On motion of Mr. McGaughery, House Rule No. 31, requiring that all bills reported favorably be printed and laid on the desk of each member before acted on by the House was suspended.

Mr. Blair moved to suspend the con-
institutional rule requiring bills to be read on three several days in each house, and that House bill No. 434 be put on its second reading, and passage to engrossment.

The motion prevailed by the following vote:

Yeas—98.

Bailey. Love.
Barbee. Martin.
Barrett. Maxwell.
Bean. McFarland.
Benson. McGaughey.
Bertram. McKamy.
Bird. McKellar.
Blair. Moore, Fort Bend.
Blair. Moore of Lamar.
Bounds. Morris.
Boyd. Morton.
Bumpass. O'Connor.
Burney. Oliver.
Callan. Peery.
Carpenter. Pitts.
Collier. Porter.
Conoly. Randolph.
Crawford. Reiger.
Crowley. Reubell.
Cureton. Rhea.
Curry. Robbins.
Dean. Rogn.
Deuils. Rogers.
Dickinson. Rudd.
Dorroh. Savage.
Doyle. Schlick.
Drew. Seabury.
Evans of Hunt. Shelburne.
Evans of Grayson. Shropshire.
Ewing. Slater.
Field. Smith.
Fields. Smyth.
Fisher. Stamper.
Flint. Staples.
Freeman. Stokes.
Garrison. Strother.
Graham. Thompson.
Green. Tracy.
Harrisl. Tucker.
Hensley. Turner.
Hill of Gonzales. Vaughan, Guadalupe.
Hill of Travis. Vaughan of Collin.
Holland of Burnet. Wall.
Holland of Harris. Wallace.
Humphrey. Ward.
Kimbell. Wilcox.
Lillard. Wolters.
Logan. Wood.

Nays—none.

Absent.

Bell. Lotto.
Browster. Mercer.
Brigance. Pfeiffer.
Burns. Skillern.
Childs. Thaxton.
Jones. Welch.

Excused.

Ayers. Meade.
Browne. Melton.
Carswell. Mundine.
Dies. Neighbors.
Edwards. Patterson.
Gilbough. Thomas.
Good. Williams.
Henderson.

House bill No. 434 was read second time, and was ordered engrossed.

Mr. Seabury moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 434 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—102.

Bailey. Hill of Travis.
Barbee. Holland of Burnet.
Barrett. Holland of Harris.
Bean. Humphrey.
Bean. Kimbell.
Bertram. Lillard.
Bird. Logan.
Blackburn. Love.
Blair. Manson.
Bounds. Martin.
Boyd. Maxwell.
Brigance. McFarland.
Bumpass. McGaughey.
Burney. McKamy.
Burns. McKellar.
Callan. Moore, Fort Bend.
Carpenter. Moore of Lamar.
Collier. Morris.
Conoly. Morton.
Crawford. O'Connor.
Crowley. Oliver.
Cureton. Peery.
Curry. Pitts.
Dean. Porter.
Dickinson. Randolph.
Dorroh. Reiger.
Drew. Reubell.
Doyle. Rhea.
Evans of Grayson. Rogers.
Ewing. Rudd.
Field. Savage.
Fields. Schlick.
Fisher. Seabury.
Flint. Shelburne.
Freeman. Shropshire.
Garrison. Sluder.
Graham. Smith.
Green. Smyth.
Harrisl. Stamper.
Hensley. Staples.
Hill of Gonzales. Stokes.
February 15, 1897

HOUSE JOURNAL. 321


Nays—none.

Absent.


Nays—none.

Absent.


Henderson.

House bill No. 434 was laid before the House, read third time, and passed by the following vote:

Yeas-97.


Yeas-97.

Yeas—48.

Mr. Harris moved to reconsider the vote by which House bill No. 434 was passed, and to table the motion to reconsider. The motion to table prevailed.

Mr. McGeary called up Senate concurrent resolution No. 12, creating a joint committee to inquire into the subject of school text-books. The resolution was laid before the House, read second time, and adopted.

Mr. Evans of Grayson moved to adjourn until 3 o'clock p. m., to-day, and Mr. Bailey until 9 o'clock a. m., to-morrow.

Question recurring on the longest time first, yeas and nays were demanded by Mr. Wolters. Mr. Freeman and Mr. Evans of Grayson.

The motion prevailed by the following vote:
Accordingly, the House at 12:55 p. m. adjourned until 9 o'clock a. m. tomorrow.