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<td>Question recurring on the motion to postpone, Mr. Dies moved to adjourn until 9 a.m. to-morrow, and the motion was lost. Mr. Seabury moved the previous question on the motion to postpone, and the main question was ordered. Yeas and nays were demanded by Mr. Brigance, Mr. Sluder, and Mr. Blair. Postponed by the following vote: Yeas—74.</td>
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<td>On motion of Mr. Brigance, the House, at 5:45 p.m., adjourned until 9 o'clock a.m. to-morrow.</td>
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<td>EIGHTY-FIRST DAY.</td>
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<td>Hall House of Representatives, Austin, Texas, Thursday, April 29, 1897.</td>
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<td>The House met at 9 o'clock a.m., pursuant to adjournment. Speaker Dashell in the chair. Roll called and the following members present: Alexander.</td>
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Burns. Melton.
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Brigance. Mendon.
Browne. Meade.
April 29, 1897

HOUSE JOURNAL.

bill having been read second time on yesterday.

Mr. Dean called up the motion to reconsider the vote by which Senate bill No. 263 was passed, and which motion was entered on the Journal of last Saturday, due notice being given that said motion would be called up to-day.

The motion to reconsider prevailed, and the bill was laid before the House.

Senate bill No. 263 was then passed by the following vote:

Yea—98.
Alexander. Lotto.
Beaird. Love.
Bean. Manson.
Bell. Martin.
Benson. Maxwell.
Bounds. McKamy.
Boyd. McKeller.
Brewster. Melton.
Brigance. Mercer.
Browne. Moore, Fort Bend.
Burney. Moore of Lamar.
Burns. Morris.
Carpenter. Morton.
Carpenter. Mundine.
Childs. Neighbors.
Collier. O'Connor.
Conoly. Oliver.
Crawford. Pfeiffer.
Cureton. Porter.
Curry. Randolph.
Dean. Reubell.
Dennis. Rogers.
Dickinson. Rudd.
Dies. Savage.
Dorroph. Schlick.
Doyle. Shelburne.
Drew. Shropshire.
Edwards. Skillern.
Evans of Hunt. Sluder.
Ewing. Smyth.
Fields. Stamper.
Fields. Staples.
Freeman. Stokes.
Garrison. Thaxton.
Gilbough. Thomas.
Good. Thompson.
Graham. Tracy.
Green. Tucker.
Hensley. Turner.
Hill of Gonzales. Logan.
Hill of Travis. Vaughan of Collin.
Holland of Burnet. Vaughan of Guadalupe.
Holland of Harris. Wall.
Humphrey. Ward.
Jones. Welch.
Kimbell. Wilcox.
Kirk. Williams.
Lillard. Wolters.

Nays—2.
Bertram. Evans of Grayson.

Mr. Dean moved to reconsider the vote by which Senate bill No. 263 was passed, and to table the motion to reconsider.

The motion to reconsider prevailed.

Senate bill No. 79, a bill to be entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardians," was passed, which motion to reconsider was entered on the Journal of March 25, due notice being given on April 14 that said motion would be called up.

The motion to reconsider prevailed.

The bill was then laid before the House, and Mr. Brigance offered the following amendment to the bill:

Amend lines 23 and 24, page 1, by striking out of lines 23 and 24, "or a promissory note secured by two or more good and sufficient securities."

Adopted.

Senate bill No. 79 was passed by the following vote:

Yeas—95.
Ayers. Crawford.
Beaird. Cureton.
Bean. Curry.
Bell. Dean.
Benson. Dennis.
Bird. Dickinson.
Blackburn. Dies.
Bounds. Dorroph.
Boyd. Doyle.
Brewster. Drew.
Brigance. Edwards.
Browne. Evans of Hunt.
Burney. Ewing.
Burns. Field.
Carpen. Fields.
Childs. Garrison.
Collier. Gilbough.
Conoly. Graham.

Excused.
Barbee. Peery.
Barrett. Reger.
Bumpass. Rhea.
Callan. Robbins.
Flint. Roga.
Henderson. Strother.
McGaughrey. Wallace.
Patterson. Wood.

Mr. Ayers called up the motion to reconsider the vote by which Senate bill No. 79 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Ayers called up the motion to reconsider the vote by which Senate bill No. 79, a bill to be entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardians," was passed, which motion to reconsider was entered on the Journal of March 25, due notice being given on April 14 that said motion would be called up.

The motion to reconsider prevailed.

Mr. Ayers moved to reconsider the vote by which Senate bill No. 79 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Ayers called up the motion to reconsider the vote by which Senate bill No. 79, a bill to be entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardians," was passed, which motion to reconsider was entered on the Journal of March 25, due notice being given on April 14 that said motion would be called up.

The motion to reconsider prevailed.

Mr. Ayers moved to reconsider the vote by which Senate bill No. 79 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Ayers called up the motion to reconsider the vote by which Senate bill No. 79, a bill to be entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardians," was passed, which motion to reconsider was entered on the Journal of March 25, due notice being given on April 14 that said motion would be called up.

The motion to reconsider prevailed.

Mr. Ayers moved to reconsider the vote by which Senate bill No. 79 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Ayers called up the motion to reconsider the vote by which Senate bill No. 79, a bill to be entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardians," was passed, which motion to reconsider was entered on the Journal of March 25, due notice being given on April 14 that said motion would be called up.

The motion to reconsider prevailed.
Mr. Brigance moved to reconsider the vote by which Senate bill No. 79 was passed, and to table the motion to reconsider. The motion to table prevailed.

On motion of Mr. Dennis, pending business was suspended to take up and place on its second reading Senate bill No. 312, a bill to be entitled "An act to amend article 397, of chapter 2, title 18, of the Revised Civil statutes of the State of Texas, relating to cities and towns, and the election of its officers."

The bill was laid before the House, read second time and was passed to a third reading.

Mr. Dennis moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 312 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—92.

Beard. Love.
Bean. Mansan.
Bell. Martin.
Benson. Maxwell.
Blair. McLemar.
Blacks. Moore, Fort Bend.
Burns. Moore of Lamar.
Burney. Morris.
Carpenter. Morton.
Carswell. Mundine.
Childs. Neighbors.
Conoly. O'Connor.
Crawford. Oliver.
Pfeuffer. Pitts.
Crowley. Porter.
Cureton. Portl.
Curry. Reubell.
Dean. Rogers.
Dickinson. Savage.
Dies. Schlick.
Dorror. Shelburne.
Doyle. Shropshire.
Drew. Skillern.
Edwards. Sluder.
Evans of Grayson. Smyth.
Ewing. Stamper.
Field. Staples.
Fields. Stokes.
Freeman. Thaxton.
Garrison. Thomas.
Gilbough. Thompson.
Good. Tracy.
Green. Tucker.
Harris. Turner.
Hensley. Vaughan, Guadalupe.
Hill of Gonzales. Vaughan of Collin.
Hill of Travis. Wall.
Holland of Burnet. Ward.
Jones. Wilcox.
Kimbell. Williams.
Kirk. 

Nays—1.

Rudd. 

Brewster. Fisher.

Nays—5.

Bertram. Good.
Crowley. Welch.
Freeman. 

Alexander. Hollan of Harris.
Blair. Pitts.
Evans of Grayson. Seabury.
Fisher. Sluder.

Barbee. Peery.
Barrett. Reiger.
Bumpass. Rhea.
Callan. Robbins.
Flint. Rogan.
Henderson. Strother.
Humphrey. Wallace.
McGaughhey. Wood.
Patterson. 

Nays—1.

Mr. Briggs moved to reconsider the vote by which Senate bill No. 79 was passed, and to table the motion to reconsider. The motion to table prevailed.

On motion of Mr. Dennis, pending business was suspended to take up and place on its second reading Senate bill No. 312, a bill to be entitled "An act to amend article 397, of chapter 2, title 18, of the Revised Civil statutes of the State of Texas, relating to cities and towns, and the election of its officers."

The bill was laid before the House, read second time and was passed to a third reading.

Mr. Dennis moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 312 be put on its third reading and final passage. The motion prevailed by the following vote:

Yeas—92.

Beard. Love.
Bean. Mansan.
Bell. Martin.
Benson. Maxwell.
Blair. McLemar.
Blacks. Moore, Fort Bend.
Burns. Moore of Lamar.
Burney. Morris.
Carpenter. Morton.
Carswell. Mundine.
Childs. Neighbors.
Conoly. O'Connor.
Crawford. Oliver.
Pfeuffer. Pitts.
Crowley. Porter.
Cureton. Portl.
Curry. Reubell.
Dean. Rogers.
Dickinson. Savage.
Dies. Schlick.
Dorror. Shelburne.
Doyle. Shropshire.
Drew. Skillern.
Edwards. Sluder.
Evans of Grayson. Smyth.
Ewing. Stamper.
Field. Staples.
Fields. Stokes.
Freeman. Thaxton.
Garrison. Thomas.
Gilbough. Thompson.
Good. Tracy.
Green. Tucker.
Harris. Turner.
Hensley. Vaughan, Guadalupe.
Hill of Gonzales. Vaughan of Collin.
Hill of Travis. Wall.
Holland of Burnet. Ward.
Jones. Wilcox.
Kimbell. Williams.
Kirk. 

Nays—1.
Senate bill No. 312 was read third time, and was passed by the following vote:

**Yeas—98.**

Alexander. Ayers.
Beaird. Bean.
Bell. Benson.
Bertram. Blackburn.
Blair. Bounds.
Boyd. Brewer.
Brigance. Burney.
Burns. Carpenter.
Carswell. Childs.
Collier. Conoly.
Crawford. Cureton.
Curry. Dean.
Dennis. Dickinson.
Doroh. Doyle.
Evans of Hunt. Evans of Grayson.
Pell. Fields.
Fisher. Freeman.
Garrison. Gilbough.
Good. Graham.
Green. Harris.
Hensley. Hill of Gonzales.
Hill of Travis.
Hollan of Burnet. Jones.
Kimbell. Kirk.

**Nays—none.**

Bailey. Bird.
Browne. Crowley.
Dies. Ewing.
Barbee. Barrett.
Bumpass. Callan.
Flint. Henderson.
Humphrey. McGaughey.
Patterson.

Mr. Lillard moved to reconsider the vote by which Senate bill No. 312 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Blair, pending business was suspended to take up and place on its third reading and final passage.

Senate bill No. 216, a bill to be entitled “An act to amend article 745, of the Revised Civil Statutes of the State of Texas, requiring foreign corporations to file their articles of incorporation with the Secretary of State, and imposing certain conditions upon said corporations transacting business in this State, and authorizing the Secretary of State to issue permits to such corporations.”

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

Mr. Blair moved to reconsider the vote by which Senate bill No. 216 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, as special order for this hour, on its third reading and final passage.

Senate bill No. 83, a bill to be entitled “An act to regulate the compensation of certain State, district and county and precinct officers in this State. and to repeal all laws and parts of laws in conflict therewith.”

With amendment by Mr. Beaird pending, which amendment was printed in the Journal of yesterday.

Mr. Wolters offered the following resolution:

**Resolved by the House of Representatives, the Senate concurring, that the Twenty-fifth Legislature adjourn sine die at 12 o’clock m., May 10, 1897.**
Read second time, and Mr. Beaird moved to table.

On the motion to table, yeas and nays were demanded by Mr. Wolters, Mr. Blair and Mr. Dies.

Tabled by the following vote:

Yeas—71.


Nays—33.


Absent.

Bailey. Lotto. Manson.

Excused.


I vote "aye" on the motion to table the House concurrent resolution No. 25, setting the time for adjournment sine die of the Twenty-fifth Legislature:

First. Because it is the avowed purpose of the opponents of the fee bill and other platform measures to set the time for adjournment at some particular time for the purpose of engaging in dilatory tactics and occupying the time in the consideration of other measures before the House and thereby defeating the passage of the fee bill and other platform measures.

Second. Because to set the time now before these platform measures have been acted upon will put the opponents of these measures upon notice as to the amount and extent of the dilatory tactics absolutely necessary to be employed in order to defeat the fee bill and these two or three other platform measures not yet passed upon, and for this reason I oppose setting the time just now, although I am as anxious to adjourn as anyone in this House. After staying here this long and then to adjourn without passing upon these measures would be an absolute shame and disgrace, and I do not propose to give my sanction to it.

HILL of Gonzales.

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

Senate bill No. 172, a bill to be entitled "An act to authorize the Governor to use the Texas State exhibit at the Tennessee Centennial, and providing for an appropriation for overhauling said exhibit."

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

Lost by the following vote:

Yeas—39.

Mr. Boyd moved the previous question, and it was seconded.
Pending question: Shall the main question be ordered? Upon which Mr. Blair moved a call of the House.
The call was seconded, and the Clerk was directed to call the roll.
The roll was called, and it appeared the following were absent without leave: Messrs. Meade, Smyth, Welch.
Mr. Love moved to excuse the absentees, upon which motion yeas and nays were demanded by Mr. Blair, Mr. O'Connor and Mr. Dies.
Lost by the following vote:

Yeas-62.
Freed. Thaxton. Harris. Wall.
Holland of Harris. Absent.
Holland of Harris. Absent.
Holland of Harris. Absent.
Holland of Harris. Absent.

Nays-39.
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**PAIRED.**

Mr. McKamy (present), who would vote "nay," with Mr. Wood (absent), who would vote "yea."

Mr. Ward (present), who would vote "nay," with Mr. Patterson (absent), who would vote "yea."

Mr. Savage (present), who would vote "yea," with Mr. McGaughy (absent), who would vote "nay."

Mr. Logan (present), who would vote "nay," with Mr. Humphrey (absent), who would vote "yea."

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

I vote "no" on excusing the absentees, for the reason that the fact has been stated on the floor of the House that this is a Democratic platform demand, and it has further been stated that said "fee bill plank" was mere "clap-trap" for the purpose of catching Populist votes, and in view of this statement I desire that all the Democratic members be present to vote on the final passage of the bill.

**BURNS.**

We vote to excuse the absentees, because we think this bill to be an important measure, and inasmuch as it has been discussed five full legislative days already, we think the time has fully come when the House should vote on the measure; and then we think the record should show to the people of Texas who it is that are trying to defeat this measure.

**MORTON, SKILLERN.**

I vote "no" to excuse absentees on the passage of the Wayland fee bill:

First. Because Democrats have declared on the floor of the House that the bill is a monstrosity.

Second. Because Democrats on the floor have declared the bill unconstitutional.

Third. Because Democrats have declared that it is "clap-trap" placed in the Democratic platform to catch Populist votes.

Fourth. Because it does not fulfill the demands of the people, and is a farce as a fee bill. **STOKES.**

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

The Speaker laid before the House, as pending business, on its passage to a third reading, Senate bill No. 1, the fellow-servant bill.

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

Substitute Senate bill No. 320, entitled "An act to amend title 23, chapter 4, of the Revised Civil Statutes of Texas, relating to county lines, by adding thereto article 808."

On the motion to suspend, yeas and nays were demanded by Mr. Burns, Mr. Pitts and Mr. Dennis.

Lost by the following vote:

<table>
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<th>Yeas—60.</th>
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Pending question being Senate bill No. 1, on its passage to a third reading, Mr. Bell moved that the minority report be adopted. (Mr. Smyth was announced.) Pending consideration, Mr. Bell occupying the floor, Mr. Blair moved to take a recess until 3 o'clock p.m. Ruled out of order. Mr. Blair moved that the House adjourn until 3 o'clock p.m. The Chair ruled the motion out of order. Mr. Blair appealed from the ruling of the Chair, and the appeal was seconded. 

On the question, Shall the ruling of the Chair be sustained? yeas and nays were demanded by Mr. Reubell, Mr. Wolters and Mr. Blair.

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

Yeas—61.
Alexander. Burns.  
Ayers. Carpenter.  
Bailey. Carswell.  
Bean. Conoly.  
Bell. Crawford.  
Benson. Cureton.  
Bertram. Curry.  
Bird. Dean.  
Bounds. Dennis.  
Boyd. Dorough.  
Brewster. Doyle.  
Browne. Drew.  

Nays—46.
Beaird. Mercer.  
Blair. Moore, Fort Bend.  
Bragance. Morton.  
Burney. Mundine.  
Childs. O'Connor.  
Collier. Pitts.  
Crowley. Pfeiffer.  
Dickinson. Porter.  
Dyes. Randolph.  
Edwards. Reubell.  
Ewing. Rogers.  
Fisher. Rudd.  
Gilbough. Schlick.  
Good. Seabury.  
Graham. Skillern.  
Green. Smith.  
Hill of Travis. Smyth.  
Holland of Burnet. Staples.  
Kimbell. Stokes.  
Kirk. Tracy.  
Lotto. Vaughan, Guadalupe  
Manson. Ward.  
McKellar. Wilcox.  
Meade. Welch.  
Patterson.  

I vote "aye," because I believe the previous ruling made by Speaker Dashiell was not correct, and contrary to the rules of this House and well established precedents. WOLTERS. (Mr. Meade was announced.) Mr. Wolters raised the point of no quorum, and the Clerk was directed
to call the roll, and the following members answered to their names:

Edwards. Skilairn.


Mr. Wilcox moved to excuse the absentees.
Yees and nays were demanded by Mr. Blair, Mr. Gilbough and Mr. Ward.

Lost by the following vote:


Blackburn. Absent.

Excused.

Barrett. Peery.
Bumpass. Relger.
Callan. Rhea.
Callahan. Robbins.
Flint. Ricks.
Henderson. Rogn.
Humphrey. Sbrother.
McGauhey. Wallace.
Patterson. Wood.
PAIRED:

Mr. Ward (present), who would vote “nay,” with Mr. Patterson (absent), who would vote “yea.”

(Mr. Welch was announced.)

Mr. Carpenter raised the point that the House was full, from the fact that all the absentees announced made call were now present.

Overruled by the Chair, who stated that when the point of no quorum was raised the roll call disclosed the fact that Mr. Blackburn, who answered to his name when the call of the House was ordered, was absent, and that the Chair would not assume from the mere failure of a member to answer his name when the roll call disclosed the fact that such a member has absented himself from the House during a call of the House; but when a roll call is had, upon a point made of no quorum, for the express purpose of determining the presence of the members, a member failing to answer and being actually absent, would not be considered present in theory when he was absent in fact.

Mr. Moore of Lamar appealed from the ruling of the Chair, and the appeal was seconded.

Mr. Blair moved a call of the House, and the Chair ruled the motion out of order.

Mr. Blair appealed from the ruling of the Chair, and the appeal was ruled out of order, on the ground that an appeal could not be entertained pending an appeal.

On the question, Shall the Chair be sustained? yeas and nays were demanded by Mr. Blair, Mr. Wolters and Mr. Pitts.

Sustained by the following vote:

Yeas—54.

Ayers. Harris.
Beaird. Hill of Travis.
Bean. Holland of Burnet.
Bell. Kimbell.
Blair. Lillard.
Blair. Logan.
Brigance. Lotto.
Burney. Martin.
Burns. McFarland.
Childs. McKamy.
Collier. Meade.
Crowley. Mercer.
Cureton. Moore, Fort Bend.
Dennis. Mundine.
Dies. O’Connor.
Edwards. Oliver.
Ewing. Peiffer.
Pitts. Randolph.
Good. Renbell.
Green. Rogers.

Rudd. Tracy.
Schlick. Turner.
Smith. Vaughan, Guadalupe
Smyth. Ward.
Stokes. Welch.
Thaxton. Wolters.
Nays—54.

Alexander. Holland of Harris.
Bailey. Jones.
Benson. Kirk.
Bertram. Love.
Bounds. Manson.
Boyd. Maxwell.
Brewster. McKellar.
Browne. Melton.
Carpenter. Moore of Lamar
Carswell. Morris.
Conoly. Morton.
Crawford. Neighbors.
Curry. Porter.
Dean. Savage.
Dickinson. Shelburne.
Dorroh. Shropshire.
Doyle. Skillern.
Drew. Sluder.
Evans of Grayson. Stamper.
Evans of Hunt. Staples.
Feild. Thomas.
Fields. Thompson.
Freeman. Tucker.
Garrison. Vaught, Collin.
Graham. Wall.
Hensley. Wilcox.
Hill of Gonzales. Williams.
Present and excused from voting.

Seabury. Absent.

Blacksburg. Excused.

Barbee. Peery.
Barrett. Reiger.
Bumpass. Rhea.
Callan. Robbins.
Flint. Rogan.
Henderson. Strother.
Humphrey. Wallace.
McGaughey. Wood.
Patterson.

(Speaker in the chair.)

Mr. Blair moved to take a recess until 2:30 p.m. to-day.

Ruled out of order.

Mr. Blair appealed from the ruling of the Chair, and the appeal was seconded.

On the question, Shall the ruling of the Chair be sustained? yeas and nays were demanded by Mr. Blair, Mr. Wolters and Mr. Meade.

Sustained by the following vote:

Yeas—92.

Alexander. Bell.
Ayers. Benson.
Bailey. Bertram.
Bean. Bird.
Mr. Maxwell moved to excuse the absentees.

Yeas and nays were demanded by Mr. O'Connor, Mr. Blair and Mr. Dies. Lost by the following vote:

Yeas—66.


Nays—41.


Mr. Ward (present), who would vote "nay," with Mr. Patterson (absent), who would vote "yea."  
Mr. McKamy (present), who would vote "nay," with Mr. Wood (absent), who would vote "yea."

Mr. Fields raised the point of order that the pending business being Senate bill No. 83, known as the fee bill, upon its third reading and final passage, the previous question having been moved and seconded upon the bill and pending amendment, and the roll call showing the presence of more than 86 members, thereby developing the presence of a quorum, as provided by section 10, article 3, of the Constitution, the House should proceed with the pending business, viz., Senate bill No. 83 (the fee bill), notwithstanding the rule of the House.

(Pending discussion, on motion of Mr. Burney, Mr. Smith was excused for today, on account of sickness.)

The point of order was overruled by the Chair.

Mr. Evans of Hunt appealed from the ruling of the Chair, and the appeal was seconded.

On the question, Shall the ruling of the Chair be sustained? yeas and nays were demanded by Mr. Evans of Hunt, Mr. Fields and Mr. Seabury.

Sustained by the following vote:

Yeas—75.
Alexander.
Ayers.
Bailey.
Beaird.
Bean.
Bell.
Benson.
Bird.
Blair.
Brigance.
Browne.
Burney.
Burns.
Carswell.
Childs.
Conoly.
Crowley.
Cryerton.
Dies.
Dorroh.

McKamy.
McKellar.
Meade.
Melton.
Mercer.
Moore, Fort Bend.
Moore of Lamar.
Morris.
Mundine.
Neighbors.
O'Connor.
Oliver.
Pitts.
Porter.
Randolph.
Reubell.
Rogers.
Rudd.

Ney's—32.
Bertram.
Bounds.
Boyd.
Brewster.
Brewer.
Carpenter.
Crawford.
Collier.
Curry.
Denn.
Dennis.
Dickinson.
Drew.
Evans of Hunt.
Evans of Grayson, Thomas.
Fields.
Fisher.

Excused.
Barbee.
Barrett.
Bumpass.
Callan.
Carpenter.
Davis.
Dennis.
Dickinson.
Drew.
Evans of Hunt.
Evans of Grayson, Thomas.
Fields.
Fisher.

PAIRED.

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

I, together with Mr. Fields of Hill county, appealed from the ruling of the Speaker on the point of order made by Mr. Fields to-day, and overruled by the Speaker. The point of order made was that Rule 51 of the rules of the Twenty-fifth Legislature, which provides that "Upon a call of the House, whenever all the members shall be present except those excused or absent by authority of the House, the call shall be considered suspended, and the rule providing that two-thirds
of the members present may excuse absentees, and that until the absentees are so excused the House can not proceed with the business upon which the call was ordered, are in violation of section 10, article 3, of the State Constitution, which provides that two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as each house may provide. The Constitution provides that two-thirds may do business—that is, pass bill, resolutions, etc. Rule 51 enables a minority of but one more than one-third of the members present to prevent the House from doing business—that is, passing bills or resolutions—notwithstanding there may be more than two-thirds present. The House has the authority, and under the Constitution can do business when two-thirds of the members are present, but according to this Rule 51, two-thirds of the members may be present yet the House can not do business. I believe this rule to be unconstitutional, and cast my vote accordingly. This rule prevents a majority in the House from passing any bill, and enables a minority to dictate the legislation, which is undemocratic, as among Democrats a majority ought to rule.

EVANS of Hunt.
MOORE of Lamar.
FIELDS.

(Mr. Seabury in the chair.)

The House resumed consideration of Senate bill No. 1, on its passage to a third reading.

Pending question, Shall the majority report be adopted?

On motion of Mr. Shelburne, Mr. Maxwell was excused for this evening, on account of sickness.

On motion of Mr. Dies, the members of the Committee on Engrossed bills were permitted to retire to the engrossing room for a few minutes.

(Speaker in the chair.)

On motion of Mr. Bounds, Mr. Skillern was excused for to-day, on account of sickness.

Mr. Carpenter moved to excuse the absentees.

Yees and nays were demanded by Mr. Blair, Mr. Wolters and Mr. Brigance.

Lost by the following vote:

Yees—67.

Mr. Speaker.  Bailey.  Bean.

Benson.  Kimbell.
Bertram.  Lillard.
Bounds.  Love.
Boyd.  Manson.
Brewster.  Martin.
Browne.  McKellar.
Callan.  Meade.
Carpenter.  Melton.
Carswell.  Mercer.
Conoly.  Moore of Lamar.
Crawford.  Morris.
Cureton.  Morton.
Curry.  Neighbors.
Diamond.  Oliver.
Dawson.  Porter.
Dikinson.  Seabury.
Dorothy.  Shelburne.
Doyle.  Shropshire.
Drew.  Skillern.
Evans of Hunt.  Sluder.
Evans, Grayson.  Stamper.
Ewing.  Staples.
Field.  Stokes.
Fields.  Thaxton.
Freeman.  Thomas.
Garrison.  Thompson.
Graham.  Tucker.
Hensley.  Vaughan of Collin.
Hill of Gonzales.  Wall.
Holland of Burnet.  Wilcox.
Holland, Harris.  Williams.
Jones.

Nays—38.

Ayers.  Logan.
Beaird.  Lotto.
Bell.  McFarland.
Blair.  Mundine.
Brigance.  O'Connor.
Burney.  Pfeiffer.
Burns.  Pitts.
Childs.  Randolph.
Collier.  Reubell.
Dies.  Rogers.
Edwards.  Rudd.
Fisher.  Schlick.
Gilbough.  Smyth.
Good.  Tracy.
Green.  Turner.
Harris.  Vaughan, Gaulupe.
Hill of Travis.  Welch.
Kirk.  Wolters.

Absent.

Blackburn.

Excused.

Barbee.  Peery.
Barrett.  Relger.
Bumpass.  Rhea.
Flint.  Robbins.
Henderson.  Rogers.
Humphrey.  Smith.
Maxwell.  Strother.
McGaughy.  Wallace.
Patterson.  Wood.
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PAIRED.

Mr. McKamy (present), who would vote “nay,” with Mr. Wood (absent), who would vote “yea.”

Mr. Savage (present), who would vote “yea,” with Mr. McGaughey (absent), who would vote “nay.”

Mr. Ward (present), who would vote “nay,” with Mr. Patterson (absent), who would vote “yea.”

Mr. Crowley (present), who would vote “nay,” with Mr. Maxwell (absent), who would vote “yea.”

Mr. Boyd offered the following resolution:

Whereas, this House went under call this forenoon upon the moving and seconding of the previous question on Senate bill No. 83, with pending amendment; and

Whereas, after the call of the House on said previous question was duly seconded and the doors hereof were by order of the Speaker closed, W. P. Blackburn, a member of this House from the Sixty-third district, did wilfully and without permission of the Speaker escape from the bar of this House, and the said Blackburn does now wilfully and in violation of the rules of this House, absent himself from the bar of this House; and

Whereas, such conduct on the part of said Blackburn has caused this House great inconvenience and has impeded important legislation; and

Whereas, by said conduct the said Blackburn is in contempt of this House; therefore be it

Resolved by the House of the Twenty-fifth Legislature of Texas, that the said W. P. Blackburn be and he is hereby suspended from membership in this House until such time as he shall appear before the bar thereof and purge himself of the aforesaid contempts by making satisfactory explanation of and apology for his said conduct. (Signed — Boyd, Moore of Lamar, Hensley, Tucker, Love, Dean, Shropshire.)

The resolution was read, and a second reading was called for.

A second reading was objected to, and

Mr. Boyd moved that it be read a second time.

Yeas and nays were demanded by Mr. Blair, Mr. Wolters and Mr. Dies.

Mr. Blair moved a call of the House, and the motion was ruled out of order, the Chair holding the resolution to be privileged, and directing that it be read a second time.

The resolution was read second time, and by direction of the Chair was laid on the Speaker's table until to-morrow (Friday) at 12 o'clock m.

PRIVILEGED REPORT.

By Mr. Dies, chairman:

Committee Room,

Austin, Texas, April 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared Substitute House bill No. 203, a bill to be entitled "An act making an appropriation for the support of the State government for the years beginning March 1, 1897, and ending February 28, 1899, and for other purposes;" and find the same correctly engrossed.

DIES, Chairman.

(Mr. Seabury in the chair.)

Mr. Bailey moved to excuse the absentees, upon which motion yeas and nays were demanded by Mr. Wolters, Mr. Tracy and Mr. Blair.

Lost by the following vote:

Yeas—63.

Bailey. Lillard.
Bean. Love.
Benson. Manson.
Bertram. Martin.
Bounds. McKellar.
Boyd. Meade.
Browder. Melton.
Browne. Mercer.
Carpenter. Moore of Lamar.
Carswell. Morris.
Conoly. Morton.
Crawford. Neighbors.
Cureton. Oliver.
Curry. Porter.
Dean. Savage.
Dennis. Seabury.
Dickinson. Shelburne.
Dorroh. Searcy.
Doyle. Sluder.
Drew. Stamper.
Evans of Hunt. Staples.
Evans of Grayson. Stokes.
Ewing. Thaxton.
Feld. Thomas.
Fields. Thompson.
Freeman. Tucker.
Graham. Vaughan of Collin.
Hensley. Wall.
Hill of Gonzales. Wilcox.
Holland of Harris. Williams.
Jones. 

Nays—40.

Ayers. Blair.
Beard. Brigance.
Bell. Burney.
Bird. Burns.
Mr. Ward (present), who would vote "nay," with Mr. Patterson (absent), who would vote "yea."

Mr. McKamy (present), who would vote "nay," with Mr. Wood (absent), who would vote "yea."

Mr. Crowley (present), who would vote "nay," with Mr. Maxwell (absent), who would vote "yea."

Mr. Wilcox moved the previous question on the motion to adopt the minority report, which was seconded.

On ordering the main question, yeas and nays were demanded by Mr. Blair, Mr. Brigance and Mr. Mundine.

Mr. Turner rose in his seat and asked to be excused from voting, under Rule 15. He was excused.

The main question was ordered by the following vote:

Yeas—60.


Yeas—61.

vote by which the minority report was adopted, and to table the motion to reconsider.

Mr. Bailey moved a call of the House, and the call was not seconded.

The motion to table prevailed.

Mr. Ayers offered the following amendment:

Amend the substitute by adding after the word “together,” in line 2, page 5, the words “at the same piece of work;” and by adding after the word “place,” in line 2, page 5, the word “omit;” and by striking out “a,” in line 3, between the words “to” and “common,” and inserting in lieu thereof the words “the same,” and by striking out the word “and” between the words “common” and “immediate;” and by adding after the word “purpose,” in line 3, page 5, the words, “and within sight or hearing of each other.”

Mr. Blair offered the following substitute for the amendment:

Amend by adding after the word “purpose,” in line 3, page 5, the following: “And whose duties bring them in to such juxtaposition that one would be enabled to observe the negligence of his fellows.”

On motion of Mr. Shropshire, Mr. Holland of Harris was excused until to-morrow (Friday), at 8 o'clock a.m., on account of sickness.

On motion of Mr. Turner, Mr. Vaughan of Collin was excused until to-morrow (Friday) at 8 o'clock a.m., on account of sickness.

Mr. Neighbors moved to excuse the absentees, upon which motion yeas and nays were demanded by Mr. Wolters, Mr. Blair and Mr. Gilbough.

Lost by the following vote:

Yeas—56.

Alexander. Field.
Bailey. Fields.
Benson. Freeman.
Bertram. Garrison.
Bounds. Hensley.
Brewster. Jones.
Carpenter. Love.
Carswell. Martin.
Conoly. McKellar.
Crawford. Meade.
Curry. Melton.
Dean. Mercer.
Dennis. Moore of Lamar.
Dickinson. Morton.
Doroh. Morton.
Doyle. Neighbors.
Drew. Oliver.
Evans of Hunt. Porter.
Evans of Grayson. Porter.
Evans of Grayson. Savage.
Ewing. Seabury.
Mr. McKamy (present), who would vote "nay," with Mr. Wood (absent), who would vote "yea."

Mr. Ward (present), who would vote "nay," with Mr. Patterson (absent), who would vote "yea."

Mr. Crowley (present), who would vote "nay," with Mr. Maxwell (absent), who would vote "yea."

Mr. Browne moved to suspend pending business, to take up and place on its second reading, Senate bill No. 386.

On the motion to suspend, yeas and nays were demanded by Mr. Benson, Mr. Wolters and Mr. Burney.

Suspended by the following vote:

Yea—74.

Nays—25.
I vote "no" on the motion to take up Senate bill No. 366, appropriating $10,000 for the purchase of the San Jacinto battle grounds, because a bill embodying the same subject was passed by this House and vetoed by the Governor and returned to this House, and by him the veto of the Governor was sustained, and for that reason I believe it would be a violation of the Constitution to pass another bill which is the same in substance at this session of the Legislature.

Hill of Gonzales.

The Speaker laid before the House, on its second reading, Senate bill No. 366, a bill to be entitled "An act for the establishment of a public park on the site of the battlefield of San Jacinto, and providing for the purchase and condemnation of a sufficient amount of land upon which to establish said park, and making an appropriation therefor."

The bill was read second time. Mr. Carpenter moved to suspend Rule 73, requiring the House to go into a committee of the whole House to consider bills carrying appropriations, as applied to this bill.

Yeas and nays were demanded by Mr. Blair, Mr. Kirk and Mr. Drew.

Suspended by the following vote:

Yeas—71.


Nays—29.


Present and declining to vote, Mr. Hill of Gonzales, who, under direction of the Chair, was recorded as voting with the minority.

Mr. Kirk offered the following amendment:

Amend by striking out $10,000, and inserting in lieu thereof $7000.

Mr. Brigance moved to table the amendment.

Mr. Drew moved a call of the House, and it was not seconded.

The amendment was tabled.

Mr. Martin offered the following amendments:

Amend by inserting between the words "therefor" and "said" in line 12, page 3, the following: "Or exceed the average sum of $25 per acre for the entire number of acres acquired under such condemnation."

Adopted.

Amend section 1 by adding after the words "battlefield," in line 28, page 1, the following: "And enclosing same."

Adopted.
Mr. Blair offered the following amendment:
Amend by adding in line 4, page 2, after the word "commissioners" the following: "Who shall each enter into bond in the sum of $10,000, payable to the Governor of the State of Texas and his successors in office, conditioned to faithfully perform the duties of their offices, and shall make a true and correct report of their actions to the Governor, and."

Mr. Gilbough moved to table the amendment, upon which yeas and nays were demanded by Mr. Kirk, Mr. Feild and Mr. Dies.

Lost by the following vote:

Yea-49.
Bailey.
Bounds.
Brigance.
Brown.
Carswell.
Childs.
Collier.
Conoly.
Crawford.
Crowley.
Curry.
Dennis.
Dorothy.
Doyle.
Edwards.
Evans of Hunt.
Fisher.
Garrison.
Gilbough.
Good.
Green.
Harris.
Hensley.
Hill of Travis.

Nay-52.
Alexander.
Ayers.
Beaird.
Bell.
Benson.
Bertram.
Bird.
Blair.
Boyd.
Brewster.
Burney.
Burns.
Carpenter.
Cureton.
Dean.
Dickinson.
Dites.
Drew.
Evans of Grayson.
Ewing.
Field.
Fields.
Freeman.

Smyth.
Thomas.
Tucker.
Vaughan of Collin.

Wall.
Wilcox.
Williams.

Blackburn.

Barbee.
Barrett.
Bean.
Bumpass.
Callan.
Platt.
Graham.
Henderson.
Holland of Harris.
Humphrey.
Maxwell.
Munda.

Excused.

Patterson.
Peery.
Reiger.
Rhea.
Robbins.
Rogan.
Skillern.
Smith.

Mr. Kirk and Mr. Vaughan of Guadalupe.

Lost by the following vote:

Yea-67.
Alexander.
Bailey.
Barbee.
Benson.
Bertram.
Bird.
Boyd.
Brewster.
Brown.
Hill of Gonzales.

Evans of Grayson.

Bailey.
Field.
Barbee.
Fields.
Benson.
Freeman.
Bertram.
Garrison.
Bounds.
Hensley.
Holland of Gonzales.
Humphrey.
Holland of Harris.
Bumpass.
Carpenter.
Cureton.
Crawford.
Curry.
Dean.
Dennis.

Khiller.
Kimbell.
Lillard.
Logan.
Love.
Manson.
McKellar.
Mead.
Mercer.
Moore of Lamar.
Morris.
Neighbors.
Oliver.
Pitts.
Renell.
Rudd.
Savage.
Seabury.
Shelburne.
Shropshire.
Sluder.

Evans of Hunt.
On motion of Mr. Smyth, Pending business was suspended to take up and place on its second reading, with committee amendments,

Substitute Senate bill No. 63, a bill to be entitled "An act to repeal articles 4218d and 4218i, chapter 12a, title 70, of the Revised Civil Statutes of the State of Texas, and to add to said chapter articles 4218ff and 4218ff, and to amend articles 4218e, 4218f and 4218s of said chapter and title, relating to the sale and lease of public free school and asylum lands."
The bill was laid before the House, and was read second time.

(Mr. Bailey in the chair.)

The committee report was adopted.

Mr. Smyth offered the following amendment:

Amend by inserting before article 4218s, page 3, the following:

"Art. 4218h. All agricultural lands belonging to the public free school and the several asylum funds shall be sold at not less than $1.50 per acre; and all grazing lands shall be sold at not less than $1 per acre; and all timber lands shall be sold at not less than $5 per acre. By timber lands is meant lands valuable chiefly for the timber thereon.”

"Provided, that no person who has bought under former laws, and whose accounts are in good standing when this law goes into effect, shall have the right to forfeit his holding for the purpose of repurchasing under this act.”

Adopted.

Mr. Burney offered the following amendment:

Amend by striking out lines 20, 21 and 22, on page 5, and insert the following: “South to the southwest corner of Gillespie county; thence east to the northeast corner of Kerr county; thence south to the southeast corner of Bandera county; thence west to the northeast corner of Uvalde county.”

Adopted.

Mr. Smyth offered the following amendments:

Amend the committee amendment by substituting the figures “12,” “18” and “4,” for the figures “23,” “24” and “2,” in line 13, page 7.

Adopted.

Amend by inserting after line 17, on page 6, the following:

“Art. 4218y. The Commissioner of
the General Land Office may withhold from lease any agricultural lands necessary for the purpose of settlement, and no agricultural lands shall be leased if in the judgment of the Commissioner they may be in immediate demand for settlement, but such lands shall be held for settlement and sold to actual settlers only under the provisions of this chapter; and all sections and fractions of sections in all counties organized prior to the first day of January, 1875, except El Paso, Presidio and Pecos counties, which sections are detached and isolated from other public lands, may be sold to any purchaser, except to a corporation, without actual settlement at $1 per acre upon the same terms as other public lands and sold under the provisions of this chapter."

Adopted.

Mr. Crowley offered the following amendment:

Amend the committee amendment by striking out all in line 30, page 7, down to and including all in line 5, page 8, and insert the following: "Said line begins at the northwest corner of Yoakum county, thence east to the northeast corner of Kent county, thence south to the north line of Fisher county, thence west to the northeast corner of Scurry county, thence south to the north line of Coke county, thence east to the northwest corner of Runnels county, thence south to the southwest corner of Runnels county, thence east to the northwest corner of Concho county."

Adopted.

Mr. Smyth offered the following amendment:

Amend the caption so that the same shall read as follows: "A bill to be entitled an act to repeal articles 4218d and 4218f, chapter 12a, title 87, of the Revised Civil Statutes of the State of Texas, and to add to said chapter articles 4218ff, 4218fff and 4218h, and to amend articles 4218e, 4218g, 4218s and 4218y of said chapter and title, relating to the sale and lease of public free school and asylum lands."

Adopted.

The bill was passed to a third reading.

Mr. Smyth moved to suspend the constitutional rule requiring bills to be read on three several days in each House, and that substitute Senate bill No. 63 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—114.
Alexander. Lillard.
Ayers. Logan.
Bailey. Lotto.
Barbee. Love.
Barrett. Manson.
Beaird. Martin.
Bean. McIvor.
Bell. McFarland.
Benson. McKamy.
Bertram. McKellar.
Bird. Meade.
Blair. Melton.
Bounds. Mercer.
Boyd. Moore, Fort Bend.
Brewster. Moore of Lamar.
Bryant. Morton.
Bumpass. Mundine.
Burney. Neighbors.
Burns. O'Connor.
Carpenter. Oliver.
Carswell. Peery.
Childs. Pfeuffer.
Collier. Pitts.
Conoly. Porter.
Crawford. Randolph.
Crowley. Reiger.
Cureton. Reubell.
Curry. Rogers.
Dean. Rudd.
Denis. Sartare.
Dickinson. Seabury.
Dies. Schlick.
Dorroh. Shelburne.
doyle. Shropshire.
Drew. Skiller.
Edwards. Sluder.
Evans of Grayson. Smyth.
Ewing. Stamper.
Felld. Staples.
Fields. Stokes.
Fisher. Strother.
Freeman. Thaxton.
Garrion. Thomas.
Gibbough. Thompson.
Gill. Tracy.
Graham. Tucker.
Green. Turner.
Harris. Vaughan, Guadalupe.
Hensley. Vaughan of Collin.
Hill of Gonzales. Wall.
Hill of Travis. Ward.
Holland of Burnet. Welch.
Holland of Harris. Wilcox.
Jones. Williams.
Kimbell. Wolters.
Kirk. Wood.

Nays—none.
Absent.
Blackburn. Excused.
Callan. Flint.
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Substitute Senate bill No. 63 read third time and passed by the following vote:

Yeas—116:

Alexander.  Lillard.
Ayres.  Logan.
Bailey.  Lotto.
Barbee.  Love.
Barrett.  Manson.
Bld.  Meade.
Blair.  Melton.
Bounds.  Mercer.
Boyd.  Moore, Fort Bend.
Brewster.  Moore of Lamar.
Brigance.  Morris.
Browne.  Morton.
Bumpass.  Mundine.
Burney.  Neighbors.
Burns.  O'Connor.
Carpenter.  Oliver.
Carswell.  Peery.
Childs.  Pfeuffer.
Collie.  Pitts.
Conoly.  Porter.
Crawford.  Randolph.
Crowley.  Reiger.
Cureton.  Reubell.
Curry.  Rogers.
Dean.  Rudd.
Dennis.  Savage.
Dickinson.  Seabury.
Dies.  Schlick.
Dorroh.  Shelburne.
Doyle.  Shropshire.
Drew.  Skillern.
Edwards.  Sluder.
Evans of Grayson.  Stamper.
Ewing.  Staples.
Field.  Staples.
Fisher.  Strother.
Freeman.  Thaxton.
Garrison.  Thomas.
Gilghobh.  Thompson.
Good.  Tracy.
Graham.  Tucker.
Green.  Turner.
Harris.  Vaughan, Guadalupe.
Hensley.  Vaughan of Collin.
Hill of Gonzales.  Wall.
Hill of Travis.  Ward.
Holland of Burnet.  Wilcoxon.
Holland of Harris.  Williams.
Jones.  Wolters.
Kimbell.  Wood.

Nays—1.

Welch.  Absent.
Blackburn.  Absent.

Callan.  Patterson.
Fields.  Rhea.
Flint.  Robbins.
Henderson.  Rogan.
Humphrey.  Smith.
Maxwell.  Wallace.

Mr. Smyth moved to reconsider the vote by which substitute Senate bill No. 63 was passed, and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the chair.)

On motion of Mr. McKamy, Mr. Porter was excused till next Monday, on account of sickness.

Mr. Melton, chairman on part of the House, submitted the following report:

Committee Room,
Austin, Texas April 30, 1897.

Hon. L. T. Dashiel, Speaker of the House of Representatives, and Hon. George T. Jester, President of the Senate.

We, your free conference committee on

House bill No. 180, a bill to be entitled "An act to amend article 5043 of the Revised Statutes of 1895, so as to exempt Maverick county from the provisions of title 102, chapter 6, relating to the inspection of hides and animals,"

Have had the same under consideration, with House and Senate amendments, and beg leave to report back as follows:

First. We recommend that House engrossed rider, which reads "Amend by exempting Concho and Titus counties," hereafter read "Amend by exempting Titus county."

Second. We recommend that Senate amendment, which reads "Amend by adding after the word 'Menard' the words 'Uvalde and Zavala,'" be amended so as to hereafter read: "Amend by adding after the word 'Menard' the words 'Uvalde and Zavala.'"

Third. We recommend that all other
House and Senate amendments be adhered to and adopted.
Respectfully submitted.

PRESLER, TURNER, GOSS, HARRISON, TERRELL,
On the part of the Senate.
MELTON, WELCH, CROWLEY, LILLARD,
On part of the House.

On motion of Mr. Melton, the report was adopted.
Mr. Wall moved to suspend pending business to take up and place on its second reading.

Senate bill No. 138, a bill to be entitled "An act to amend section 2439, chapter 1, title XLV, of the Revised Statutes of Texas, relating to the fees the Secretary of State is authorized and required to charge for the use of the State for charters, amendments and supplements thereto, and to repeal all laws in conflict with this act, in so far as they may affect the same."

On the motion to suspend, yeas and nays were demanded by Mr. McKamy, Mr. Wood and Mr. Doyle.
Lost by the following vote:

Yeas--69.
Alexander. Holland of Burnet.
Barbee. Kimbell.
Barrett. Lillard.
Beard. Logan.
Bean. Lotto.
Benson. Love.
Bertram. Manson.
Brewster. McGaughey.
Bumpass. McMurry.
Burns. McKellar.
Carpenter. Meade.
Childs. Melton.
Collor. Mercer.
Crawford. Moore, Lamar.
Crowley. Morton.
Cureton. O'Connor.
Dennis. Oliver.
Dies. Peery.
Doroh. Pfeiffer.
Doyle. Reiger.
Drebbell. Rogers.
Edwards. Shelburne.
Evans of Grayson. Shropshire.
Field. Skillern.
Fisher. Sluder.
Freeman. Stamper.
Graham. Stokes.
Green. Strother.
Hill of Gonzales. Thaxton.

Nays--44.
Ayers. Holland of Harris.
Bailey. Jones.
Bell. Kirk.
Bird. Martin.
Blair. Moore, Fort Bend.
Bounds. Morris.
Brigance. Neighbors.
Browne. Pitta.
Burney. Randolph.
Carswell. Rudd.
Conoly. Savage.
Curry. Schlick.
Dean. Smyth.
Dickinson. Staples.
Ewing. Thompson.
Fields. Tracy.
Garrison. Tuckner.
Gilbough. Vaughn, Guadalupe.
Good. Vaughn of Collin.
Harris. Ward.
Hensley. Welch.
Hill of Travis. Wood.

Absent.
Blackett.

Excused.
Callan. Porter.
Flint. Rhea.
Henderson. Robbins.
Humphrey. Rogan.
Maxwell. Seabury.
Mundine. Smith.
Patterson. Wallace.

Returning to consideration of Senate bill No. 366, the San Jacinto Park bill, with pending amendments.

Question first recurred on the substitute by Mr. Brigance for the amendment by Mr. Blair.
Mr. Brigance, by consent, withdrew his substitute.
Mr. Ayres then offered the following substitute for the amendment by Mr. Blair:

Amend by adding after the word "commissioners," in line 4, section 2, page 2, the following: "Who shall enter into a bond payable to the Governor of Texas or successors in office, in the sum of $10,000, conditioned that they will well and truly discharge their duties as such commissioners, and faithfully expend said money and make due report to the Governor of their action and."

Mr. Brigance moved the previous question, and it was not seconded.

On motion of Mr. Savage, Mr. Hill of Gonzales was excused until Monday on account of sickness in his family.
After further consideration by the House, Mr. Carpenter moved the previous question, and the main question was ordered.

Question first recurred on the substitute by Mr. Ayers for the pending amendment.

Yea's and nays were demanded by Mr. Blair, Mr. Shropshire and Mr. Wood.

Adopted by the following vote:

Yeas—60.

Alexander.
Ayers.
Bailey.
Barbee.
Barrett.
Beard.
Bean.
Brewster.
Carpenter.
Carpenter.
Carswell.
Childs.
Collier.
Conolly.
Crawford.
Cureton.
Curry.
Dean.
Dennis.
Dickinson.
Dorrough.
Doyle.
Edwards.
Field.
Fields.
Garrison.
Green.
Harris.
Hensley.
Hill of Travis.

Holland of Harris.
Jones.
Kimbell.
Lillard.
Logan.
Mansion.
Martin.
McGaughey.
McKellar.
Melton.
Moore, Fort Bend.
Moore of Lamar.
Morris.
Neighbors.
O'Connor.
Peery.
Pfeiffer.
Randolph.
Reiger.
Reubell.
Rudd.
Sluder.
Staples.
Strother.
Thaxton.
Thompson.
Tucker.
Welch.
Williams.

Nays—53.

Bell.
Benson.
Bertram.
Bird.
Blair.
Bounds.
Boyd.
Browne.
Bumpass.
Burney.
Burns.
Crowley.
Dies.
Drew.
Evans of Hunt.
Evans of Grayson.
Ewing.
Fisher.
Freeman.
Gilbough.
Good.

Holland of Burnet.
Kirk.
Lotto.
Love.
McFarland.
Meade.
Mercer.
Morton.
Mundine.
Oliver.
Pitta.
Rogers.
Savage.
Schlick.
Scabury.
Shelburne.
Shropshire.
Skillern.
Smyth.
Stamper.

Stokes.
Thomas.
Tracy.
Turner.
Vaughan, Guadalupe Wood.
Vaughan, Collin.

Ward.
Wall.
Wilcox.
Wolters.

Blackburn.  Absent.

Callan.
Flint.
Henderson.
Hill of Gonzales.
Humphrey.
Maxwell.
Patterson.

Porter.
Rhea.
Robbins.
Rogan.
Smith.
Wallace.

ABSENT.

I vote "nay," because section 5 of the bill precludes the necessity of a bond.

TURNER.

The amendment as substituted was adopted.

On passage of the bill to a third reading, yeas and nays were demanded by Mr. Oliver, Mr. Bumpass and Mr. Burney.

Senate bill No. 366 was passed to a third reading by the following vote:

Yeas—63.

Ayers.
Bailey.
Barbee.
Barrett.
Beard.
Bean.
Bell.
Bird.
Bounds.
Boyd.
Browne.
Bumpass.
Burney.
Burns.
Effective.
Evans of Hunt.
Evans of Grayson.
Ewing.
Fisher.
Freeman.
Gilbough.
Good.

Holland of Travis.
Jones.
Lotto.
Martin.
McFarland.
Bell.
McGaughey.
McKamy.
Melton.
Moore, Fort Bend.
Neighbors.
O'Connor.
Peery.
Pfeiffer.
Randolph.
Reiger.
Schlick.
Shelburne.
Skillern.
Smyth.
Strother.
Thaxton.
Thompson.
Tucker.
Welch.
Williams.

Nays—51.

Alexander.
Benson.
Bertram.

Blair.
Bumpass.
Burney.
Mr. Fields moved to reconsider the vote by which Senate bill No. 366 was passed to a third reading, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Fields, Mr. Welton was excused for one hour, on account of sickness in his family.

The House resumed consideration of House substitute for Senate bill No. 1. a bill to be entitled “An act to define who are and who are not fellow-servants in the employment of railway companies and other corporations, or in the employment of the receivers or managers of railways and other corporations, and to prohibit contracts exempting employers from liability.”

On its passage to a third reading, with pending amendments.

On motion of Mr. Tracy, the amendments were tabled.

Mr. Bell moved the previous question, and the main question was ordered.

On passage of House substitute for Senate bill No. 1 to a third reading, yea and nays were demanded by Mr. Wolters, Mr. Williams and Mr. Martin.

Passed to a third reading by the following vote:

**YEAS—80.**

Alexander.  Fields.
Ayers.  Freeman.
Bailey.  Garrison.
Barbee.  Gilbough.
Barrett.  Good.
Beard.  Graham.
Bean.  Hill of Travis.
Bell.  Holland of Burnet.
Bird.  Kimbell.
Blair.  Logan.
Bounds.  Love.
Brigance.  McGAughey.
Brown.  McKamy.
Bumpass.  McKellar.
Burney.  Melton.
Burns.  Moore of Lamar.
Carpenter.  Morris.
Carswell.  Morton.
Childs.  Mundine.
Conoly.  Neighbors.
Conoly.  O'Connor.
Crowley.  Oliver.
Cureton.  Peery.
Cry.  Peiffer.
Dean.  Pitts.
Deceny.  Reiger.
Dickinson.  Rudd.
Dorroh.  Savage.
Doyl.  Shelburne.
Drew.  Skillern.
Edwards.  Sluder.
Ewing.  Stamper.
Feld.  Stokes.
We vote "no," because the bill as amended destroys the statutory law now in force and re-enacts the common law doctrine of fellow-servants.

WOLTERS, WILLIAMS.

I am opposed to the substitute, but vote for it with the hope that the Senate will refuse to concur, and a free conference committee will give us a good bill.

AYERS.

We vote "no" on the engrossment of House substitute for Senate bill No. 1, known as the Lewis fellow-servant bill, because we do not regard it as being in conformity to the demand made in the last State Democratic platform, and for the further reason that we regard the present law upon the subject better than that sought to be enacted by this bill.

BREWSTER, LILLARD.

I vote "aye" on the fellow-servant bill adopted by the House on the minority report, because it is just to all laboring people who work upon railroads and at other dangerous avocations of life, and because I believe the law should apply alike to all. That the substitute minority report is for the best interest of the laboring man, and for his interest I cast my vote; and further, in my judgment, the Senate bill, as passed by that body, is class legislation in the strictest term, and to such class legislation I am opposed.

BRIGANCE.

We vote "aye" on this substitute, not because we regard it of any account, for in my opinion it is a worthless subterfuge, gotten up to defeat legislation on this subject, and not in conformity with the demands of the Democratic Platform: but we vote for it so that a free conference committee may be appointed by both houses, with the hope that they will get up a good bill and return it to this House, so as to give us another chance to correct this illogical and unjust doctrine of fellow-servants; and because we think it important that we have some legislation along this line; and after we opposed this substitute when it first came up in the House on the adoption of the minority report, and fought for the bill as it came to us from the Senate, and after this substitute was adopted as a minority report in lieu of a majority report, then, and not till then, as above stated, as a last hope to carry out our promises to the people and for other reasons.

CHILDs.

O'CONNOR.

I vote "nay" on substitute Senate bill No. 1, because I believe that the definition of "who are fellow-servants" in that bill is vague and uncertain, and makes fellow-servants of all employees who may be at work for a railroad or other corporation in different and separate parts of any city or town, and where they have no opportunity to observe the negligence of their co-employers, and instead of modifying the doctrine of fellow-servants it enlarges it over the act of 1893.

WALL.

COMMITTEE REPORTS.

By Mr. Holland of Harris, chairman:

Committee Room,
Austin, Texas, April 30, 1897.
Hon. L. T. Dashell, Speaker of the House:
Your Committee on Judicial Districts, to whom was referred
House bill No. 704, a bill to be entitled "An act to place Comal county in the Twenty-second judicial district, and to fix the time for holding court in the counties of said district,"
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.

HOLLAND of Harris, Chairman.

By Mr. Reiger, chairman:

Committee Room,
Austin, Texas, April 29, 1897.

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

Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 372, a bill to be entitled "An act to amend the caption and sections 1, 2, 3 and 4 of an act entitled 'An act to amend sections 1, 6, 7, 105, 105a, 105b and 105c, of an act entitled an act to amend sections 38, 103, 105, 106 and 108 of an act entitled an act to incorporate the city of Fort Worth and to grant a charter to said city, approved March 20, 1889, and sections 6, 7, 29, 34, 88, and 102 of said act, as amended by the Twenty-second Legislature in 1891; and to add thereto sections 35a, 35b, 101a, 101b, 101c, 101d, 101e, 102a, 103a, 104a, 105a, 105b, and also 105a, 105b and 105c, in reference to the Board of Equalization, and providing for an appeal from said board to the district court, passed by the Legislature of Texas in the year of 1895, and to add to said act the following sections, to-wit: 105d, 105e, 105f, 105g, 105h, 105j, 105k and 105p, and to repeal all laws and parts of laws in conflict with this act, to-wit: the Twenty-fifth Legislature in the year 1897, and to re-enact the caption and section 1, 2, 3 and 4 of said act, as the same are hereby amended, and to repeal all laws and parts of laws in conflict with this act."

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, and that it not be printed.

REIGER, Chairman.

By Mr. Lillard, chairman:

Committee Room,
Austin, Texas, April 30, 1897.

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

Your Committee on Enrolled Bills have carefully examined and compared House bill No. 309, entitled "An act to provide for the purchase of public lands in quantities of twenty acres or less, situated on islands, by actual settlers, who have settled on and placed valuable improvements thereon, in good faith, or to their vendees, prior to the 1st day of January, 1895, and prescribing the price, terms, manner and time of such purchase."

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 30, 1897.

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

Your Committee on Enrolled Bills have carefully examined and compared House concurrent resolution No. 13, providing for the lease of the Temporary Capitol, etc.,

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.

BILLS SIGNED BY THE 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:

Senate bill No. 306, entitled "An act to provide a charter for the city of Houston, Harris county, Texas."

Senate bill No. 354, entitled "An act to validate the incorporation, and to declare valid the acts of towns and villages heretofore regularly incorporated for free school purposes, having within their limits towns incorporated for municipal purposes, which latter had ceased to exercise their functions as such, or which had not assumed control of the public schools within their limits, and to provide that such towns and villages incorporated for free school purposes shall have exclusive control of the public free schools within their limits, and to repeal all laws in conflict."

Senate bill No. 312, entitled "An act to amend article 39 of chapter 2, title 18, of the Revised Civil Statutes of the State of Texas, relating to cities and towns, and the election of its officers."

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, April 30, 1897.

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

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

Senate bill No. 287, a bill to be entitled "An act to amend article 1706 of the Revised Statutes of the State of
Texas, relating to the place of holding elections in cities and towns,"
By a two-thirds vote: yeas 22, nays none.

Senate bill No. 363, a bill to be entitled "An act to authorize the Texas Central Railroad Company to purchase, own and operate the railroad extending from the town of Bremond, in Robertson county, to the town of Ross, in McLennan county, commonly known as the Waco and Northwestern division of the Houston and Texas Central Railway Company, with its appurtenances, or any part thereof, and to authorize a corresponding increase in the aggregate of the bonds and stocks of said Texas Central Railway Company,"
By a two-thirds vote: yeas 21, nays 1.

Senate joint resolution No. 16, granting leave of absence from the State to Judge Eugene Archer, of the Thirty-eighth Judicial district.

Senate bill No. 258, a bill to be entitled "An act to empower the State Board of Education to procure, for use in the public free schools of the State of Texas, a series of uniform text-books; defining the duties of certain officers therein named with reference thereto, making appropriations therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency,"
By the following vote: yeas 15, nays 6.

Senate bill No. 118, a bill to be entitled "An act to repeal article 5000, of title CII, chapter 6, of the Revised Civil Statutes of Texas, and to amend article 4998 of said title and chapter, relating to a lawful fence and the impounding of stock in counties and subdivisions of counties where the stock law has been adopted."
By a two-thirds vote: yeas 18, nays 3.

Respectfully,
R. E. DODSON, Asst' Secretary.

SENATE BILLS ON FIRST READING.

The following bills received from the Senate were read first time, and referred as follows:
Senate bills Nos. 118, 267 and 363, to Judiciary Committee No. 1.
Senate bill No. 238, to the Committee on Education.

MESSAGE FROM THE GOVERNOR.

The following message, transmitted through Mr. E. R. McLean, private secretary, was received from his Excellency, the Governor:

Executive Office.
April 30, 1897.

To the House of Representatives:

House bill No. 306 is herewith returned without approval. In substance it is an act for the sale of public lands in quantities of five acres or less, situated on islands in the State, to actual settlers who have settled and placed valuable improvements on the land prior to the first day of January, 1895, and authorizes the Commissioner of the General Land Office to sell such land to said settlers at such price per acre as may be fixed by him; provided, the same shall not be sold for less than its reasonable market value, to be determined by the Commissioner. Since the days of the Republic it has been the general policy of the people of Texas to reserve the islands of the State from sale or location, and without reference to whether this policy shall be further departed from, the bill can not be approved, because it is in violation of the Constitution. By section 2, article 7, of the Constitution, one-half of the public domain is made a part of the free school fund of the State, and by section 4 of the same article it is expressly provided that the lands constituting that fund shall be sold "on such terms as may be prescribed by law," which is not complied with by leaving the price of lands to the judgment and discretion of the Commissioner of the General Land Office. This legislative duty may not be delegated to the Commissioner. This act is also objectionable, because if the price of land had been specified, no provision has been made to give the school fund its share of the purchase money. C. A. CULBERSON.

On motion of Mr. Seabury, the message, with accompanying bill, was referred to the Committee on Public Lands and Land Office.

Mr. Wilcox called up the resolution relating to suspension of W. P. Blackburn, member from the Sixty-third Representative District.

Mr. Boyd moved that the House stand at ease until 2:30 p.m.

Yeas and nays were demanded by Mr. Blair, Mr. Wolters and Mr. Pitts. Lost by the following vote:
Yeas——18.

Alexander. Bird.
Barbee. Bounds.
Bean. Boyd.
Bertram. Browne.
Mr. Blair moved that all excuses be revoked and that all absentees be requested to attend the House at once.
Mr. Moore of Lamar moved to table the motion of Mr. Blair.
Yeas and nays were demanded by Mr. Blair, Mr. Wolters and Mr. Kirk.
Tabled by the following vote:

Yeas—68.
Bailey. Lillard.
Barbee. Love.
Beaird. Manson.
Benson. Martin.
Bertram. McKeller.
Bounds. Melton.
Boyd. Mercer.
Brewster. Moore of Lamar.
Brown. Morris.
Bumpass. Morton.
Carpenter. Oliver.
Carswell. Peery.
Conoly. Pfeuffer.
Crowford. Rogers.
Crawford. Savage.
Crowley. Seabury.
Cureton. Shelburne.
Dean. Shropshire.
Dennis. Sluder.
Dickinson. Stapler.
Dorroh. Statham.
Doyle. Staples.
Drew. Stokes.
Evans of Hunt. Thaxton.
Evans of Grayson. Thomas.
Feld. Thompson.
Fields. Tucker.
Freeman. Turner.
Garrison. Vaughan of Collin.
Graham. Wall.
Hensley. Wilcox.
Holland of Harris. Williams.
Jones. Wood.

Nays—44.
Ayers. Kirk.
Barrett. Lotto.
Bean. McFarland.
Bell. McGaughey.
Bird. McKamy.
Blair. Meade.
Brigance. Moore of Fort Bend.
Burney. Mundine.
Burns. Neighbors.
Childs. O'Connor.
Collier. Pitts.
Dies. Randolph.
Edwards. Reiger.
Ewing. Reubell.
Edwards. Rudd.
Edwards. Schlick.
Evans of Grayson. Smyth.
Fields. Stamper.
Fields. Strother.
Gilbough. Tracy.
Good. Tucker.
Green. Vaughan of Guad'lupe.
Harris. Wilcox.
Hensley. Wolters.
Hill of Travis. Absent.
Blackburn. Excused.
Callan. Porter.
Flint. Rhea.
Henderson. Robbins.
Hill of Gonzales. Rogan.
Humphrey. Smith.
Maxwell. Wallace.
Patterson. Welch.
Patterson. Williams.
Patterson. Wood.
Patterson. Wolters.
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PAIRED.

Mr. Ward (present), who would vote "nay," with Mr. Patterson (absent), who would vote "yea."

Mr. Logan (present), who would vote "nay," with Mr. Humphrey (absent), who would vote "yea."

The resolution called up by Mr. Wilcox was laid before the House.

Mr. Blair moved that further consideration of the resolution be postponed until next Monday.

On motion of Mr. Freeman, Mr. Graham was excused for one hour, on account of sickness.

On motion of Mr. Bounds, Mr. Meade was excused till 8 p.m., to-day.

Mr. Sluder moved to table the motion to postpone.

Mr. Beaird moved a call of the House on the motion to table.

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

Mr. Blair raised the point that the House was not full for the reason that the Journal shows that Mr. Blackburn is absent without leave and has not been excused.

The point of order was overruled.

On the motion to table, yeas and nays were demanded by Mr. Wolters, Mr. Blair and Mr. Pitts.

Yeas—62.

Alex, Alexander.
Bailey.
Barbee.
Bean.
Benson.
Bertram.
Bou,.
Boyd.
Brewer.
Bumpass.
Carpenter.
Cardswell.
Conolly.
Crawford.
Cureton.
Curry.
Dean.
Dickinson.
Dorroh.

Moore of Lamar.
Morris.
Morton.
Oliver.
Peery.
Savage.
Seabury.
Sheinburgh.
Shropshire.
Skillern.
Sluder.
Stamper.

PAIRED.

Mr. Neighbors (present), who would vote "nay," with Mr. Meade (absent), who would vote "yea."

Mr. Blair asked for a verification of the vote.

The Clerk then called the list of those voting "yea," and it was found correct.

The Clerk then called the list of those voting "nay," and it was found correct.

Mr. Blair offered the following amendment to the resolution.

Amend by striking out the word...
"suspend" and insert the word "censure."

Mr. Sluder moved the previous question, and the main question was ordered.

On the amendment, yeas and nays were demanded by Mr. Blair, Mr. Wolters and Mr. Dies.

Lost by the following vote:

Yeas—51.

Ayers. Logan. 
Barrett. Lotto. 
Beaird. McFarland. 
Bean. McGaughey. 
Bell. McKamy. 
Bird. McKellar. 
Blair. Moore, Fort Bend. 
Brigance. Mundine. 
Browne. O'Connor. 
Burney. Pfeuffer. 
Burns. Pitts. 
Childs. Randolph. 
Crawley. Reiger. 
Dennis. Reubell. 
Dies. Rudd. 
Edwards. Schlick. 
Ewing. Smith. 
Fisher. Smyth. 
Garrison. Stokes. 
Gilbough. Strother. 
Good. Tracy. 
Green. Turner. 
Harris. Vaughan, Guadalupe. 
Hill of Travis. Ward. 
Holland of Burnet. Wolters. 
Kirk. 

Nays—61.

Alexander. Holland of Harris. 
Bailey. Jones. 
Barbee. Kimbell. 
Benson. Lillard. 
Bertram. Love. 
Bonds. Manson. 
Boyd. Martin. 
Brewster. Melton. 
Bumpass. Mercer. 
Carpenter. Moore, Lamar. 
Carswell. Morris. 
Collier. Morton. 
Colony. Oliver. 
Crawford. Peery. 
Cureton. Rogers. 
Curry. Savage. 
Dean. Seabury. 
Dickinson. Shelburne. 
Dorroh. Shropshire. 
Doyle. Skillern. 
Drew. Sluder. 
Evans of Hunt. Stamper. 
Evans of Grayson, Staples. 
Field. Thaxton. 
Fields. Virginia. 
Freeman. Thompson. 
Graham. Tucker. 
Hensley. Vaughan of Collin.

Wall. Williams. 
Welch. Wood. 
Wilcox. 

Blackburn. 

Callan. Patterson. 
Flint. Porter. 
Henderson. Rhea. 
Hill of Gonzales. Robbins. 
Humphrey. Rogan. 
Maxwell. Wallace. 
Meade. 

PAIRED. 

Mr. Neighbors (present), who would vote "yea," with Mr. Meade (absent), who would vote "nay."

Mr. Blair asked for a verification of the vote as to those voting "yea."

The Clerk called the list of those voting "yea," and it was found correct.

Yeas and nays were demanded by Mr. O'Connor, Mr. Wolters and Mr. Blair.

The resolution was adopted by the following vote:

Yeas—61.

Bailey. Lillard. 
Barbee. Love. 
Benson. Manson. 
Bertram. Martin. 
Bonds. Mercer. 
Boyd. Moore of Lamar. 
Brewster. Morris. 
Bumpass. Morton. 
Carpenter. Oliver. 
Carswell. Peery. 
Conoly. Savage. 
Crawford. Seabury. 
Cureton. Shelburne. 
Curry. Shropshire. 
Dean. Skillern. 
Dickinson. Sluder. 
Dorroh. Stamper. 
Doyle. Staples. 
Drew. Thaxton. 
Evans of Hunt. Thomas. 
Evans of Grayson. Thompson. 
Field. Tucker. 
Fields. Vaughan of Collin. 
Freeman. Wall. 
Garrison. Welch. 
Graham. Wilcox. 
Hensley. Williams. 
Holland of Harris. Wood. 
Jones. 

Nays—51.

Ayers. Bell. 
Barrett. Bird. 
Beaird. Blair.
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<td>Mr. Dean moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.</td>
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**PAIRED.**

Mr. Neighbors (present), who would vote “nay,” with Mr. Meade (absent), who would vote “yea.”

I vote “no,” because the ruling which allows a member to be suspended before he is allowed to give his reasons for his conduct is revolutionary in its tendency, subversive of the rights of the minority, and in substance changes the established customs and rules of the House. A call of the House is no longer a bar to vicious legislation and a protection to a minority.

Although I favor the fee bill, and have supported it throughout, I vote “nay” upon the adoption of the resolution, because I am unwilling to condemn a member upon an ex parte hearing, in his absence, without being confronted by his accusers, and thereby refusing him rights universally granted to the meanest criminals, and upon the mere presumption of guilt.

I believe Mr. Blackburn should be suspended, but vote “no,” because I believe he should receive notice of the charges and have his “day in court.”

**CLOLLER.**
Nays—32.

Ayers. Logan.
Barrett. Lotto.
Beaird. McFarland.
Bell. McGaughy.
Bird. McKamy.
Blair. McKellar.
Brigance. Moore, Fort Bend.
Browne. Mundine.
Burney. O'Connor.
Burns. Pfeuffer.
Childs. Pitts.
Collier. Randolph.
Crowley. Reiger.
Dennis. Reubell.
Dles. Rogers.
Edwards. Rudd.
Ewing. Schlick.
Fisher. Smith.
Gilbough. Smyth.
Good. Stokes.
Green. Strother.
Harris. Tracy.
Hollander of Travis. Turner.
Holland of Burnet. Vaughan, Guadalupe.
Kimbell. Ward.
Kirk. Wolters.

Absent.

Blackburn.

Excused.

Callan. Patterson.
Flint. Porter.
Henderson. Rhea.
Hill of Gonzales. Robbins.
Humphrey. Rogan.
Meade. Wallace.

PAIRED.

Mr. Neighbors (present), who would vote “nay,” with Mr. Meade (absent), who would vote “yea.”

W. P. BLACKBURN SUSPENDED.

Whereupon, the Chair declared that W. P. Blackburn, according to and under the terms of the aforesaid resolution, be and he is hereby suspended as a member of the House of Representatives of the Twenty-fifth Legislature of the State of Texas.

The Speaker declared the House full, and that the question before the House is, Shall the main question be ordered on the final passage of Senate bill No. 83, with pending amendments?

Mr. Blair raised the point of order that the House is not full, and that the absentees have not been excused, and therefore a vote on the main question can not now be had. Overruled by the Chair.

Mr. Blair raised the further point of order that the gentleman from Robertson county (Mr. Blackburn) is absent from this House, and has not been excused; that Rule 56 of this House requires a two-thirds vote of the members present to excuse the absentees, and the gentleman from Robertson county (Mr. Blackburn) has not been excused by that or any other vote.

The Speaker overruled the point of order, holding that the gentleman from Robertson county is absent and not excused, but that if he were present he could not vote, and therefore his presence is not necessary.

Yea's and nays were demanded by Mr. Pitts, Mr. O'Connor and Mr. Blair.

The main question was ordered by the following vote:

Yeas—64.

Alexander. Lillard.
Bailey. Love.
Barbee. Manson.
Benson. Maxwell.
Bertram. McKellar.
Bounds. Melton.
Boyd. Mercer.
Brewster. Moore of Lamar.
Browne. Morris.
Bumpass. Morton.
Carpenter. Oliver.
Carswell. Poery.
Conoly. Pfeuffer.
Crawford. Savage.
Cureton. Seabury.
Curry. Shelburne.
Dean. Shillern.
Dennis. Skidmore.
Dickinson. Sluder.
Dorrah. Stamper.
Doyle. Staples.
Drew. Stokes.
Evans of Hunt. Thaxton.
Evans of Grayson. Thomas.
Field. Thompson.
Fields. Tucker.
Freeam. Vaughan of Collin.
Garrison. Wall.
Graham. Welch.
Hensley. Wilcox.
Holland of Harris. Williams.
Jones. Wood.
Kimbell. Wood.

Nays—44.

Ayers. Dles.
Barrett. Edwards.
Beaird. Ewing.
Benn. Fisher.
Bell. Gilbough.
Bird. Good.
Blair. Green.
Brigance. Harris.
Burney. Hill of Travis.
Burns. Holland of Burnet.
Childs. Kirk.
Collier. Lotto.
Crowley. Martin.
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McFarland. Rogers.  
McGaughey. Rudd.  
McKamy. Schlick.  
Moore, Fort Bend. Smith.  
Mundine. Tracy.  
Pitts. Turner.  
Randolph. Vaughn, Guadalupe.  
Reiger. Ward.  
Reubell. Wolters.  

Excused.  
Callan.  
Flint.  
Henderson.  
Hill of Gonzales.  
Humphrey.  
Meade.  

PAIRED.  
Mr. Neighbors (present), who would vote "nay," with Mr. Meade (absent), who would vote "yea."  
Mr. Strother (present), who would vote "nay," with Mr. Hill of Gonzales (absent), who would vote "yea."  

On motion of Mr. Evans of Hunt, Mr. Dies was excused for to-day, on account of sickness.  
On motion of Mr. Conoly, Mr. Martin was excused for to-day, on account of sickness.  
On the amendment by Mr. Beaird, yeas and nays were demanded by Mr. Wolters, Mr. Blair and Mr. Gilbough.  
Mr. Blair moved a call of the House, and the motion was ruled out of order.  
Lost by the following vote:  
Yeas—34.  
Ayers. Ayers.  
Barrett. Barrett.  
Beaird. Beaird.  
Bell. Bell.  
Bird. Bird.  
Blair. Blair.  
Brigance. Brigance.  
Ewing. Ewing.  
Gilbough. Gilbough.  
Good. Good.  
Green. Green.  
Harris. Harris.  
Hill of Travis. Hill of Travis.  
Holland of Harris. Holland of Harris.  
Logan. Logan.  

Nays—77.  
Alexander. Alexander.  
Barbee. Barbee.  
Bean. Bean.  
Benson. Benson.  
Bertram. Bertram.  
Bounds. Bounds.  
Boyd. Boyd.  

Collier. Collier.  
Conoly. Conoly.  
Crawford. Crawford.  
Crowley. Crowley.  
Cureton. Cureton.  
Curry. Curry.  
Dean. Dean.  
Dennis. Dennis.  
Dickinson. Dickinson.  
Doyle. Doyle.  
Dorroh. Dorroh.  
Evans of Grayson. Evans of Grayson.  
Fields. Fields.  
Freeman. Freeman.  
Garrison. Garrison.  
Graham. Graham.  
Hensley. Hensley.  
Holland of Burnet. Holland of Burnet.  
Jones. Jones.  
Kimbell. Kimbell.  
Lillard. Lillard.  
Lotto. Lotto.  
Manson. Manson.  
Maxwell. Maxwell.  
McKamy. McKamy.  
McKellar. McKellar.  

Excused.  
Callan.  
Dles.  
Flint.  
Henderson.  
Hill of Gonzales.  
Humphrey.  
Martin.  

PAIRED.  
Mr. Strother (present), who would vote "nay," with Mr. Hill of Gonzales (absent), who would vote "yea."  

Question next recurring on final passage of Senate bill No. 83, Mr. Blair moved a call of the House, and the motion was ruled out of order.  
Yeas and nays were demanded by Mr. Blair, Mr. Brigance and Mr. Wolters.  
The bill was passed by the following vote:  
Yeas—71.  
Alexander. Alexander.  
Barbee. Barbee.  
Bell. Bell.  
Benson. Benson.  
Bertram. Bertram.  
Bird. Bird.  
Bounds. Bounds.  
Boyd. Boyd.  
Brewster. Brewster.  

Alexander. Alexander.  
Barbee. Barbee.  
Bean. Bean.  
Benson. Benson.  
Bertram. Bertram.  
Bounds. Bounds.  
Boyd. Boyd.  
Brewster. Brewster.  

Yeas—71.  
Alexander. Alexander.  
Barbee. Barbee.  
Bean. Bean.  
Benson. Benson.  
Bertram. Bertram.  
Bird. Bird.  
Bounds. Bounds.  
Boyd. Boyd.  
Brewster. Brewster.  

Yeas—71.  
Alexander. Alexander.  
Barbee. Barbee.  
Bean. Bean.  
Benson. Benson.  
Bertram. Bertram.  
Bird. Bird.  
Bounds. Bounds.  
Boyd. Boyd.  
Brewster. Brewster.  

Yeas—71.  
Alexander. Alexander.  
Barbee. Barbee.  
Bean. Bean.  
Benson. Benson.  
Bertram. Bertram.  
Bird. Bird.  
Bounds. Bounds.  
Boyd. Boyd.  
Brewster. Brewster.  
Mr. Ward (present), who would vote “nay,” with Mr. Patterson (absent), who would vote “yea.”

Mr. Strother (present), who would vote “nay,” with Mr. Hill of Gonzales (absent), who would vote “yea.”

Mr. Gilbough (present), who would vote “nay,” with Mr. Wallace (absent), who would vote “yea.”

Mr. Logan (present), who would vote “nay,” with Mr. Humphrey (absent), who would vote “yea.”

We vote “no,” because:

First. The bill is contrary to the demand of the Democratic party as expressed in its last platform, wherein the people of this State, speaking through that party, demanded a readjustment of the fee system upon a plan which would be just to the litigant, the taxpayer and the officer. Every one knows that it was through the extravagance, or imaginary extravagance of the sheriffs’ offices of this State that caused the agitation of this question by the people of this State. I do not pretend to say that this charge of extravagance is true, but nevertheless it caused the demand principally for the readjustment of the fee system.

Now this bill exempts from its provisions the office of sheriff. The people in their demand have not excepted this office, and I do not think this House in passing this bill is just either to the other officers or to the people.

Second. We do not believe money which is taken from the citizen and paid into the general fund or used for any other purpose than for the purpose for which it is taxed, viz., cost of litigation. It is private property, and cannot be taken for public use.

Third. This bill bears even evidence of a revenue measure. It originated in the Senate. It could not legally originate there. We believe it therefore to be unconstitutional.

We vote “yea” on final passage of Senate bill 83, the “fee bill,” because it is the only hope to secure fee legislation at this session of the Legislature.

Mr. Ward (present), who would vote “nay,” with Mr. Patterson (absent), who would vote “yea.”

Mr. Strother (present), who would vote “nay,” with Mr. Hill of Gonzales (absent), who would vote “yea.”

Mr. Gilbough (present), who would vote “nay,” with Mr. Wallace (absent), who would vote “yea.”

Mr. Logan (present), who would vote “nay,” with Mr. Humphrey (absent), who would vote “yea.”

We vote “no,” because:

First. The bill is contrary to the demand of the Democratic party as expressed in its last platform, wherein the people of this State, speaking through that party, demanded a readjustment of the fee system upon a plan which would be just to the litigant, the taxpayer and the officer. Every one knows that it was through the extravagance, or imaginary extravagance of the sheriffs’ offices of this State that caused the agitation of this question by the people of this State. I do not pretend to say that this charge of extravagance is true, but nevertheless it caused the demand principally for the readjustment of the fee system.

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Third. This bill bears even evidence of a revenue measure. It originated in the Senate. It could not legally originate there. We believe it therefore to be unconstitutional.

We vote “yes” on final passage of Senate bill 83, the “fee bill,” because it is the only hope to secure fee legislation at this session of the Legislature.
the democratic platform, and for many
other reasons. CHILDSD.

I vote "yea," not that I indorse the
bill, but it is a platform demand, and
this is the last result. BIRD.

Mr. Freeman moved to reconsider the
vote by which Senate bill No. 83 was
passed, and to table the motion to re-
consider.

The motion to table prevailed.

Mr. Blair moved to adjourn until 10
o'clock a.m. next Monday; and Mr.
Ward until 9:30 a.m. next Saturday.

The motion of Mr. Blair was lost,
and the motion of Mr. Ward prevailed.

The House accordingly, at 7:35 p.m.,
adjourned until 9:30 a.m. next Sat­
urday.

EIGHTY-SECOND DAY.

Hall House of Representatives,
Austin, Texas,
Saturday, May 1, 1897.

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

Speaker Dashiell in the chair.

Roll called and the following mem­
bers present:


Absent.


Excused.

Callan, Edwards, Flint, Henderson, Rhea.

A quorum was announced present.

Prayer by Rev. F. S. Jackson, Chaplain of the Senate.

Pending reading of the Journal of
yesterday,

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

The motion to table the vote by which
Senate bill No. 83 was
The House accordingly, at 7:35 p.m.,
adjourned until 9:30 a.m. next Sat­
rday.

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Wilcox for to-day, on motion of
Mr. Dickinson.

Mr. Dorroh for to-day, on motion of
Mr. Wood.

Mr. Moore of Lamar for to-day, on
motion of Mr. Meade.

Mr. Conoly until Tuesday, on motion
of Mr. Barbee.

Mr. Morris for to-day, on motion of
Mr. Bean.

Mr. Evans of Grayson until Tuesday,

Mr. Evans of Grayson until Tuesday,

Mr. Evans of Grayson until Tuesday,

Mr. Evans of Grayson until Tuesday,

Mr. Evans of Grayson until Tuesday,

Mr. Evans of Grayson until Tuesday,

Mr. Evans of Grayson until Tuesday,

Mr. Evans of Grayson until Tuesday,

Mr. Evans of Grayson until Tuesday,

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