March 27, 1897

HOUSE JOURNAL.

FIFTY-SIXTH DAY.

Hall House of Representatives,  
Austin, Texas,  
Saturday, March 27, 1897.

The House met at 9:30 o'clock a.m., pursuant to adjournment.

Speaker Dashiell in the chair.  
The House at 6:20 p.m. adjourned accordingly.

Question recurring on the motion of Mr. Gilbough to adjourn until 9:30 a.m. to-morrow, the motion prevailed, and the House at 6:20 p.m. adjourned accordingly.

Absent.

Fifty-Sixth Day.

Hill of Gonzales.  
Meade.  
Moore, Fort Bend.  
Moore of Lamar.  
Reiger.  
Smith.  
Strother.  
Wolters.

Excused.

Graham.  
McFarland.  
Melton.  
Neighbors.  
Patterson.  
Pfeiffer.  
Prayer by Dr. J. A. Jackson, Chaplain.

Absent.

Bean.  
Blackburn.  
Callan.  
Collier.  
Crowley.  
Dickinson.  
Dies.  
Doyle.  
Edwards.  
Evans of Hunt.  
Henderson.  
Hill of Travis.  
Hollywood of Harris.  
Maxwell.  
McKamy.  
Melton.  
Neighbors.  
Patterson.  
Pfeiffer.

Excused.

Graham.  
McFarland.  
Collier.  
Crowley.  
Dickinson.  
Dies.  
Edwards.  
Evans of Hunt.  
Prayer by Dr. J. A. Jackson, Chaplain.
Pending reading of the Journal of yesterday.
On motion of Mr. Gilbough, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE:
On account of important business:
Mr. Holland of Harris indefinitely, on motion of Mr. Shropshire.
Mr. Staples until Monday, on motion of Mr. Dennis.
Mr. Melton until Thursday, on motion of Mr. Dennis.
Mr. Brigrance until Tuesday, on motion of Mr. Good.
Mr. Drew until Tuesday, on motion of Mr. Wood.
Mr. Childs indefinitely, on motion of Mr. Dorroh.
Mr. Benson and Mr. Patterson until Monday, on motion of Mr. McCall.
Mr. McKamy until Monday, on motion of Mr. McCall.
Mr. Williams until Monday, on motion of Mr. Logan.
Mr. Porter and Mr. Pfeuffer until Tuesday, on motion of Mr. Humphrey.
Mr. Sluder until Tuesday, on motion of Mr. Bird.

On account of sickness:
Mr. Morris until Wednesday, on motion of Mr. McCall.
Mr. Neighbors until Monday, on motion of Mr. Lotto.
Mr. Smith indefinitely, on motion of Mr. Morton.
Mr. Beubell until Monday, on motion of Mr. Shelburne.
Mr. Love until Monday, on motion of Mr. Carpenter.

BILLS AND RESOLUTIONS.
By Mr. Doyle:
House bill No. 643, a bill to be entitled "An act to amend article 2232 of the Revised Civil Statutes of the State of Texas, and to provide that a general denial may be entered where one has failed to file required affidavit."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Dennis:
House bill No. 644, a bill to be entitled "An act to amend article 1025, chapter 17, title 27 of the Revised Civil Statutes of the State of Texas, so as to give notice to appellants or plaintiffs in error of motion made to dismiss appeals or writs of error."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Doyle:
House bill No. 645, a bill to be entitled "An act to regulate certain rules of evidence as regards competency of witnesses."
Read first time and referred to Judiciary Committee No. 2.

By Mr. Doyle:
House bill No. 646, a bill to be entitled "An act to amend article 572 of the Code of Criminal Procedure of the State of Texas, and to provide a more efficient mode of empaneling grand juries."
Read first time and referred to Judiciary Committee No. 2.

By Mr. Harris:
House bill No. 647, a bill to be entitled "An act to amend article 877, chapter 2, title 25, of the Revised Civil Statutes of the State of Texas, and to authorize the issuance of bonds by counties for the purpose of constructing public roads for such counties."
Read first time and referred to Committee on Roads, Bridges and Ferries.

By Mr. Smyth:
Whereas, the Hon. John H. Stephens, a Representative in the United States Congress from the Thirteenth district of Texas, has introduced a bill in Congress asking the United States to grant to the State of Texas, for educational purposes, Old Fort Elliott and the four sections of land herefore used in connection therewith; and
Whereas, said fort has been abandoned by the United States and the buildings thereon are being neglected and will in a short time become valueless; and
Whereas, said buildings and grounds could be used by the State of Texas very advantageously for educational purposes; therefore be it
Resolved, that the House of Representatives of the State of Texas do hereby endorse the action of our Representative, John H. Stephens, in introducing said bill, and that we request our Representatives in Congress to urge the passage of same.

Read second time and adopted.

COMMITTEE REPORTS.
By Mr. McGaughey, chairman:

Committee Room,
Austin, Texas, March 27, 1897.
Hon. L. T. Dasheill, Speaker of the House:
Your Committee on State Affairs, to whom was referred
House bill No. 620, a bill to be entitled "An act to amend article 86, chapter 8, article 32926a, of the Revised Civil Statutes of the State of Texas, and to
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protect teachers against selling vouchers at a discount.”

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.

MCCAUGHEY, Chairman.

By Mr. Dennis, acting chairman:

Committee Room,

Austin, Texas, March 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and com­
pared

House bill No. 549, a bill to be enti­
tled “An act to restore to and con­
tinue the county court of San Saba 
county the civil and criminal jurs­
diction and General Statutes of the 
Texas, relating to the course of 
study, and to provide for the 
addition to said course of study

of animals.”

And find the same correctly en­
grossed.

DENNIS, Acting Chairman.

Committee Room,

Austin, Texas, March 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and com­
pared

House bill No. 469, a bill to be enti­
tled “An act to amend article 3909a, of the Revised Civil Statutes of the State 
of Texas, relating to the course of 
study in public schools, and to provide

for the additional to said course of study

of a system of humane treatment of

animals.”

And find the same correctly en­
grossed.

DENNIS, Acting Chairman.

Committee Room,

Austin, Texas, March 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and com­
pared

House bill No. 567, a bill to be enti­
tled “An act to amend sections 9, 11, 
18, 19, 21, 32, and 44, of an act to in­
corporate the City of Denison, and to
fix the boundaries thereof, etc., passed March, 1891, to provide for the elec­
tion of aldermen and other officers of

said city, by the people, and for fixing
their compensation; providing for the
filling of vacancies in said offices; pres­
scribing the duties of the city secre­
tary, and for fixing his compensation;
to vest in the city council, only, the
power to contract debts for the city,
and to appropriate money to pay the
same, and to repeal all laws and parts
of laws in conflict with this act.”

And find the same correctly en­
grossed.

DENNIS, Acting Chairman.

Committee Room,

Austin, Texas, March 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and com­
pared

House bill No. 613, a bill to be enti­
tled “An act to set apart for free school
purposes four leagues of land hereto­
fore granted to the territory known as
Greer county, and to authorize the At­
torney General to institute proceed­
ings for the recovery of said land.”

And find the same correctly en­
grossed.

DENNIS, Acting Chairman.

Committee Room,

Austin, Texas, March 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and com­
pared

House bill No. 612, a bill to be enti­
titled “An act to validate and con­
firm an ordinance passed by the city coun­
cil of the city of Laredo, ceding to the
United States for the purpose of provid­ing
a new site for the military post or reservation
called Fort McIntosh, for the erection of
fortifications and for such other
uses as the government of the United
States may desire.”

And find the same correctly en­
grossed.

DENNIS, Acting Chairman.

Committee Room,

Austin, Texas, March 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and com­
pared

House bill No. 476, a bill to be enti­
titled “An act to provide for the
erection of the new state capitol, and to
appropriate money to pay the
same.”

And find the same correctly en­
grossed.
diction formerly belonging to said county under the Constitution and general statutes of the State, and to conform the jurisdiction of the district court of said county to said change."

And find the same correctly engrossed.

DENNIS, Acting Chairman.

Committee Room.
Austin, Texas, March 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 614, a bill to be entitled "An act to regulate the terms and fix the times for holding the district courts in the Eighth Judicial District of Texas, and to repeal all laws and parts of laws in conflict with this act."

And find the same correctly engrossed.

DENNIS, Acting Chairman.

Committee Room.
Austin, Texas, March 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 616, a bill to be entitled "An act to create a more efficient road system for the county of Calhoun, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as said road commissioners, and providing for the appointment of road overseers, defining their duties, and for the working of county convicts upon the roads of said county, and providing for officers and witnesses' fees, and providing for the working of delinquent poll tax payers upon said roads."

And find the same correctly engrossed.

DENNIS, Acting Chairman.

Committee Room.
Austin, Texas, March 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 580, a bill to be entitled "An act to prescribe the time of holding the terms of the district court in the Twenty-fourth Judicial District."

And find the same correctly engrossed.

DENNIS, Acting Chairman.

Committee Room.
Austin, Texas, March 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 571, a bill to be entitled "An act prescribing the time of holding the terms of the district court in the Twenty-eight, Thirty-sixth and Forty-ninth Judicial Districts of the State of Texas, and to repeal all laws and parts of laws in conflict herewith."

And find the same correctly engrossed.

DENNIS, Acting Chairman.

Committee Room.
Austin, Texas, March 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared

Substitute House bills Nos. 247, 350 and 384, a bill to be entitled "An act to amend articles 3936 and 3937, chapter 9, title 86, of the Revised Civil Statutes of the State of Texas, relating to public education, so as to regulate the custody and expenditure of school funds, and make provisions for reports of treasurers of school funds, and prescribing penalties for the neglect of certain officers."

And find the same correctly engrossed.

By Mr. Fields, chairman:

MAJORITY REPORT.

Committee Room.
Austin, Texas, March 24, 1897.

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

Sir: Your Committee on Rules, to whom was referred the following House resolution, amending rule 56, of the Rules of the House

Resolved, that rule 56 be so amended as hereafter to read as follows:

"56. No member shall absent himself from the sittings of the House without leave, unless in case of sickness; and every member absenting himself without leave shall for each day of absence forfeit the pay allowed him by law. A majority of the members present may excuse absentees, and no member shall be excused upon his own motion."
Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be not adopted.

FIELDS, Chairman.

MINORITY REPORT.

Committee Room, Austin, Texas, March 24, 1897.

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

The undersigned, a minority of the Committee on Rules, dissenting from the views of the majority, begs leave to submit the following minority report on the resolution offered by him relative to a change of Rule number fifty-six (56), the change proposed being to have said rule to hereafter read as follows: “A majority of the members present may excuse absentees, and no member shall be excused on his own motion.”

The substantial change is that a majority instead of two-thirds may excuse absentees. I respectfully submit that the whole theory of our government is based upon the rule of the majority, and that while the requirement that two-thirds of the House must be present in order to constitute a quorum is wise in order to prevent legislation by a small proportion of this body, yet that no further restriction should be thrown around this body than is absolutely necessary to prevent unwise and hasty legislation, and certainly no small minority should be allowed to block legislation and defeat the will of the majority. While fifteen men can put the House under call, and thereby, under the rules as they now exist, stop all proceedings as to the matter on hand, yet a two-third vote is necessary to excuse absentees, which rule but increases and intensifies the power of the minority to block legislation.

The constitution provides that two-thirds of each House shall constitute a quorum, and if two-thirds be present business should proceed, and a majority of those present should be allowed to say whether they will proceed with business or not. If such majority of two-thirds can pass the most important laws, certainly it should be allowed to say whether business shall go on. The power which can enact laws should certainly be sufficient to declare that business shall be transacted and not be held in subjection to the will of the minority and be compelled to wait for the presence of a full House, when the constitution says two-thirds shall be a quorum to transact business. The rule as it now stands is not only contradictory and inconsistent, but, in my judgment, unconstitutional. I respectfully recommend the adoption of the resolution.

FIELDS.

While this resolution was under consideration by the committee, I, without mature deliberation, voted with the majority, but, after reflection, I am constrained to concur with the chairman in his minority report.

ROGAN.

Committee Room, Austin, Texas, March 24, 1897.

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

Sir—Your Committee on Rules to whom was referred the following House resolution, amending rule 56, of the Rules of the House:

Resolved, by the House of Representatives of the Twenty-fifth Legislature of the State of Texas, that hereafter House rule No. 56 shall read as follows:

“Rule 56. No member shall absent himself from the sittings of the House without leave, unless in case of sickness; and every member absenting himself without leave shall for each day of absence forfeit the pay allowed him by law.

“It shall require a majority vote of members present to excuse absentees, and no member shall be excused on his own motion.”

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

FIELDS, Chairman.

By Mr. Oliver, chairman:

Committee Room, Austin, Texas, March 27, 1897.

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

Your sub-committee appointed to visit the penitentiaries and convict farms worked on State account and for individuals, have to report that we left Austin on March 14, and arrived at Rusk penitentiary on the morning of the 15th.

We spent the evening of the 15th, and also part of the 16th, looking over the different industries carried on within the walls. The manufacturing is of iron, which in appearance and durability is as good as, if not superior to, similar products of other foundries.

We found everything about the pris-
on in good order and as clean and comfortable as it is possible to be in a penal institution. There seemed to be good order, and a kind, but firm, discipline in all the departments.

The workshops, kitchen and hospital were closely inspected with regard to their sanitary condition, and were found to be as complete as the environment and means could make it. The sick were all provided with comfortable beds, with suitable food and nursing, and the best of medical treatment. All of the officers insisted on the most rigid inspection, from garret to cellar, and cheerfully rendered every possible assistance in getting such information as we desired. It is unnecessary for us to go into a detailed statement of the iron and other industries in and adjacent to the walls of the prison, as the whole subject has been exhaustively and truthfully set forth in the annual report of Superintendent Whatley. After giving the prison as thorough an inspection as possible, we visited the wood camp and farm, using as means of transportation the railroad built by Major Whatley with the penitentiary force, extending about eight miles in the direction of Palestine. A force is kept to cut wood for fuel and coal for the furnace; while another force, not able to do hard work, is employed in cultivating the farm, which supplies the necessary vegetables for the prison population, besides the field crops that are produced. We found the temporary prisons comfortable and clean, and the inmates generally looking well and healthy. We talked with quite a number of them, and heard no word of complaint about the sergeant or other officials connected with the prison.

We left Rusk on the 17th, arriving at Huntsville on the morning of the 18th, and were astonished at the busy appearance of everything about the prison. It is more like a great manufacturing establishment than a prison. We were offered every opportunity to inform ourselves about the different industries carried on, and the general management of the prison. We made a thorough inspection of the prison and cells, dining hall, hospital and workshops, and found everything in first-class condition; very little sickness among the prisoners. The hospital is well arranged, and the comfort of those who were sick properly looked after.

The manufacturing consists of wagons, steam engines, cloth for convicts, shoes for same, furniture, and every article equal in appearance and durability to the products of the best factories of the north.

We wish especially to call the attention of the Legislature to the convicts who are and have been for some time insane, and most of them to all appearance hopelessly so. It seems to us that some provision should be made for their care and treatment in another asylum. Under the present law they would have to be returned to their home county to be housed for insanity, which would cost the State too much, when the inquiry could be made by judge and jury of the county in which the prison is located. A small hospital for insane might be built at one of the prisons, where such convicts could receive such treatment and care as would be conducive to their recovery.

We also visited the State farm, on which is worked the third class convicts. We found everything in splendid condition, with clean, comfortable quarters for the men. The farm is well managed, and supplies vegetables, feed crops, and produces nearly enough tobacco to supply the prisoners. Mrs. Eastham’s farm was visited, where a number of convicts are hired; the general conditions were satisfactory; suitable provision has been made for the comfortable housing of the men; a very good garden of vegetables has been planted for use of the convicts.

The financial agent took special care to show us through the store and offices, which we are pleased to state were presided over with care and ability, and with an eye to strict business principles. We visited other farms where convicts were hired and worked on shares, and found the conditions and management like those already mentioned; hence we do not think it essential to go into a detailed statement.

We went directly from Huntsville to the Harlem farm, which is owned by the State, and worked by third class convicts under the direction of a superintendent. After inquiring into the management of this farm, and the treatment of the convicts, and the profits accruing to the State from the proceeds of convict labor as compared to the other policy of hiring them out or working them at a loss within the walls, we are forced to the conclusion, and wish to emphasize the wisdom and necessity of the State buying more cane and cotton lands, to the end that the people may be the beneficiaries of
whatever profits to be derived from convict labor. We are thoroughly satisfied that if the State can and will purchase enough land upon which to work all that can be worked on the outside, it will only be a few years until the amount expended in the purchase and equipment would be returned to the treasury, and then the annual profits would go a long way towards paying the current expenses of the government, and enable the Legislature to reduce the rate of taxation to such an extent that it would no longer be burdensome to the people. We hope the Legislature may see their way clear to appropriate a sufficient amount to justify the manager in entering into contracts with land owners in time to commence farming next year.

We cannot close this report without testifying to the efficiency of all officials, from the least to the greatest, and to the dignified and courteous reception and treatment extended to us by Judge Gibson and his lieutenants at Rusk, and to Capt. Smithers, Financial Agent Rice, Inspectors Durham and Bates, and others at Rusk and Huntsville, and especially to Col. Whatley, who was with us all the time, contributing to the fullest extent to a full, free and fair investigation of everything connected with the management of the institutions under his control. To all and every one of them we desire to return our thanks for courtesies extended to us.

We further submit that we have made special investigation of the maltreatment of convicts on the farm located in Walker county, on which the four men were said to have died from sunstroke in August of 1896, and find from the facts as furnished by the tribunal charged with the investigation of crimes committed in Walker county and the cause of the death of said convicts, that said convicts did not die from sunstroke, but from cruelty and illtreatment of, and on the part of the sergeant in charge of said farm. And we further find that proper charges have been made against said sergeant, and that he was promptly discharged from the service of the State by the officials whose duty it was to look after and control the conduct of said sergeant. We further submit that Major L. A. Whatley, nor any of the officials save and except the sergeant charged, are in the least responsible or chargeable with the misconduct, act or conduct of said sergeant, except said sergeant alone, and that said Whatley and the officials connected with the management of the convicts are to be entirely exonerated from any charge connected with the maltreatment of said convicts. We further find that Major Whatley, the inspectors and other officials connected with the management of the convicts, have at all times done all within their power to see that the convicts are treated humanely, and are to be highly commended for their action on this line.

We further submit that we find that some of the sergeants on private farms who have in their charge convicts employed by private parties, are not only receiving pay from the State, but also from the parties hiring said convicts, which we believe to be wrong, for the reason that we do not believe said sergeants can serve two masters at the same time.

We further find that the convicts are located in several different sections of the State, which operates as a great disadvantage, and would suggest the consolidation of said convicts as soon as possible and practicable, and that they be placed on sugar and cotton farms owned by the State.

OLIVER, Chairman.

SCHLICK, BOYD, MELTON, RANDOLPH.

SPEAKER'S TABLE.

Mr. Tracy moved to adjourn until next Monday at 9 o'clock a. m., and the motion was lost.

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

House bill No. 391, a bill to be entitled "An act to relinquish the title and confirm the patents to certain lands therein named."

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

(The necessary legal published notice, required by the constitution, of intention to apply for the passage of this act was read in the House.)

The bill was ordered engrossed.

The Speaker laid before the House, on its second reading.

Senate bill No. 223, a bill to be entitled "An act to restore and confer upon the county courts of Menard and Atascosa counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and general laws of the State of Texas; and to conform the jurisdiction of
the district courts of said counties to such changes, and to repeal all laws in conflict with this act.”

The bill was read second time, and was passed to a third reading.

The Speaker laid before the House, on its second reading,

Senate bill No. 201, a bill to be entitled “An act to amend subdivision 15 of article 22, of the Revised Civil Statutes of the State of Texas, relative to the time of holding the terms of the district court in the Fifteenth judicial district of Texas, passed by the Twenty-fourth Legislature in the year 1895, and to repeal all laws and parts of laws in conflict with this act.”

On motion of Mr. Evans of Grayson, 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 was passed to a third reading.

The Speaker laid before the House, on its third reading and final passage,

House bill No. 575, a bill to be entitled “An act to establish a more efficient road system for Marion county, and to provide for the appointment of county superintendent of public roads.”

The bill was read third time, and passed.

Mr. Schlick moved to reconsider the vote by which House bill No. 575 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its second reading, with majority favorable and minority adverse reports thereon, the minority report recommending that the bill do not pass unless amended so as to take effect two years after passage.

House bill No. 591, a bill to be entitled “An act to restore and confer upon the county court of Lampasas 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,”

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

Mr. Blair offered the following amendment:

Amend so as to make the bill take effect two years after January 1, 1897.

Tabled on motion of Mr. Tracy.

The bill was ordered engrossed.

The Speaker laid before the House, on its second reading,

Substitute House bills Nos. 504, 505, 583, a bill to be entitled “An act to amend the charter of the city of Galveston, by amending sections 39, 116 and 127, and by adding the following sections 90a, 132d, 132e, 176, 188a, 188b, 188c, 188d, 188e, 188f, 188g, 188h, 188i, 188j, 4a, 6a, 72a, 91, 92 and 93.”

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

Mr. Harris offered the following amendment:

Amend by striking out the word “water” in line 31, page 6, and inserting the word “public.”

Adopted.

The bill was ordered engrossed.

The Speaker laid before the House, on its second reading,

House bill No. 592, a bill to be entitled “An act to amend section 3, of chapter 132, of the acts of the Twenty-fourth Legislature, establishing a special road law for Dallas, Lamar and Medina counties, prescribing the same fees in county convict cases for the officers in said counties as those allowed officers in similar cases under the general laws of the State.”

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

The bill was read second time.

Mr. Jones offered the following amendment:

Amend by striking out the word “Medina” wherever it occurs.

Adopted.

The bill was ordered engrossed.

The Speaker laid before the House, on its second reading,

House bill No. 633, a bill to be entitled “An act to amend section 42, article 22, of the Revised Civil Statutes of the State (1895), providing for the reorganization of the Forty-second Judicial district, and to fix the time of holding court therein.”

The bill was read second time and ordered engrossed.

Mr. Gilbough moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that substitute House bill Nos. 504, 505 and 583 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yea—88.

| Substitute House bill Nos. 504, 505 and 583 was read third time, and was passed by the following vote: |
|---|---|
| **Yeas—87.** | **Nays—none.** |
| Alexander. | Jones. |
| Ayers. | Kimbell. |
| Barbee. | Logan. |
| Barrett. | Lotto. |
| Beaird. | Manson. |
| Bell. | Martin. |
| Bertram. | McGaughy. |
| Bird. | McKellar. |
| Blair. | Mercer. |
| Bounds. | Morton. |
| Boyd. | Mundine. |
| Brewster. | O'Connor. |
| Browne. | Oliver. |
| Burns. | Peery. |
| Burney. | Pitts. |
| Burns. | Randolph. |
| Carpenter. | Reubell. |
| Carswell. | Rhea. |
| Conoly. | Roper. |
| Crawford. | Rudd. |
| Cureton. | Savage. |
| Curry. | Schlick. |
| Dean. | Seabury. |
| Dennis. | Shelburne. |
| Dobroh. | Shropshire. |
| Doyle. | Skillern. |
| Evans of Grayson. | Smyth. |
| Ewing. | Stanmer. |
| Field. | Stokes. |
| Fields. | Thaxton. |
| Fisher. | Thomas. |
| Freeman. | Thompson. |
| Garrison. | Tracy. |
| Gilbough. | Turner. |
| Good. | Turner. |
| Green. | Turner. |
| Harris. | Vaughan, Guadalupe |
| Henderson. | Vaughan of Colli |
| Hensley. | Wall. |
| Hill of Travis. | Ward. |
| Holland of Burnet. | Welch. |
| Humphrey. | Wood. |
| Jones. | Wilcox. |
| Kimbell. | Wood. |
| Lillard. | Moore, Fort Bend. |
| Maxwell. | Wallace. |
| Excused. | |
Mr. Gilbough moved to reconsider the vote by which substitute House bill Nos. 504, 505 and 583 was passed, and to table the motion to reconsider.

Mr. Tucker moved to suspend the constitutional rule requiring bills to be read on three several days in each house and that House bill No. 633 be put on its third reading and final passage.

The motion to table prevailed.

Mr. Tucker moved to suspend the constitutional rule requiring bills to be read on three several days in each house and that House bill No. 633 be put on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—86.**


House bill No. 633 was read third time, and passed by the following vote:

**Yeas—88.**


House bill No. 633 was read third time, and passed by the following vote:

**Yeas—88.**


House bill No. 633 was read third time, and passed by the following vote:

**Yeas—88.**


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**Yeas—88.**

Mr. Tucker moved to reconsider the vote by which House bill No. 633 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Evans of Grayson moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 291 be put on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—86.**


**Nays—none.**

Mr. Tucker moved to reconsider the vote by which House bill No. 633 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Evans of Grayson moved to reconsider the vote by which Senate bill No. 291 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its second reading, with majority adverse and minority favorable report thereon,

House bill No. 429, a bill to be entitled "An act to repeal so much of article 276, chapter 1, title 12, of the Revised Civil Statutes of Texas as provides for the election of a district at-
torney in the Twenty-ninth Judicial District of Texas."

The bill was read second time.

Mr. McGaughey moved to adopt the minority report.

Pending consideration of the motion to adopt the minority report,

On motion of Mr. McGaughey, further consideration of the bill was postponed subject to call.

The Speaker laid before the House on its third reading and final passage,

House bill No. 612, a bill to be entituled "An act to validate and confirm an ordinance passed by the city council of the city of Laredo, ceding to the United States of America certain streets intersecting land to be purchased by the United States of America for the purpose of providing a new site for the military post or reservation called Fort McIntosh, for the erection of fortifications and for such other uses as the government of the United States may desire."

The bill was read third time, and was passed.

Mr. Vaughan of Guadalupe moved to reconsider the vote by which House bill No. 612 was passed, and to table the motion to reconsider.

The motion to table prevailed.

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

House bill No. 317, a bill to be entituled "An act to amend article 4998, of the Revised Civil Statutes of Texas, as adopted by the Twenty-fourth Legislature of Texas, defining a lawful fence."

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

Mr. Shelburne offered the following amendment:

Amend by inserting "four barbed wires," instead of "three," in committee report.

Mr. Smyth offered the following substitute for the amendment:

Strike out all of lines 30, 31 and 32, page 1, and lines 1 to 6, page 3.

Pending consideration of the amendment by Mr. Smyth,

On motion of Mr. McGaughey, further consideration of the bill was postponed subject to call.

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

House bill No. 589, a bill to be entituled "An act to amend article 2913, chapter 4, title 40, of the Revised Civil Statutes, 1895, relating to the introduction of certain abstracts of titles as evidence."

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

On motion of Mr. Blair, the House at 12:14 p. m., adjourned until 9:30 o'clock a. m. next Monday.

FIFTY-SEVENTH DAY.

Hall House of Representatives, Austin, Texas, Monday, March 29, 1897.

The House met at 9:30 o'clock a. m., pursuant to adjournment.

Speaker Dashiel in the chair.

The roll was called and there was not a quorum present, whereupon,

On motion of Mr. Blair, the House took a recess until 10 a. m. to-day.

The House was called to order by the Speaker at 10 a. m.

There still being no quorum present, Mr. McGaughey moved to adjourn until 3 o'clock p. m. to-day.

Lost.

Later a quorum was announced, the following members answering to their names:

Mr. Speaker. Henderson.
Alexander. Hensley.
Ayres. Hill of Gonzales.
Bailey. Hill of Travis.
Barbee. Holland of Burnet.
Barrett. Humphrey.
Bealrd. Jones.
Bell. Kirk.
Bertram. Lillard.
Bird. Logan.
Blair. Lotto.
Bounds. Love.
Brewster. Manson.
Bumpass. Martin.
Burney. Maxwell.
Burns. McGaughey.
Carpenter. McKeller.
Carswell. Mercer.
Crawford. Morton.
Cureton. Mundine.
Curry. Neighbors.
Dean. O'Connor.
Dennis. Oliver.
Dorroh. Patterson.
Doyle. Peery.
Evans of Grayson. Pitts.
Ewing. Randolph.
Fell. Reiger.
Fisher. Reubell.
Freeman. Rhea.
Garrison. Rogan.
Good. Savage.
Green. Seabury.