EIGHTY-FOURTH DAY.

Hall House of Representatives,
Austin, Texas,
Tuesday, May 4, 1897.

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

Speaker Dashell in the chair.

Roll called, and the following members present:

Mr. Speaker.
Mr. Alexander.
Mr. Ayers.
Mr. Bailey.
Mr. Barbee.
Mr. Barrett.
Mr. Beard.
Mr. Bertram.
Mr. Bird.
Mr. Blackburn.
Mr. Blair.
Mr. Bounds.
Mr. Boyd.
Mr. Brewer.
Mr. Brimage.
Mr. Bumpass.
Mr. Burney.
Mr. Burns.
Mr. Carpenter.
Mr. Childs.
Mr. Conoly.
Mr. Crawford.
Mr. Crowley.
Mr. Cureton.
Mr. Curry.
Mr. Dean.

Love.
Mr. Manson.
Mr. Martin.
Mr. Maxwell.
Mr. McFarland.
Mr. McGaughey.
Mr. McKellar.
Mr. Meade.
Mr. Melton.
Mr. Mercer.
Mr. Moore of Lamar.
Mr. Morris.
Mr. Morton.
Mr. Mundine.
Mr. O'Connor.
Mr. Oliver.
Mr. Patterson.
Mr. Peery.
Mr. Pfeuffer.
Mr. Randolph.
Mr. Reiger.
Mr. Robins.
Mr. Rogers.
Mr. Rudd.
Mr. Savage.

Absent.
Mr. Benson.
Mr. Moore, Fort Bend.
Mr. Dorroh.
Mr. Neighbors.

Evans of Grayson.
Mr. Pitts.

Holland of Harris.
Mr. Porter.
Mr. McKamy.
Mr. Wolters.

Excused.
Mr. Bell.
Mr. Benson.
Mr. Bertram.
Mr. Boyd.
Mr. Browne.
Mr. Callan.
Mr. Carswell.
Mr. Collier.
Mr. Dennis.
Mr. Dies.
Mr. Dorroh.

Accordingly the House, at 6:20 p. m., adjourned until 9 o'clock a. m. to-morrow.
Mr. Dorroh for to-day, on motion of Mr. Wood.

RESOLUTIONS.

By Mr. Smith:

Whereas, since the assembling of the Twenty-fifth Legislature on the 12th of January, 1897, nine persons, citizens of this commonwealth, and entitled to protection by the compact entered into by the State and her citizens, after having surrendered to the officers of the law, and by them deprived of every means of self-defense, have been taken from the custody of the officers by evil-disposed persons and deprived of life by illegal and unconstitutional methods, the persons above mentioned having been murdered by mobs at Elgin in the county of Bastrop, at Bryan in the county of Brazos, and Sunnyside in the county of Waller; and

Whereas, the Bill of Rights of the Constitution of the State of Texas provides that "every person accused of crime shall have a speedy public trial by an impartial jury; he shall have the right of being heard, by himself or by counsel, or by both; and further, no person shall be held for a criminal offense unless on indictment of a grand jury;" and section 15 declares that the right of trial by jury shall remain inviolate; and section 19 declares in unmistakable language that no citizen shall be deprived of life except by due process of law; and

Whereas, in every case of lynching the above provisions of the Bill of Rights are ruthlessly disregarded, and not only are persons accused of crime recklessly and illegally deprived of life, but in many cases subsequent events have proven that the mobs in their blind search for a victim have actually hung innocent persons; and

Whereas, this tendency to snatch from the law and from the courts persons accused of crime has steadily grown until there has arisen in many places an utter disrespect for and contempt of law and order; and

Whereas, the Governor in his message to the Twenty-fifth Legislature, agreeing with the position taken upon this question by his distinguished predecessor, has called the attention of this body to the necessity for additional legislation to check this growing evil in the following language, to be found on page 24 of the House Journal:

"Mob violence, involving defiance of public authority and possible inno-

cence of the victim, is indefensible in a government of order and written laws, however revolting the crime sought to be avenged. While in the end much must be left to a thoughtful citizenship, laws should be passed requiring removal from office of any sheriff or constable who permits the execution of any person by a mob in his county or precinct, and any county in which such shall occur, and in which any of its citizens shall participate, shall be made liable to the State in the sum of $10,000, to be devoted to the permanent improvement of her benevolent and charitable institutions. For obvious reasons, the venue of proceedings in such cases should be fixed at the seat of government, and they should be conducted by the Attorney-General, or under his authority," and

Whereas, section 16 of the Democratic platform, upon which a large majority of the members of this body and the Senate were elected, expressly pledges its representatives to enact laws that will grant security to the lives of persons and property of the people of the State; and

Whereas, although the Legislature has now been in session nearly four months, no bill has been passed by this body to check this great and growing evil, and evil-disposed persons during the sitting of this assembly, and almost in sight of the capitol, have deliberately murdered individuals suspected of crime; and

Whereas, at least two of these persons were not even accused of rape, and two more are said by the sheriff of Waller county to have been lynched because they were witnesses; be it

Resolved by the House, that the practice of lynching being subversive of the end of justice and destructive of law and order, and having assumed such proportions that our present statutes are proven ineffectual, requires immediate legislation to put down this cowardly, brutal and inhuman practice in order that the fair name of the State may be saved from further dis-honor and to protect the lives of citizens from further mob violence.

The resolution was read first time, and went over under the rules.

By Mr. Stamper:

Whereas, an Imperative public necessity exists for the consideration of important legislation relating to the public school system of Texas; therefore be it

Resolved, that the House of Representatives hold a session on Tuesday night, May 4, at 8 o'clock, for not less
than two hours' duration, and from night to night until House and Senate bills pertaining to amending the school laws are disposed of.

The resolution was read second time, and after consideration by the House, Mr. Welch moved the previous question, and the main question was ordered.

Yeas and nays were demanded by Mr. Peery, Mr. Burney and Mr. Fields.

Lost by the following vote:

Yeas:-48.
Alexander . Martin.
Ayers. Maxwell.
Barrett. McGaughey.
Bertram. Meade.
Brewster. Melton.
Bumpass. Mercer.
Carpenter. Mundine.
Cureton. Peery.
Doyle. Reiger.
Ewing. Reubell.
Field. Robbins.
Fields. Roper.
Fisher. Savage.
Freeman. Smith.
Harr. Stamper.
Hill of Gonzales. Thaxton.
Holland of Burnet. Thomas.
Humphrey. Turner.
Jones. Vaughan of Collin.
Kirk. Well.
Lillard. Wallace.
Love. Welch.

Nays-51.
Barbee. Manson.
Beard. McFarland.
Bean. McKamy.
Bird. Moore, Lamar.
Blackburn. Morris.
Blair. Morton.
Bound. O'Connor.
Boyd. Pfeuffer.
Brigance. Randolph.
Burns. Rogers.
Childs. Rudd.
Crowley. Schlick.
Curry. Seabury.
Dean. Shropshire.
Dickinson. Skillern.
Drew. Sluder.
Edwards. Staples.
Evans of Hunt. Tracy.
Gilbough. Tucker.
Good. Vaughn, Guadalupe.
Green. Ward.
Heinley. Williams.
Hill of Travis. Wolters.
Kimbell. Wood.
Lago. Absent.
Logan. Patterson.
Lotto. Pitts.

Excused.
Bell. Dorroh.
Benson. Evans of Grayson.
Browne. Flint.
Callan. Henderson.
Carswell. Moore, Fort Bend.
Collier. Neighbors.
Dennis. Porter.
Died. Rhea.

Mr. Doyle gave notice that on to-morrow he would offer the following resolution:

Whereas, this session will soon close; and
Whereas, many important bills are on our desks; and
Whereas, much time is consumed in debate;
Resolved, that no member shall be permitted to speak on any bill over ten minutes, and his time shall not be extended by the House for more than five minutes.

By Mr. Stokes:

Whereas, a resolution was adopted on January 20, 1897, that Peter Edwards be appointed as a porter of the House, and J. J. Washington was also appointed at the same time; and
Whereas, both of these men have served the House in this capacity from the 12th of January without any compensation, working under instructions from the Sergeant-at-Arms, and under the expectation that the State of Texas would allow them something for their services, as has been done in previous Legislatures; be it

Resolved, that the said Peter Edwards and J. J. Washington be paid for the services rendered from the 12th to the 25th of January, 1897.

The resolution was read second time, and by consent went over until to-morrow.

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. 341, entitled "An act to create a more efficient road system for Milam county, Texas, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and pro-
viding for their compensation as road commissioners, and defining the powers and duties of such county commissioners, etc."

Senate bill No. 545, entitled "An act to further amend section 2 of an act entitled an act to reorganize the Fifteenth judicial district and the Fortieth judicial district, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1888, redistricting the State for judicial purposes, etc."

COMMITTEE REPORTS.

By Mr. Robbins, chairman:

Committee Room,
Austin, Texas, May 4, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Public Lands and Land Office, to whom was referred
House bill No. 708, a bill to be entitled "An act to extend for the period of two years from the first day of March, 1897, the time in which certain purchasers of timber on school lands in this State may remove the timber from said lands,"

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.

ROBBINS, Chairman.

SENATE MESSAGES.

Senate Chamber,
Austin, Texas, May 4, 1897.
Hon. L. T. Dashiell, Speaker of the House:
I am instructed by the Senate to inform the House that the Senate has adopted the report of the majority of the conference committee on House bill No. 13.
Respectfully,
R. E. DODSON, Asst Secretary.

Senate Chamber,
Austin, Texas, May 4, 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 bill:
Substitute House bill No. 203, being the general appropriation act, said House bill being substituted in its entirety by substitute Senate bill No. 41, and having passed the Senate by the following vote: ayes 20, nays 3.
Respectfully,
WILL LAMBERT, Secretary.
<table>
<thead>
<tr>
<th>Name</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green</td>
<td>Olver</td>
</tr>
<tr>
<td>Harris</td>
<td>Patterson</td>
</tr>
<tr>
<td>Hensley</td>
<td>Peery</td>
</tr>
<tr>
<td>Hill of Gonzales</td>
<td>Pfeiffer</td>
</tr>
<tr>
<td>Hill of Travis</td>
<td>Randolph</td>
</tr>
<tr>
<td>Holland of Burnet</td>
<td>Reiger</td>
</tr>
<tr>
<td>Humphrey</td>
<td>Rogan</td>
</tr>
<tr>
<td>Jones</td>
<td>Savage</td>
</tr>
<tr>
<td>Kimbell</td>
<td>Schlick</td>
</tr>
<tr>
<td>Kirk</td>
<td>Shelburne</td>
</tr>
<tr>
<td>Lillard</td>
<td>Shropshire</td>
</tr>
<tr>
<td>Logan</td>
<td>Skillern</td>
</tr>
<tr>
<td>Lotto</td>
<td>Sluder</td>
</tr>
<tr>
<td>Love</td>
<td>Stamper</td>
</tr>
<tr>
<td>Martin</td>
<td>Staples</td>
</tr>
<tr>
<td>Maxwell</td>
<td>Stokes</td>
</tr>
<tr>
<td>McFarland</td>
<td>Thomas</td>
</tr>
<tr>
<td>McGaughey</td>
<td>Thompson</td>
</tr>
<tr>
<td>McKellar</td>
<td>Tracy</td>
</tr>
<tr>
<td>Meade</td>
<td>Tucker</td>
</tr>
<tr>
<td>Melton</td>
<td>Turner</td>
</tr>
<tr>
<td>Mercer</td>
<td>Vaughan of Collin</td>
</tr>
<tr>
<td>Moore of Lamar</td>
<td>Wall</td>
</tr>
<tr>
<td>Morris</td>
<td>Wallace</td>
</tr>
<tr>
<td>Morton</td>
<td>Wilcox</td>
</tr>
<tr>
<td>Mundine</td>
<td>Williams</td>
</tr>
<tr>
<td>O’Connor</td>
<td>Wood</td>
</tr>
</tbody>
</table>

**Absent:**
- Bean
- Boyd
- Doyle
- Fisher
- Freeman
- Graham
- Holland of Harris
- Wolters

**Excused:**
- Bell
- Benson
- Browne
- Callan
- Carswell
- Collier
- Dennis
- Dies
- Dorroh
- Evans of Grayson
- Flint
- Henderson
- Moore of Fort Bend
- Neighbors
- Porter
- Rhea

Question then recurring on the motion of Mr. Garrison, that the House non-concur, etc., it prevailed, and in accordance therewith, the Speaker announced the following committee on part of the House: Messrs. Freeman, Maxwell, Fields, Logan and Thomas.

The Speaker laid before the House, on its second reading, Substitute House bill No. 207, a bill to be entitled “An act to amend article 5049, chapter 1, title 104, of the Revised Civil Statutes of 1896, relating to the collection of a tax on occupations.”

The bill was read second time.

Mr. Bailey offered the following amendment:
Amend by adding after line 19, page 9, of the printed bill the following:

“Provided further, that both the State tax of $250 and the county tax of $100 may be paid quarterly.”

Lost.

Mr. Pfeuffer offered the following amendment:
Amend by striking out the word “thousand” in line 17, page 5, and place the word “hundred” in lieu thereof.

(Mr. Bailey in the chair.

Mr. Shelburne offered the following substitute for the amendment:
Amend by striking out “one thousand dollars” in lines 16 and 17, on page 5, and insert in lieu thereof “$250.”

Mr. Childs moved the previous question on the pending amendments, and the main question was ordered.

The substitute was lost.

On the amendment by Mr. Pfeuffer, yeas and nays were demanded by Mr. Dean, Mr. Mercer and Mr. Carpenter.

Lost by the following vote:

**Yeas—27.**
- Bailey
- Beaird
- Blackburn
- Blair
- Briggs
- Burney
- Burns
- Childs
- Edwards
- Fisher
- Gilbough
- Good
- Harris
- Kirk
- Lotto
- McKamy
- O’Connor
- Pfeiffer
- Rudd
- Schlick
- Seabury
- Staples
- Tracy
- Turner
- Vaughan, Guadalupe
- Ward

**Nays—72.**
- Alexander
- Ayers
- Barbee
- Barrett
- Bean
- Bertram
- Bounds
- Boyd
- Brewster
- Bumpass
- Carpenter
- Conoly
- Crawford
- Cureton
- Curry
- Dean
- Dickinson
- Doyle
- Drew
- Evans of Hunt
- Ewing
- Field
- Freeman
- Garrison
- Graham
- Green
- Hensley
- Hill of Gonzales
- Hill of Travis
- Bean
- Humphrey
- Jones
- Kimbell
- Love
- Maxwell
- McGaughy
- McKellar
- Meade
- Melton
- Mercer
- Moore of Lamar
- Morris
- Morton
- Mundine
- Oliver
- Patterson
- Peery
- Randolph
Mr. Reiger offered the following amendment: Amend line 17, page 6, by adding the following: “Provided, that where there is a combination of circus and menagerie, or circus and other exhibitions, the highest tax fixed by this act for any division or department of the combination shall be collected.”

Mr. Blair moved the previous question on the amendment, and the main question was ordered. The amendment was adopted.

Mr. Randolph offered the following amendment: Amend line 15, on page 9, by adding after the word “ranges” the following, “or cultivators or other agricultural implements.”

Adopted.

Mr. Ayers offered the following amendment: Strike out lines 14 to 17, inclusive, on page 6, and insert the following: “From every circus wherein equestrian or acrobatic feats and performances are exhibited, for which pay for admission is demanded or received, for each performance or exhibition where an admission fee of $1 is charged, $250; for each performance or exhibition where admission fee of 75 cents is charged, $200; for each performance where 60 cents or less is charged, $100; provided, that the amount or fee charged for reserved seats shall be considered as a part of such admission fee.”

Adopted.

Mr. Lillard offered the following amendment: Amend by inserting after line 8, on page 11, a new paragraph to read as follows: “From each water works plant in a town or city of 10,000 inhabitants or more, $35; in a city or town of less than 10,000 inhabitants, $20.”

Mr. Blair moved to table the amendment, and the motion was lost. The amendment was adopted.

Mr. Lillard offered the following amendment: Amend line 23, page 12, by inserting after the words “electric battery” the word “graphophone.”

Adopted.

Mr. Lillard offered the following amendment: Amend by inserting after line 29, on page 12, a new paragraph to read as follows: “From every panorama or view show, used for profit, exhibiting in a wagon, room, tent or elsewhere, an annual occupation tax of $10 and a county occupation tax of $2 for each day on which an exhibition is given. A panorama or view show in the meaning of this act is a show exhibiting pictures, statuary or other works of art which are viewed through stereoscopic or magnifying lenses.”

Mr. Dean offered the following substitute for the amendment: Amend by substituting the words “per annum” for the words “per day.”

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

Mr. Lillard offered the following amendment: Amend by inserting after line 2, on page 13 of the bill, a new paragraph to read as follows: “From every show or company of persons giving exhibitions of music, songs, recitations, sleight-of-hand, gymnastic, dancing or other kinds of performances in a tent, house or enclosure, which said exhibitions are used for profit, by sale of medicines, electric belts or other articles of value, whether charge is made only for seats or not, an annual occupation tax of $50 and a county occupation tax of $2.50 for every such exhibition or performance.”

Pending consideration, on motion of Mr. Brigrance, the House at 12:20 p. m. took recess until 8 o’clock p. m. today.
AFTERNOON SESSION.

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

Pending question, Substitute House bill No. 207, the general occupation tax bill, on its engrossment, with amendment by Mr. Lillard pending.

On motion of Mr. Burney, Mr. Holland of Burnet was excused for this evening, on account of sickness.

BILL INTRODUCED.

(By unanimous consent.)

By Mr. Bailey:

House bill No. 710, a bill to be entitled "An act to amend articles 5243i and 5243j of an act entitled an act to amend articles 5243i, 5243l, 5243j and 5243k, of chapter 9, title 104, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining cars and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this act, and to define and prescribe the notice to be given to said corporations previous to such forfeiture, and to provide adequate penalties for a violation of this act," passed at the present session and approved April 30, 1897.

Read first time and referred to the Committee on Revenue and Taxation.

By Mr. Cureton (by unanimous consent):

Whereas, the Woman's Christian Temperance Union of Texas are now assembled in annual session in the city of Austin; therefore be it

Resolved by the House of Representatives of the Twenty-fifth Legislature, that the delegates to said meeting be and they are hereby invited to visit the meetings of this House and witness the process of law-making.

(Signed—Cureton, Brewster, Manso.

Read second time and adopted.

BILL WITHDRAWN.

House bill No. 537, on request of Mr. Pfeuffer.

CONFERENCE COMMITTEES APPOINTED.

The Speaker announced the following appointments:

Free conference committee on Senate bill No. 83 (known as the Wayland fee bill): Messrs. Carpenter, Dean, Boyd, Love and McKamy.

Free conference committee on substitute House bill No. 203, the general appropriation bill: Messrs. Garrison, Wilcox, O'Connor, Turner and Moore of Lamar.

SENATE MESSAGE.

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. 348, entitled "An act to amend article 1331, chapter 13, title 30, of the Revised Statutes of Texas of 1895, relating to special verdicts."

By a two-thirds vote: yeas 21, nays none.

Senate bill No. 367, entitled "An act to compel the commissioners courts of the several counties of the State of Texas to advertise for bids upon all contracts made by said courts when the contract price shall be equal to or exceed the sum of $500, and to prescribe the manner and mode of such advertisement."

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

Senate bill No. 368, entitled "An act to repeal article 952, of chapter 18, title 17, of the Penal Code of the State of Texas, relating to theft, robbery, and embezzlement in a foreign State or country and bringing the same into this State."

By the following vote: yeas 20, nays 1.

Senate bill No. 80, entitled "An act prescribing the manner in which citations may be served and returned, and certified copies prepared, served and returned, and providing the fees therefor."

By the following vote: yeas 20, nays 1.

Senate bill No. 122, entitled "An act to exempt ex-soldiers from the payment of occupation taxes as peddlers."

By a two-thirds vote: yeas 21, nays none.

Senate bill No. 183, entitled "An act to amend articles 3984, 3985 and 4028 of the Revised Civil Statutes of 1895, prescribing the penalties for violations of this act," etc.

By the following vote: yeas 20, nays 5.

Also, of the appointment of the following free conference committees:
On substitute House bill No. 203, the general appropriation bill, upon the part of the Senate: Senators Stone, Turney, Morriss, Colquitt, Goss.

On Senate bill No. 83, the Wayland fee bill: Senators Wayland, Woods, Terrell, Kerr, Greer.

On Senate bill No. 539, the deficiency appropriation bill: Senators Linn of Victoria, Bowser, Burns, Yett, Harrison.

Respectfully,

WILL LAMBERT, Secretary.

SENATE BILLS ON FIRST READING.

The following bills received from the Senate were read first time, and referred as follows:

Senate bill No. 307, to the Committee on State Affairs.

Senate bills Nos. 348, 80, 122 and 321, to Judiciary Committee No. 1.

Senate bill No. 368 and substitute Senate bill No. 163, to Judiciary Committee No. 2.

COMMITTEE REPORTS.

By Mr. Robbins, chairman:

Committee Room,
Austin, Texas, May 4, 1897.

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

Your Committee on Public Lands and Land Office, to whom was referred House bill No. 707, a bill to be entitled "An act to provide for the purchase of public lands in quantities of five acres or less, situated on islands, by actual settlers, who have settled on and placed valuable improvements thereon, in good faith, or to the heirs or legal representatives, prior to the first day of January, 1896, and prescribing the price, terms, manner and time of such purchase;"

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.

ROBBINS, Chairman.

By Mr. Curry, chairman:

Committee Room,
Austin, Texas, May 4, 1897.

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

Your Committee on Revenue and Taxation, to whom was referred House bill No. 710, a bill to be entitled "An act to amend articles 5243l and 5243] of an act entitled an act to amend articles 5243e, 5243l, 5243l and 5243k, of chapter 9, title 104, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining cars and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this act, and to define and prescribe the notice to be given to said corporations previous to such forfeiture, and to provide adequate penalties for a violation of this act;" passed at the present regular session and approved April 30, 1897."

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.

CURRY, Chairman.

SPEAKER'S TABLE.

Returning to consideration of substitute House bill No. 207, on its engrossment, with amendment by Mr. Lillard pending.

The amendment was adopted.

Mr. Lillard offered the following amendments:

Amend by inserting on page 12 a new paragraph to read as follows: "From every kinetoscope or similar machine or instrument, used for profit, which shows the life-like motions of persons or animals, an annual occupation tax of $25 and a county occupation tax of $3 for each day such exhibition is given."

Adopted.

Amend by inserting after the word "sent" in line 1, page 11, the following words, to-wit, "and messages sent."

Adopted.

Mr. Lillard offered the following amendment:

Amend by adding after line 30, on page 2, a new paragraph to read as follows: "From every person or association of persons who take orders for merchandise from other persons than merchants, or make sales to or solicit trade from other persons than merchants, for a mercantile house or firm, not in the county in which the sale or solicitation is made, an annual occupation tax of $25, and no traveling persons shall so take orders from other persons than merchants until said tax is paid; provided, however, that this tax shall not apply to commercial travelers, drummers or salesmen making sales to or soliciting trade from merchants."

Mr. Lotto offered the following amendment to the amendment:

Amend amendment by striking out
"traveling person" and inserting in lieu thereof "local agent."

(Mr. Seabury in the chair.)

Mr. Peery moved the previous question on the amendment, and it was not seconded.

Both amendments were lost.

Mr. Staples offered the following amendment:

Amend in lines 5, 6 and 7, page 9, by adding after the word "provided," "that clerks and employes of merchants, cotton or wool buyers shall not be considered a cotton buyer or a buyer of wool and hides."

Mr. Bumpass offered the following substitute for the amendment:

Amend on page 9 by striking out lines 5, 6 and 7.

After consideration by the House, Mr. Blair moved the previous question on the amendment, and the main question was ordered.

Question first recurred on the amendment by Mr. Staples, and it was lost.

Question next recurred on the amendment by Mr. Bumpass.

Yeas and nays were demanded by Mr. Bumpass, Mr. Thomas and Mr. Gilbough.

Lost by the following vote:

Yeas—21.

Bertram. 
Blair. 
Bounds. 
Browne. 
Bumpass. 
Burney. 
Burns. 
Carpenter. 
Curton. 
Gilbough. 
Graham. 
Hill of Gonzales. 
Kirk. 
Mundine. 
Stokes. 
Tracy. 
Vaughan, Guadalupe. 
Wall. 
War. 
Wolters. 
Nays—74.

Alexander. 
Barbee. 
Barrett. 
Bealid. 
Bean. 
Blackburn. 
Boyd. 
Brewster. 
Childs. 
Conoly. 
Crawford. 
Crowley. 
Curry. 
Dean. 
Dickinson. 
Doyle. 
Drew. 
Evans of Hunt. 
Ewing. 
Felid. 
Fields. 
Fisher. 
Good. 
Green. 
Harris. 
Hensley. 
Hill of Travis. 
Humphrey. 
Kimbell. 
Lillard. 
Logan. 
Love. 
Martin. 
McFarland. 
McGaughey. 
Mckamy. 
McKellar. 
Meade. 
Melton. 
Moore, Lamar. 
Morris. 
Morton. 
Neighbors. 
O'Connor. 
Oliver. 
Patterson. 
Peery. 
Pfeuffer. 
Porter. 
Randolph. 
Reiger. 
Robbins. 
Rogan. 
Rudd. 
Savage. 
Schlick. 
Seabury. 
Shelburne. 
Skillern. 
Smyth. 
Stamper. 
Staples. 
Thaxton. 
Thomas. 
Thompson. 
Turner. 
Vaughan of Collin. 
Wallace. 
Williams. 
Wood. 

Absent.

Ayers. 
Bailey. 
Bird. 
Brigance. 
Edwards. 
Freeman. 
Garrison. 
Holland of Harris. 
Jones. 
Lotto. 
Manion. 
Mr. Logan offered the following amendment:

Amend by adding between lines 4 and 5, on page 14, the following: "That each and every wharf company, or company doing a general wharfage business in this State, where tolls, fees or charges are made for the anchorage of steam or sail vessels, or ships, at their wharves, or where charges are made for the handling of freight, or charges are made for the running of cars over any line of railroad connected in any way with the wharf company, shall annually, on or before the 1st day of March, through its president, secretary, superintendent or chief officer or authorized agent, file with the Comptroller of Public Accounts a report under oath, showing the amount of charges and receipts from all sources within this State paid to or collected by such companies within this State during the year ending on the 31st day of December next preceding, and such wharf company, at the time of filing such sworn report, shall pay to the Treasurer of the State 2
per cent of their gross receipts, as shown by their said sworn reports. The receipt of the State Treasurer shall be evidence of the payment of this tax, and no occupation taxes shall be levied on wharf companies by any county, city or town of this State; provided, that this act shall not be construed to prohibit the levy of State, county and municipal taxes upon the real and personal property of such companies. Each and every wharf company failing or refusing to file the report herein required, and pay the required taxes, shall forfeit to the State $25 for each day said report and payment are delayed. For the purpose of suit to recover the taxes and forfeiture, venue and jurisdiction is hereby expressly conferred upon the courts of Travis county, and service upon any officer or agent of such company within this State shall in all respects be held legal and valid.

Yeas and nays were demanded by Mr. Bumpass, Mr. Fields and Mr. Love.

Adopted by the following vote:

Yeas—52.

Bailey. Logan.
Barbee. Love.
Baerld. Martin.
Bean. McKellar.
Blackburn. Meade.
Boyd. Melton.
Brewster. Moore of Lamar.
Bumpass. Morris.
Carpenter. Morton.
Conoly. Oliver.
Crawford. Peery.
Curry. Pfeuffer.
Dean. Robbins.
Dickinson. Rogers.
Drew. Rudd.
Evans of Hunt. Savage.
Ewing. Shelburne.
Fields. Shropshire.
Fisher. Skillern.
Freeman. Stamper.
Graham. Thomas.
Green. Tucker.
Hill of Gonzales. Wall.
Hill of Travis. Ward.
Humphrey. Wilcox.
Lillard. Williams.

Nays—36.

Barrett. Doyle.
Bertram. Field.
Blair. Gilbough.
Browne. Good.
Burney. Harris.
Burns. Hensley.
Childs. Jones.
Crowley. Kirk.
Cureton. Lotto.

McFarland. Staples.
McGaughy. Stokes.
McKamy. Thaxton.
Mundine. Tracy.
O' Connor. Turner.
Reiger. Vaughan, Gas'lupe
Schlick. Vaughan of Collin.
Seabury. Wallace.
Smith. Wood.

Absent.

Alexander. Patterson.
Ayers. Pitts.
Bird. Randolph.
Bounds. Reubell.
Brigance. Rogers.
Edwards. Sluder.
Garrison. Smyth.
Holland of Harris. Strother.
Kimbell. Thompson.
Manson. Welch.
Maxwell. Wolters.
Mercer.

Excused.

Bell. Evans of Grayson.
Benson. Flint.
Callan. Henderson.
Carswell. Holland of Burnet.
Collier. Moore, Fort Bend.
Dennis. Neighbors.
Dies. Porter.
Dorroh. Rhea.

Mr. Fields offered the following amendment:

Amend by adding after line 7, on page 5, a new paragraph to read as follows: "From every club or association designated by any name whatso-
ever, chartered under the general in­
corporation law of this State, engaged
in selling alcoholic liquors to its mem­
bers, an annual tax of $300.”

Mr. Childs moved the previous ques­
tion on the amendment, and it was
not seconded.

Mr. Blair moved to table the amend­
ment, upon which motion yeas and
nays were demanded by Mr. Blair, Mr. Vaughan of Guadalupe and Mr.
Lillard.

Tabled by the following vote:

<table>
<thead>
<tr>
<th>Yeas—46</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barrett.</td>
</tr>
<tr>
<td>Blackburn.</td>
</tr>
<tr>
<td>Blair.</td>
</tr>
<tr>
<td>Browne.</td>
</tr>
<tr>
<td>Burney.</td>
</tr>
<tr>
<td>Burns.</td>
</tr>
<tr>
<td>Childs.</td>
</tr>
<tr>
<td>Crawford.</td>
</tr>
<tr>
<td>Crowley.</td>
</tr>
<tr>
<td>Doyle.</td>
</tr>
<tr>
<td>Fisher.</td>
</tr>
<tr>
<td>Gilbough.</td>
</tr>
<tr>
<td>Harris.</td>
</tr>
<tr>
<td>Hill of Travis.</td>
</tr>
<tr>
<td>Jones.</td>
</tr>
<tr>
<td>Kirk.</td>
</tr>
<tr>
<td>Lotto.</td>
</tr>
<tr>
<td>McGaughey.</td>
</tr>
<tr>
<td>McKamy.</td>
</tr>
<tr>
<td>Morris.</td>
</tr>
<tr>
<td>Mundine.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nays—45</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexander.</td>
</tr>
<tr>
<td>Barbee.</td>
</tr>
<tr>
<td>Beard.</td>
</tr>
<tr>
<td>Bean.</td>
</tr>
<tr>
<td>Bertram.</td>
</tr>
<tr>
<td>Bounds.</td>
</tr>
<tr>
<td>Brewster.</td>
</tr>
<tr>
<td>Bumpass.</td>
</tr>
<tr>
<td>Conoly.</td>
</tr>
<tr>
<td>Crenshaw.</td>
</tr>
<tr>
<td>Curry.</td>
</tr>
<tr>
<td>Dean.</td>
</tr>
<tr>
<td>Drew.</td>
</tr>
<tr>
<td>Evans of Hunt.</td>
</tr>
<tr>
<td>Ewing.</td>
</tr>
<tr>
<td>Field.</td>
</tr>
<tr>
<td>Fields.</td>
</tr>
<tr>
<td>Freeman.</td>
</tr>
<tr>
<td>Graham.</td>
</tr>
<tr>
<td>Green.</td>
</tr>
<tr>
<td>Hensley.</td>
</tr>
<tr>
<td>Hill of Gonzales.</td>
</tr>
<tr>
<td>Humphrey.</td>
</tr>
<tr>
<td>Ayres.</td>
</tr>
<tr>
<td>Bird.</td>
</tr>
</tbody>
</table>

Mr. Childs. | Pfeuffer. |
Edwards. | Pitts. |
Garrison. | Reubell. |
Good. | Robbins. |
Holland of Harris. | Rogers. |
Kimbell. | Sinder. |
Maxwell. | Strother. |
McKellar. | Welch. |
Mercer. | |

Excused.

Bell. | Dorr. |
Benson. | Evans of Grayson. |
Callan. | Flint. |
Carswell. | Henderson. |
Collier. | Holland of Burnet. |
Dennis. | Moore, Fort Bend. |
Dyes. | Rhea. |

PAIRED.

Mr. Carpenter (present), who would
vote “nay,” with Mr. Good (absent),
who would vote “yea.”

Mr. Blair demanded a poll of the
vote.

The list of those voting “yea” was
called and found correct as to those
voting, but the Clerk has made a mis­
count, the first announcement showing
“44 yeas.”

The list of those voting “nay” was
called, and found correct.

The Chair accordingly announced
the amendment tabled, as shown above.

Mr. Wallace offered the following
amendment:

Amend by striking out on page 6,
lines 9, 10 and 11 to and including the
word “quarter” and substitute the fol­
lowing, from every theater or dra­
matic representation, for which pay
for admission is demanded or received,
in towns or cities of 1500 inhabitants
or less, $1; in towns and cities of 1500
and not over 3000, $2; in towns and
cities of over 3000 and not more than
5000, $3; in towns and cities of over
5000 and not over 10,000, $4; and in
towns and cities of over 10,000 inhabi­
tants, $5 for every day they may
perform.”

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

Mr. Blair moved to adjourn until 9
o’clock a.m. to-morrow, upon which
motion yeas and nays were demanded
by Mr. Drew, Mr. Peery and Mr.
Brewster.

Carried by the following vote:  

<table>
<thead>
<tr>
<th>Yeas—51</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barrett.</td>
</tr>
<tr>
<td>Beard.</td>
</tr>
<tr>
<td>Bean.</td>
</tr>
<tr>
<td>Blackburn.</td>
</tr>
<tr>
<td>Blair.</td>
</tr>
<tr>
<td>Bounds.</td>
</tr>
</tbody>
</table>
Accordingly the House at 6:25 p. m. adjourned until 9 o'clock a. m. tomorrow.