HOUSE JOURNAL.
April 22, 1869

Shropshire.
Smyth.
Thompson.
Tracy.

Excused.
Bounds.
Browne.
Bumpass.
Callan.
Collar.
Flint.

Hill of Gonzales.

Accordingly, the Chair, at 5:10 p. m., declared the House adjourned until 9:30 o'clock a. m. next Thursday, April 22.

SEVENTY-SIXTH DAY.

Hall House of Representatives,
Austin, Texas,
Thursday, April 22, 1897.

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

Speaker Dashbell in the chair.

The roll was called, and there was not a quorum present, whereupon Mr. Evans of Grayson moved a call of the House.

The call was seconded, and the Clerk was directed to call the roll. The second roll call developed a quorum, the following members answering to their names:

Mr. Speaker.
Alexander.
Ayers.
Bailey.
Barbee.
Barrett.
Beard.
Bean.
Benson.
Bertram.
Bird.
Blackburn.
Bounds.
Boyd.
Browne.
Carpenter.
Carswell.
Childs.
Conoly.
Crawford.
Crowley.
Cureton.
Curry.
Dean.
Dickinson.
Dles.
Dorroh.

Moore of Lamar.
Morris.
Morton.
Oliver.
Peery.
Pfeiffer.
Porter.
Randolph.
Rhea.
Robbins.
Rogan.
Savage.
Schlick.
Shelburne.
Shropshire.
Skillern.
Sluder.
Smith.

Absent.

Bell.
Blair.
Brewster.
Brigance.
Burney.
Burns.
Collier.
Collier.
Collier.
Collier.

Holland of Harris.
Holland of Harris.
Manson.
Manson.
Manson.

Excused.
Bumpass.

Bumpass.

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

Pending reading of the Journal of Tuesday,
On motion of Mr. Cureton, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE:

On account of important business:
Mr. Reubell until next Tuesday, on motion of Mr. Evans of Grayson.
Mr. Seabury for to-day, on motion of Mr. Wallace.
Mr. Fisher for this week, on motion of Mr. Wilcox.
Mr. Dennis for to-day, on motion of Mr. Williams.
Mr. Brigance for to-day, on motion of Mr. Smyth.
Mr. Staples for to-day, on motion of Mr. McGaughey.
Mr. Hill of Gonzales for to-day, on motion of Mr. Doyle.
Mr. Manson until Saturday, on motion of Mr. Cureton.
April 22, 1897

Mr. Rogers and Mr. Melton for today, on motion of Mr. Mercer.
Mr. Henderson for this week, and Mr. Burney for today, on motion of Mr. Love.

On account of sickness:
Mr. Burns until Monday, on motion of Mr. Drew.
Mr. Garrison for today, on motion of Mr. Harris.
Mr. Lillard for Tuesday, on motion of Mr. Kimbell.
Mr. Vaughan of Guadalupe for today, on motion of Mr. Turner.
Mr. Mundine for this week, on motion of Mr. Stokes.

PETITIONS AND MEMORIALS.

By Mr. Childs:
A resolution of citizens of Atascosa county, adopted in a mass meeting, protesting against the passage of the redistricting bill now pending before the Legislature.
The resolution was read in full, on motion of Mr. Childs.

By Mr. Sluder:
A petition of 250 citizens of McLennan county, protesting against the passage of the H. & T. C. consolidation bill.
Referred to the Committee on Internal Improvements.

By Mr. Smyth:
A petition of 20 citizens of King county, asking for the passage of House bill No. 673, the H. & T. C. consolidation bill.
Referred to the Committee on Internal Improvements.

By Mr. McKellar:
A petition of 242 citizens of Polk county, protesting against the passage of the bill to restore the civil and criminal jurisdiction to the county court of said county.
Referred to Judiciary Committee No. 1.

By Mr. Blackburn:
A petition of 100 citizens of Robertson county, protesting against the passage of the H. & T. C. consolidation bill.
Referred to the Committee on Internal Improvements.

By Mr. Tucker:
A petition of 21 citizens of Shackelford county, asking for the passage of the H. & T. C. consolidation bill.
Referred to the Committee on Internal Improvements.

By Mr. Maxwell:
A petition of 88 citizens of Eastland county, asking for the passage of the H. & T. C. consolidation bill.
Referred to the Committee on Internal Improvements.

By Mr. Dashiell and Mr. Randolph:
A resolution passed by the teachers' institute of Leon county, endorsing the recommendation of State Superintendent Carlisle, asking for an appropriation of $20,000 in support of summer normals.
Referred to the Committee on Education.

BILLS AND RESOLUTIONS.

By Mr. Moore of Lamar:
House bill No. 697, a bill to be entitled "An act to amend article 3135 of title 61, of the Revised Civil Statutes of the State of Texas, relating to the maintenance of jails."
Read first time and referred to Judiciary Committee No. 1.

COMMITTEE REPORTS.

By Mr. Seabury, chairman:
Committee Room,
Austin, Texas, April 22, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Mining and Minerals, to whom was referred House bill No. 639, a bill to be entitled "An act to secure proper ventilation for coal mines in the State of Texas, and to provide for the safety of employees, and provide for the appointment of mine inspector, fix his salary, and to regulate the weighing of coal."
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.
SEABURY, Chairman.

By Mr. Bailey, chairman:
Committee Room,
Austin, Texas, April 20, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 2, to whom was referred House bill No. 640, a bill to be entitled "An act to make it a penal offense for any person in this State, while acting in the capacity of railroad agent, express agent, one or both, while serving as agent or employee, etc., to ship on their account and in their personal interest for sale any kind of fruit, vegetables, melons, etc., over such lines of transportation."
Have had the same under consideration, and I am instructed to report the
same back to the House with the recommendation that it do not pass.  

BAILEY, Chairman.

Committee Room,  
Austin, Texas, April 20, 1897.

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

Your Judiciary Committee No. 2, to whom was referred  
House bill No. 691, a bill to be entitled "An act to define lobbying and provide a penalty therefor."

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

BAILEY, Chairman.

Committee Room,  
Austin, Texas, April 20, 1897.

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

Your Judiciary Committee No. 2, to whom was referred  
Senate bill No. 264, entitled "An act to amend article 944, chapter 17, Revised Statutes, Penal Code, relating to swindling, by substituting for section 4 a section so as to include within the term swindling the obtaining of personal property by means of false statements or representation as to financial worth, assets or resources, and the execution and passage for a valuable consideration of a check upon any bank with intent to defraud the party representing at the time of passing such check that he had money in the bank upon which the check is drawn to pay the same, or that he had credit with such bank to the extent of the amount of such check, when in truth and in fact he did not have such money or credit; and adding section 6, providing that offenses not specially enumerated under this article shall nevertheless be an offense, if within the reasonable and fair definition of the term swindling."

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, April 20, 1897.

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

Your Judiciary Committee No. 2, to whom was referred  
House bill No. 694, a bill to be entitled "An act to define principal offenders; to amend chapter 1, title 3, of the Penal Code, by adding thereto two articles, to be known as articles 79 and 80, and to repeal arti-
cles 79, 80, 81, 82, 83, 84 and 85, of chapter 2, title 3, of the Penal Code."

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.

By Mr. Lillard, chairman:

Committee Room,
Austin, Texas, April 22, 1897.

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

Your Committee on Enrolled Bills have carefully examined and compared House bill No. 40, a bill to be entitled "An act to repeal articles 1277, and to amend article 1278 of the Revised Statutes of Texas, relating to continuances,"

And find the same correctly enrolled, and I have this day, at 12 m., presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, April 22, 1897.

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

Your Committee on Enrolled Bills have carefully examined and compared House joint resolution No. 20, a joint resolution to amend article XI, of the Constitution of the State of Texas, by adding thereto section 11, relating to validating county court house and jail bonds, and bonds for the construction of bridges,

And find the same correctly enrolled, and I have this day, at 12 m., presented the same to the Governor for his approval.

LILLARD, Chairman.

By direction of the Chair, the following communication was read:

The State General Land Office,
Austin, Texas, April 19, 1897.

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

Dear Sir: By reference to my biennial report, page 6, under the head of "Sidings and Switches," it will be seen that I called attention to the importance of enacting some law designating to what class or fund shall be placed all the lands recovered by the State in the last six years, and also to make some appropriation to pay for certified copies of the several judgments obtained in these cases. None of these lands, so far as this department is officially informed, are yielding any revenue to the State because of the want of official information, which can only be obtained by filing in this office certified copies of the judgments. The Legislature last session appropriated for this purpose $1000, which item, however, was vetoed by the Governor because of the extravagant charges which the clerks might make. I would suggest that the same amount be appropriated now, or so much thereof as may be necessary, and that it be provided that the Attorney-General shall approve the bill of cost before allowance.

There are supposed to be 2,000,000 or 3,000,000 acres of these lands in the aggregate, including the Bacon & Graves lands, for the settlement of which you are now appropriating over $140,000 in pursuance of the late special message of the Governor.

It will readily be comprehended that even after the appropriation of money to pay for the certified copies of the judgments and official information is filed here, this department can not still make the lands available for revenue to the school or State unless there shall also be some legislation directing how they shall be disposed of. This can be easily done by declaring to what fund they shall be credited. This being done, they can be disposed of under the general laws governing the sale of such lands.

There is still another reason why this legislation is most important. All these lands, until we are officially advised of their recovery from the several railway companies, are still carried on the abstracts for assessment, and the State and counties are paying and will continue to pay the assessors' commissions without collecting any taxes in return.

Trusting that you will call the attention of the House to the importance of these matters, the suggestions are most respectfully submitted.

ANDREW J. BAKER,
Commissioner.

Ordered printed in the Journal.

MESSAGE FROM THE SENATE.

Senate Chamber.
Austin, Texas, April 22, 1897.

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

I am instructed by the Senate to inform the House that the Senate has passed House joint resolution No. 20, a resolution to amend article XI. of the Constitution of the State of Texas, by adding thereto section 11.
By a two-thirds vote: yeas 21, nays none.

House bill No. 556, entitled “An act authorizing certified copies of instruments conveying land in Archer county recorded in Jack county, from the 10th day of August, 1866, to the 10th day of August, 1870, to be admitted in evidence in all suits where secondary evidence is necessary.”

By a two-thirds vote: yeas 21, nays 1.

House bill No. 49, entitled “An act to transfer to the general revenue account the unexpended balance of the United States direct tax fund remaining in the State treasury on the 2nd day of March, A. D. 1897, the same to be used in the payment of the current expenses of the State government.”

Respectfully,

R. E. DODSON, Ass'it Secretary.

BILLS ORDERED PRINTED.

Senate bill No. 362, with majority unfavorable and minority favorable reports, on motion of Mr. Randolph.

SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof, and its caption had been read, the following resolution:

House joint resolution No. 20, a resolution to amend article XI, of the Constitution of the State of Texas, by adding thereto section 11, relating to validating county court house and jail bonds for the construction of bridges.

SPEAKER'S TABLE.

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

Senate bill No. 83, a bill to be entitled “An act to transfer the general revenue account the unexpended balance of the United States direct tax fund remaining in the State treasury on the 2nd day of March, A. D. 1897, the same to be used in the payment of the current expenses of the State government.”

With amendment by Mr. Evans of Grayson pending, substitute by Mr. Bailey, and motion of Mr. Childs to reconsider the bill to the Committee on State Affairs, with instructions to bring in a bill as soon as practicable.

(Above amendments were printed in the Journal of April 15.)

Mr. Rogan moved to suspend pending business to take up and place on its second reading.

Senate bill No. 838, entitled “An act to authorize the county commissioners of the various counties in this State to retire and fund their outstanding floating indebtedness, and to provide for the payment of same.”

On the motion to suspend yeas and nays were demanded by Mr. Maxwell, Mr. Brewster and Mr. Welch.

Suspected by the following vote:

Yeas—69.
Alexander. Ayers.
Bailey.
Barbee.
Barrett.
Beard.
Bean.
Blackburn.
Boone.
Boyce.
Brewster.
Brown.
Carswell.
Childs.
Conoly.
Crawford.
Crowley.
Curry.
Dickinson.
Diles.
Doroh.
Doyle.
Ewing.
Fisher.
Good.
Graham.
Harris.
Hensley.
Hill of Travis.
Lolland of Burnet.
Humphrey.
Jones.
Kimbell.
Logan.

Nays—20.
Benson.
Bertram.
Carpenter.
Dean.
Drew.
Evans of Hunt.
Evans of Grayson.
Field.
Fields.
Freeman.

Abscent.
Bell.
Bird.
Blair.
Collier.
Edwards.
Gilbough.
Gree.
Kirk.
McKamy.

Lotto.
Martin.
McFarland.
McGaughey.
McKeller.
Meade.
Morris.
Morton.
Oliver.
Peery.
Randolph.
Rogers.
Savage.
Schiek.
Shropshire.
Skillern.
Smith.
Smyth.
Stokes.
Strother.
Thaxton.
Thomas.
Thompson.
Tracy.
Tucker.
Turner.
Vaughan of Collin.
Wall.
Wallace.
Ward.
Wilcox.
Williams.
Wolters.
Wood.

Yates.
April 22, 1897

HOUSE JOURNAL. 1009

Excused.

Brigance. Manson.
Bumpass. Melton.
Burney. Mundine.
Burns. Reiger.
Callan. Reubell.
Dennis. Rogers.
Flint. Rudd.
Garrison. Seabury.
Henderson. Stamper.
Hill of Gonzales. Staples.
Holland of Harris.

Senate bill No. 338 was laid before the House and was read second time, and was passed to a third reading.

Mr. Rogan moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 338 be put upon its third reading and final passage.

The motion prevailed by the following vote:

Yeas—74.
Alexander. Lillard.
Ayres. Logan.
Bailey. Lotto.
Barbee. Martin.
Barrett. McFarland.
Bealr. McGaughy.
Bean. McKeller.
Benson. Meade.
Bird. Mercer.
Blumber. Morris.
Bounds. Morton.
Boyd. Oliver.
Brewster. Peery.
Browne. Pfeuffer.
Carswell. Porter.
Childs. Randolph.
Conoly. Ragan.
Crawford. Savage.
Crowley. Schlick.
Cureton. Skillern.
Curry. Smyth.
Dickinson. Strother.
Dies. Thaxton.
Dorroh. Thomas.
Doyle. Thompson.
Ewing. Tracy.
Field. Tucker.
Fisher. Turner.
Good. Vaughan of Collin.
Graham. Wall.
Harris. Wallace.
Hensley. Ward.
Hill of Travis. Welch.
Holland of Burnet. Wilcox.
Humphrey. Williams.
Jones. Wolters.
Kimbell. Wood.

Nays—16.
Bertram. Drew.
Carpenter. Evans of Hunt.

Evans of Grayson. Rhea.
Fields. Shelburne.
Freeman. Shropshire.
Love. Sluder.
Maxwell. Smith.
Moore of Lamar. Stokes.

Absent.

Bell. Moore, Fort Bend.
Blair. Neighbors.
Collier. O'Connor.
Dean. Patterson.
Edwards. Pitts.
Gilbough. Robbins.
Green. Rudd.
Kirk. Vaughan, Guad'lupe

McKamy.

Excused.

Brigance. Holland of Harris.
Bumpass. Manson.
Burney. Melton.
Burns. Mundine.
Callan. Reiger.
Dennis. Reubell.
Flint. Rogers.
Garrison. Seabury.
Henderson. Stamper.
Hill of Gonzales. Staples.

The bill was read third time, and was passed.

Mr. Rogan moved to reconsider the vote by which Senate bill No. 338 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Returning to consideration of Senate bill No. 83, with pending amendments and motion of Mr. Childs to recommit the bill to the Committee on State Affairs,

Mr. Maxwell moved to table the motion to recommit.

On the motion to table, yeas and nays were demanded by Mr. Tracy, Mr. Wolters and Mr. Barbee.

Tabled by the following vote:

Yeas—52.
Alexander. Freeman.
Bailey. Graham.
Barbee. Hensley.
Bean. Holland of Burnet
Humphrey.
Benson. Humphrey.
Bertram. Johnson.
Browne. Kimbell.
Carswell. Love.
Curry. Martin.
Dean. Maxwell.
Dorroh. McFarland.
Doyle. McKellar.
Drew. Mercer.
Evans of Grayson. Morris.
Fields. Morton.

64—House.
Mr. Wolters moved to suspend pending business to take up and place on its third reading and final passage, Senate joint resolution No. 13, a resolution to amend section 24 of article 3 of the Constitution of the State of Texas, relating to compensation of members of the Legislature.

On the motion to suspend yeas and nays were demanded by Mr. Evans of Grayson, Mr. Wolters and Mr. Ward.

Lost by the following vote:

Yeas—30.

Barrett. O'Connor.
Blackburn. Porter.
Bounds. Randolph.
Boyd. Schlick.
Brewster. Suropolis.
Childs. Smyth.
Dies. Strother.
Doyle. Thaxton.
Fisher. Tracy.
Good. Turner.
Harris. Wallace.
Hill of Travis. Ward.
Holland of Burnet. Welch.
Lotto. Williams.
McGaughhey. Wolters.

Nays—60.

Alexander. Lillard.
Bailey. Logan.
Barbee. Love.
Beard. Martin.
Bean. Maxwell.
Benson. McFarland.
Bertram. McKellar.
Browne. Mercer.
Carpenter. Moore of Lamar.
Carswell. Morris.
Conoly. Morton.
Crawford. Oliver.
Crowley. Peery.
Cureton. Pfeuffer.
Curry. Rhea.
Dean. Robbins.
Dickinson. Rogan.
Dorrough. Rudd.
Drew. Savage.
Evans of Hunt. Shelburne.
Evans of Grayson. Skillern.
Ewing. Sluder.
Field. Smith.
Fields. Stokes.
Freeman. Thomas.
Graham. Thompson.
Hensley. Tucker.
Humphrey. Vaughan of Collin.
Jones. Wilcox.
Kimbell. Wood.

Absent.

Ayers. McKamy.
Bell. Moore, Fort Bend.
Bird. Meade.
Blair. Neighbors.
Collin. Patterson.
Collier. Pitts.
Dennis. Reigh.
Edwards. Reubell.
Garrison. Rogers.
Henderson. Stamper.
Hill of Gonzales. Staples.

Excused.

Brigance. Garrison.
Bumpass. Henderson.
Burney. Hill of Gonzales.
Burns. Holland of Harris.
Callan. Manson.
Dennis. Melton.
Flint. Mundine.
Returning to consideration of Senate bill No. 83 on its final passage, with pending amendments,

Mr. Wolters offered the following amendment to the substitute by Mr. Bailey:

Amend by striking out section 7, and substitute therefor the following:

Sec. 7. "All surplus fees, commissions or other remunerations in excess of the amounts hereinbefore allowed to the various district, county, and precinct officers hereinbefore mentioned shall be paid into the county treasuries of the various counties."

Mr. Bird offered the following amendment to the amendment by Mr. Wolters:

Amend the amendment by providing that 50 per cent of excess so collected shall be placed to the credit of the road and bridge fund of such counties."

Accepted by Mr. Wolters.

Mr. Evans of Grayson moved the previous question on pending amendment to the substitute, and the main question was ordered.

On the amendment by Mr. Wolters as amended by Mr. Bird, yeas and nays were demanded by Mr. Wolters, Mr. Ward and Mr. Childs.

The roll call showed no quorum voting, whereupon,

Mr. Evans of Grayson moved a call of the House.

The call was seconded, and the Clerk was directed to call the roll.

The following were announced absent without leave: Messrs. Bell, Bird, Blackburn, Blair, Bounds, Edwards, Good, Green, Kirk, Logan, Lotto, Martin, McKamy, Moore of Fort Bend, Neighbors, O'Connor, Patterson, Pitts, Randolph, Rudd, Smyth, Vaughan of Guadalupe.

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

While waiting to obtain a quorum, Mr. Dennis, who had this morning been excused, came in and was marked present.

(Mr. Kirk was announced.)

A quorum was announced, and the amendment was adopted by the following vote:

Yeas—49.


Nays—37.


Absent.


Excused.

Mr. Wolters moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table was lost, and pending the motion to reconsider,

On motion of Mr. Doyle, the House at 1 p.m. took recess until 3 o'clock p.m. to-day.

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**AFTERNOON SESSION.**

The House was called to order by the Speaker at 3 o'clock p.m.

Pending question,

Senate bill No. 83, on its third reading and final passage, with amendment by Mr. Evans of Grayson pending, and substitute therefor by Mr. Bailey, and a motion pending by Mr. Wolters to reconsider the vote by which his amendment to the Bailey substitute was adopted, the House having refused to table said motion.

**BILL SIGNED BY THE SPEAKER.**

The Speaker signed in the presence of the House, after giving due notice thereof, and its caption had been read, the following bill:

Senate bill No. 338, entitled "An act to authorize the county commissioners courts of the various counties in this State to retire and fund their outstanding floating indebtedness, and to provide for the payment of same."

On motion of Mr. Dorroh, Mr. Conoly was excused for this evening, on account of sickness.

On motion of Mr. Crowley, Mr. Ewing was excused until Monday, on account of sickness.

**BILL INTRODUCED.**

By unanimous consent:

By Mr. Dorroh and Mr. Rudd:

House bill No. 698, a bill to be entitled "An act to amend article 22 of the Revised Statutes of the State of Texas of 1895, so as to change the time of holding the terms of the district courts of Gregg and Upshur counties, and to extend the time of holding court in Gregg county, Texas."

Read first time and referred to Committee on Judicial Districts.

Mr. Beaird moved to suspend pending business to take up and place on its third reading and final passage,

Senate joint resolution No. 13, a resolution to amend section 24 of article 3, of the Constitution of the State of Texas, relating to compensation of members of the Legislature.

On the motion to suspend, yeas and nays were demanded by Mr. Maxwell, Mr. Barbee and Mr. Sluder.

Suspended by the following vote:

**Yeas—65.**

Ayers. Lillard.
Barrett. Logan.
Beard. Lotto.
Bean. Martin.
Bell. McFarland.
Benson. McKamy.
Bird. McKellar.
Blair. Moore, Fort Bend.
Bounds. Neighbors.
Boyd. O'Connor.
Carpenter. Oliver.
Carswell. Peery.
Childs. Pfeuffer.
Crawford. Robbins.
Crowley. Rogan.
Curry. Rudd.
Dennis. Schlick.
Died. Seabury.
Doroh. Shropshire.
Doyle. Smyth.
Drew. Staples.
Evans of Hunt. Strother.
Ewing. Thaxton.
Peld. Thompson.
Fields. Tracy.
Graham. Turner.
Green. Wall.
Haris. Wallace.
Hill of Travis. Ward.
Holland of Burnet. Welch.
Humphrey. Wiilcox.
Kimbell. Wolters.

**Nays—22.**

Barbee. Love.
Bertram. Maxwell.
Blackburn. Moore of Lamar.
Brewster. Morton.
Browne. Savage.
Cureton. Shelburne.
Dean. Skillern.
Dickinson. Sluder.
Evans of Grayson. Thomas.
Freeman. Tucker.
Hensley. Wood.

**Absent.**

Balley. Morris.
Coller. Patterson.
Edwards. Pitts.
Gilbough. Porter.
Good. Randolph.
Jones. Rhea.
McGaughey. Smith.
Meade. Vaughan, Guadalupe.
Mercer. Williams.

**Excused.**

Brigance. Burns.
Bumpass. Callan.
Burney. Conoly.
Fisher.  Mundine.
Flint.  Reiger.
Garrison.  Reubell.
Henderson.  Rogers.
Hill of Gonzales.  Stamper.
Holland of Harris.  Stokes.
Manson.  Vaughan of Collin.
Melton.

Senate joint resolution No. 13 was laid before the House, and was read third time.

Mr. Evans of Hunt moved the previous question, and the main question was ordered.

The resolution was passed by the following vote:

Yeas—89.


Love.  Sluder.


I vote “no” on the resolution amending the Constitution to increase the salaries of legislators, because the way a minority of the members have obstructed every meritorious measure which has been before the House for some time demonstrates to my mind the wisdom of the present provision of the Constitution, and that the members are already getting about as much as they earn.

SLUDER.

Mr. Evans of Hunt moved to reconsider the vote by which Senate joint resolution No. 13 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Returning to consideration of Senate bill No. 83, on its final passage, with pending amendments and motion of Mr. Wolters to reconsider the vote by which his amendment was adopted pending.

Mr. Wolters, by consent, withdrew the motion to reconsider.

Mr. Evans of Grayson offered the following amendment to the Bailey substitute:

Amend section 6 by striking out reference to deputy sheriffs, deputy county clerks and deputy tax assessors, and insert the following: “One chief duty sheriff, who shall not receive more than $75 per month, and all other duty sheriffs not exceeding $60 per month. Deputy clerks of the county court, not exceeding $75 per month. Deputy tax assessors, not exceeding $65 per month.”

Mr. Ayers offered the following substitute for the amendment by Mr. Evans of Grayson:

Amend section 6 by striking out the words and figures “$60 per month” wherever they occur and inserting in lieu thereof “$75,” and by striking out
the words and figures "$50 per month" and inserting "$75 per month." Accepted by Mr. Evans of Grayson.

The amendment as substituted was adopted.

Mr. Seabury offered the following amendment to the Bailey substitute: Amend by adding the following proviso to section 3 of the substitute: "Provided, that the sums received by sheriffs for feeding prisoners, and for conveying prisoners and attached witnesses, shall not be estimated as part of the sheriff's fees or commissions, in computing the maximum herein allowed such officers."

Accepted by Mr. Bailey.

Mr. Ayers offered the following amendment to the Bailey substitute:

Amend the substitute by striking out the figures "$2500" where they occur in said section 3 and inserting in lieu thereof the figures "$3000."

On the amendment by Mr. Ayers, yeas and nays were demanded by Mr. Love, Mr. Evans of Grayson and Mr. Dean.

Lost by the following vote:

Yeas-25.


Nays-66.


Excused.


PAIRED.

Mr. Burney (present), who would vote "nay," with Mr. Ewing (absent), who would vote "yea."

Mr. Bailey offered the following amendment to the Bailey substitute:

Amend section 5 by adding after the words "tax assessors" the words "and county attorneys," and amend section 6 by adding thereto the following, "deputy county attorneys shall receive not more than $85 per month while so employed."

Mr. Seabury offered the following substitute for the above amendment:

Amend by adding after the word "sheriffs" in the first line of section 5 of the substitute the words "county attorneys," and add to section 6 the following, "deputy county attorneys shall receive not more than $100 per month while so employed."

Accepted by Mr. Bailey. The amendment as substituted was adopted.

Mr. Fields offered the following amendment to the Bailey substitute:

Amend by adding to section 3 the following: "And provided further, that in any county in which the coun-
Mr. Crowley offered the following amendment to the Bailey substitute:

Amend the substitute by adding the following to section 1: “Provided further, that in all counties of this State having a population of 10,000 or less, according to the last United States census, the county officers shall not be required to keep the account and make the reports of fees collected as provided for in this section.”

Mr. Dies offered the following substitute for the above amendment:

Amend by inserting “15,000” in lieu of “10,000” where it occurs in the amendment.

Tabled on motion of Mr. Love.

The amendment by Mr. Crowley was adopted.

Mr. Thomas offered the following amendment to the Bailey substitute:

Amend the substitute by adding after the word “services” in section 3, the following: “Provided, that sheriffs may retain 25 per cent of the fees and commissions collected by them in excess of such amounts, for the purpose of paying special deputies and other incidental expenses not otherwise provided for in this act.”

Tabled on motion of Mr. Blackburn.

Mr. Rogan offered the following amendment to the Bailey substitute:

Amend section 9 by adding thereto the following: “Provided, that no official charged with the collection of fees shall be held accountable for the non-collection of the same in cases where the pauper’s oath has been taken as provided by law, or when the party legally liable to pay the same is insolvent and has no property in the county subject to forced sale.”

Mr. Ayers offered the following substitute for the above amendment:

Amend the substitute by striking out section 9 and substituting therefor the following:

‘Sec. 9. If the reasons for not collecting the fees, or any part thereof, remaining uncollected, are insufficient, or the officer has been negligent in and about the collection of the same, such officer shall make the same good by paying the same or such part thereof as he failed to collect through negligence to the county treasurer; otherwise, suit shall be brought against such officer and his bondsmen to collect such amount.”

Accepted by Mr. Rogan.

Mr. Turner offered the following substitute for the above amendment:

Strike out all of section 9.

Question first recurring on the amendment as substituted, it was adopted.

Question next recurring on the amendment by Mr. Turner,

On motion of Mr. Maxwell, it was tabled.

Mr. McKamy offered the following amendment to the Bailey substitute:

Amend by adding after the word “employed” in substitute for section 6 the following: “Provided, that in counties having no district attorney, deputy county attorneys shall receive not more than $150 per month while so employed.”

Tabled on motion of Mr. Evans of Grayson.

Mr. Love moved to reconsider the vote by which the following amendment by Mr. Wolters to the Bailey substitute was adopted this morning:

Amend by striking out section 7, and substitute therefor the following: “Sec. 7. All surplus fees, commissions or other remunerations in excess of the amounts hereinafter allowed to the various district, county and precinct officers hereinafter mentioned shall be paid into the county treasuries of the various counties.”

Mr. Love moved the previous question on the motion to reconsider, and the main question was ordered.

Yeas and nays were demanded by Mr. Sluder, Mr. Love and Mr. Dies.

Reconsidered by the following vote:

Yea—52.

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

Mr. Rudd (present), who would vote "nay," with Mr. Fields (absent), who would vote "yea."

I vote "no" on this question, because there is nothing better before this House to vote for.

Question recurring on the amendment by Mr. Wolters,

Mr. Maxwell moved to lay it on the table.

Yeas and nays were demanded by Mr. Tracy, Mr. Dies and Mr. Maxwell.

Tabled by the following vote:

**Yeas—50.**

Alexander. Humphrey.

Bailey. Jones.

Barbee. Kimbell.

Bell. Lillard.

Benson. Love.

Bertram. Martin.

Brewster. Maxwell.

Carswell. McKellar.

Crawford. Mercer.

Crowley. Moore of Lamar.

Cureton. Morton.

Curry. Neighbors.

Dean. Oliver.

Dennis. Peery.

Dickinson. Rhea.

Doroh. Robbins.

Doyle. Shropshire.

Evans of Hunt. Skilern.

Evans of Grayson. Sluder.

Felld. Staples.

Fields. Thomas.

Freeman. Tucker.

Graham. Vaughan of Collin.

Hensley. Wall.

Holland of Burnet. Wood.

**Nays—43.**

Ayers. Moore, Fort Bend.

Barrett. Morris.

Bean. O'Connor.

Bird. Patterson.

Blackburn. Rogan.

Blair. Rudd.

Bounds. Savage.

Boyd. Schlick.

Brigance. Seabury.

Browne. Smyth.

Burney. Stokes.

Burns. brother.

Burney. Stokes.

Burns. brother.

Burney. Stokes.

Burns. brother.

Burney. Stokes.

**PAIRS.**

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

Mr. Rudd (present), who would vote "nay," with Mr. Fields (absent), who would vote "yea."

I vote "no" on this question, because there is nothing better before this House to vote for.

Question recurring on the amendment by Mr. Wolters,

Mr. Maxwell moved to lay it on the table.

Yeas and nays were demanded by Mr. Tracy, Mr. Dies and Mr. Maxwell.

Tabled by the following vote:

**Yeas—50.**

Alexander. Humphrey.

Bailey. Jones.

Barbee. Kimbell.

Bell. Lillard.

Benson. Love.

Bertram. Martin.

Brewster. Maxwell.

Carswell. McKellar.

Crawford. Mercer.

Crowley. Moore of Lamar.

Cureton. Morton.

Curry. Neighbors.

Dean. Oliver.

Dennis. Peery.

Dickinson. Rhea.

Doroh. Robbins.

Doyle. Shropshire.

Evans of Hunt. Skilern.

Evans of Grayson. Sluder.

Felld. Staples.

Fields. Thomas.

Freeman. Tucker.

Graham. Vaughan of Collin.

Hensley. Wall.

Holland of Burnet. Wood.

**Nays—43.**

Ayers. Moore, Fort Bend.

Barrett. Morris.

Bean. O'Connor.

Bird. Patterson.

Blackburn. Rogan.

Blair. Rudd.

Bounds. Savage.

Boyd. Schlick.

Brigance. Seabury.

Browne. Smyth.

Burney. Stokes.

Burns. brother.

Burney. Stokes.

Burns. brother.

Burney. Stokes.

Burns. brother.

Bumpass. Pitts.

Callan. Porter.

Conoly. Randolph.

Ewing. Shelburne.

Flint. Smith.

Flint. Vaughan of Gua'lupe.

Flint. Welch.

Flint. Vaughan of Gua'lupe.

Flint. Welch.

Flint. Vaughan of Gua'lupe.

Flint. Welch.

Flint. Vaughan of Gua'lupe.

Flint. Welch.

Flint. Vaughan of Gua'lupe.

Flint. Welch.

Flint. Vaughan of Gua'lupe.

Flint. Welch.

Flint. Vaughan of Gua'lupe.

Flint. Welch.
Mr. Childs (present), who would vote "nay," with Mr. Shelburne (absent), who would vote "yea."

Mr. Shropshire offered the following amendment to the Bailey substitute:

Amend section 3 of the substitute by striking out the figures "$2000" wherever it appears in said section and insert in lieu thereof "$2500."

Mr. Randolph moved to adjourn until 9 o'clock a. m. to-morrow.

Yeas and nays were demanded by Mr. Evans of Grayson, Mr. Dean and Mr. Love.

Adjourned by the following vote:

Yeas—55.

Ayers. Moore, Fort Bend.
Barrett. Morris.
Bean. Morton.
Bell. Neighbors.
Bird. O'Connor.
Blackburn. Oliver.
Blair. Patterson.
Bounds. Porter.
Boyd. Randolph.
Brigance. Ragan.
Burney. Rudd.
Carpenter. Savage.
Childs. Schlick.
Crawley. Shropshire.
Curry. Skillern.
Died. Smyth.
Drew. Staples.
Good. Stokes.
Harris. Strother.
Hill of Travis. Thaxton.
Holland of Burnet. Tracy.
Kirk. Turner.
Logan. Vaughan of Collin.
McGaughey. Wallace.
McKamy. Ward.
McKellar. Williams.
Meade. Wolters.
Mercer.

Nays—39.

Alexander. Evans of Hunt.
Bailey. Evans of Grayson.
Barbee. Field.
Benson. Fields.
Bertram. Freeman.
Brewster. Graham.
Browne. Henley.
Carswell. Humphrey.
Crawford. Jones.
Curen. Kimbell.
Dean. Lillard.
Dennis. Love.
Dickinson. Martin.
Dorrough. Maxwell.

Moore of Lamar. Thompson.
Peery. Tucker.
Rhea. Wall.
Robbins. Wilcox.
Siuder. Wood.
Thomas.

Abscent.
Beard. Pfeiffer.
Collier. Pitts.
Doyle. Seabury.
Edwards. Shelburne.
Gibbough. Smith.
Green. Vaughan, Guadalupe.
Lotto. Welch.
McFarland.

Excused.
Bumpass. Hill of Gonzales.
Burns. Holland of Harris.
Callan. Manson.
Conoly. Mundine.
Ewing. Reiger.
Flint. Reuben.
Garrison. Rogers.
Henderson. Stamper.

Accordingly, the Chair at 6:10 p. m., declared the House adjourned until 9 o'clock a. m. to-morrow.

SEVENTY-SEVENTH DAY.

Hall House of Representatives, Austin, Texas,
Friday, April 23, 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:

Alexander. Dean.
Ayers. Dennis.
Bailey. Dickinson.
Barbee. Dies.
Beaird. Doyle.
Boyd. Dorrough.
Burney. Doyle.
Benson. Drew.
Bertram. Edwards.
Bird. Evans of Hunt.
Blackburn. Evans of Grayson.
Bounds. Feild.
Boyd. Fields.
Brewster. Freeman.
Brigance. Garrison.
Browne. Gilbough.
Burney. Good.
Carpenter. Graham.
Carswell. Green.
Childs. Harris.
Curen. Henley.
Conoly. Hill of Travis.
Crawford. Holland of Burnet.
Crowley. Humphrey.
Curen. Jones.
Curry. Kimbell.