May 6, 1897  

EIGHTY-SIXTH DAY.

Hall House of Representatives,  
Austin, Texas,  
Thursday, May 6, 1897.

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

Speaker Dashell in the chair.

Roll called and the following members present:

Alexander.  
Ayers.  
Bailey.  
Barbee.  
Barrett.  
Beard.  
Bean.  
Bertram.  
Blackburn.  
Blair.  
Bounds.  
Boyd.  
Brewster.  
Brigance.  
Brown.  
Buypass.  
Burns.  
Carpenter.  
Childs.  
Collier.  
Conoly.  
Crawford.  
Cureton.  
Curry.  
Dean.  
Dennis.  
Dickinson.  
Diers.  
Doyle.  
Drew.  
Edwards.  
Evans of Hunt.  
Evans of Grayson.  
Ewing.  
Field.  
Fields.  
Fisher.  
Freeman.  
Garrison.  
Good.  
Graham.  
Rogan.  
Rogers.  
Savage.  
Schlick.  
Seabury.  
Sheburne.  
Shropshire.  
Skillern.  
Sluder.  
Smith.  
Smyth.  
Stamper.  
Staples.  
Stokes.  
Strother.  

Absent.

Bell.  
Benson.  
Bird.  
Burney.  
Carswell.  
Crowley.  
Dorrob.  

Excused.

Callan.  
Flint.  
Rhea.  

On motion of Mr. Wood, the House at 6 p.m., adjourned until 9 o'clock a.m. tomorrow.

A quorum was announced present.  

Prayer by Rev. R. J. Briggs of Austin.

Pending reading of the Journal of yesterday,  
On motion of Mr. Ewing, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:  
Mr. Carswell until Saturday, on motion of Mr. Garrison.  
Mr. Bell until Monday, on motion of Mr. Neighbors.  

On account of sickness:  
Mr. Dorroh for to-day, on motion of Mr. Crowley.  
Mr. Benson until Monday, on motion of Mr. Patterson.  
Mr. Moore of Fort Bend for to-day, on motion of Mr. Meade.  
Mr. McFarland until Saturday, on motion of Mr. Bailey.  

Mr. Smith called up the resolution relating to the suppression of lynching and mob violence, offered by him Tuesday, May 4, which was printed in full in the Journal of that date, and which was read first time and went over under the rules.  
The resolution was laid before the House, and was read second time.  
Mr. Blair moved that it be adopted.  
Yeas and nays were demanded by Mr. Dickinson, Mr. Burney and Mr. Smith.  
Mr. Fields offered the following amendment to the resolution:

Strike out all of the preamble.
Mr. Carpenter moved to refer to the Committee on State Affairs.

After consideration by the House, Mr. Meade moved the previous question, and the main question was ordered.

Mr. Henderson moved to reconsider the vote by which the main question was ordered.

Lost.

On the motion to refer to the Committee on State Affairs, yeas and nays were demanded by Mr. Smith, Mr. Bumpass and Mr. Kirk.

The resolution was referred to the committee by the following vote:

**Yeas—60.**

Alexander.
Ayers.
Bailey.
Barbee.
Bertram.
Bird.
Blair.
Bounds.
Boyd.
Browne.
Carpenter.
Collier.
Conoly.
Crawford.
Curry.
Dean.
Dennis.
Doyle.
Drew.
Evans, Grayson.
Ewing.
Feild.
Freeman.
Green.
Henderson.
Hensley.
Holland, Harris.
Humphrey.
Jones.
Kimbell.

**Nays—44.**

Barrett.
Bean.
Blackburn.
Brewster.
Brigance.
Bumpass.
Burney.
Burns.
Childs.
Cureton.
Dickinson.
Dies.
Edwards.
Evans of Hunt.
Fields.

Rhea.
Robbins.
Rogan.
Rogers.
Savage.
Schlick.
Shelburne.

Stiln.
Stamper.
Staples.
Stokes.
Thaxton.
Wolters.

Absenl.

Beard.
Garrison.
Good.
Graham.
Lillard.
Manson.
McKamy.

Patterson.
Pitts.
Rudd.
Smyth.
Vaughan, Gau’lupe.
Ward.
Welch.

Excused.

Bell.
Benson.
Callan.
Carswell.

Doroh.
Flint.
McFarland.
Moore, Ft. Bend.

By Mr. Wolters:
House concurrent resolution No. 26, Be it resolved by the House of Representatives, the Senate concurring, that the Twenty-fifth Legislature stand adjourned sine die at 12 m. on May 18, 1897.

Read second time, and On motion of Mr. Bailey, laid on the table subject to call.

Mr. Doyle offered the following resolution, due notice of which was given in the Journal Tuesday, May 4:

**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.**

The resolution was laid before the House, read second time and was lost. Mr. Brigance offered the following resolution, due notice of which was
given in the Journal on Monday, April 19th:
Whereas, Rule 50 of the House has been invoked, excluding the public from the privileges of the floor; and
Whereas, Said rule was enforced for the purpose of excluding what is known as lobbyists; and
Whereas, Rule 50 permits ex-members of the Legislature upon the floor of this House; therefore be it
Resolved, That all persons who have an interest in pending legislation, whether ex-members or not, shall be excluded from the privileges of the floor of this House.
The resolution was read second time, and, on motion of Mr. Rogan, was referred to the Committee on Rules.

COMMITTEE REPORTS.
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. 709, a bill to be entitled "An act to impose a tax on all persons, firms, associations of persons or corporations selling cigarettes in this State, and to prescribe the time and manner of collecting same."
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.

By Mr. Martin, chairman:
Committee Room,
Austin, Texas, May 6, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on State Asylums, to whom was referred
House bill No. 706, a bill to be entitled "An act to provide for the location of a branch of the Asylum for the Insane in Northwest Texas."
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.
MARTIN, Chairman.

By Mr. Rogan, chairman:
Committee Room,
Austin, Texas, May 6, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Roads, Bridges and Ferries, to whom was referred
House bill No. 711, a bill to be entitled "An act to create a more efficient road system for Parker county, Texas," etc.
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 be not printed.
ROGAN, Chairman.

By Mr. Dies, chairman:
Committee Room,
Austin, Texas, May 6, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Engrossed Bills have carefully examined and compared
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."
And find the same correctly engrossed.
DIES, Chairman.

Committee Room,
Austin, Texas, May 6, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Engrossed Bills have carefully examined and compared
House bill No. 700, a bill to be entitled "An act to fix the time for holding courts in the Forty-sixth Judicial District, and to repeal all laws and parts of laws in conflict herewith."
And find the same correctly engrossed.
DIES, Chairman.

Committee Room,
Austin, Texas, May 6, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Engrossed Bills have carefully examined and compared
House bill No. 684, a bill to be entitled "An act to regulate the terms and fix the times for holding the district courts in the Eighth judicial district of the State of Texas, and to repeal all laws and parts of laws in conflict with the provisions of this act."
And find the same correctly engrossed.
DIES, Chairman.
have carefully examined and compared.

House bill No. 348, a bill to be entitled "An act to prescribe the method of making publication of all notices and advertisements which are required to be published by the Civil Statutes of the State of Texas, and of notices of all sale of real and personal property under deeds of trust and contract liens of any sort."

And find the same correctly engrossed.

DIES, Chairman.

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, May 6, 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:

House bill No. 591, a bill to be entitled "An act to restore and confer upon the county court of Lampasas county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act."

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

Also, that the Senate has adopted the report of the free conference committee on Senate bill No. 63, relating to public lands.

Respectfully,

WILL LAMBERT, Secretary.

FREE CONFERENCE COMMITTEE APPOINTED.

On motion of Mr. Seabury, the request of the Senate, communicated to the House on yesterday, for a free conference committee to adjust the differences between the two houses on Senate bill No. 33 was granted.

In accordance therewith, the Speaker announced the following committee:
Messrs. Meade, Seabury, Dies, Browne and Peery.

Mr. Childs called up House bill No. 157, reported from the Senate yesterday, with amendments, and moved that the House do concur.

The bill was laid before the House, amendments read, and the motion to concur prevailed.

Mr. McGaughey called up the report of the free conference committee on substitute House bill No. 413, printed in the Journal of yesterday.

The report was laid before the House, and on motion of Mr. McGaughey, it was adopted.

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. 366, 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."

Senate bill No. 372, entitled "An act to amend the caption and sections 1, 2, 3, and 4, of an act to amend sections 6, 7, 105a, 105b, and 105c, of 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 grant a charter to said city, approved March 20, 1889, and sections 3, 7, 29, 34, 58 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, 106a, 106b, 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, 105i, 105j, and 105p, and to repeal all laws and parts of laws in conflict with this act, passed by the Twenty-fifth Legislature in the year 1897, and to re-enact the caption and sections 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."

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

House bill No. 458, entitled "An act to amend subdivision 13, article 22, of title 4, of the Revised Civil Statutes of Texas, changing and fixing the time of holding courts in the Thirteenth Judicial District of Texas."

House bill No. 228, entitled "An act to prevent the introduction of scab disease among sheep in the State of Texas, and to prevent the spread of and secure the eradication of same, and providing a manner of examining such animals, together with the manner of taxing and collecting cost therefor, and making it a misdemeanor to violate the provisions of this act and prescribing penalties for such violations."

House bill No. 124, entitled "An act to provide for the survey of lands to be set apart as a permanent endowment fund for the branch university for colored people of this State."

House bill No. 667, entitled "An act to render more effective and efficient the present road law of the State of Texas in its application and operation in the counties of Galveston, Harris, Brazoria, Wharton, Calhoun and Victoria, and to authorize and empower said counties to issue bonds for the construction and maintenance of public roads and highways within the respective counties."

House bill No. 463, entitled "An act to amend article 802, of chapter 3, of title 17 of the Penal Code of the State of Texas, relating to herding stock on the land of another."

House bill No. 532, entitled "An act to amend section 3, of chapter 132, of the acts of the Twenty-fourth Legislature, establishing a special road law for Dallas and Lamar counties, prescribing the same fees in county convict cases for the officers in said counties as those allowed officers in similar cases under the general laws of the State."

House bill No. 538, a bill to be entitled "An act to amend articles 579, 580, 586 and 615, title XVIII, of the Revised Civil Statutes of the State of Texas."

**SPEAKER'S TABLE.**

The Speaker laid before the House, on its third reading and final passage, Senate bill No. 351, entitled "An act to amend articles 641 and 642, chapter 2, title XXI, of the Revised Civil Statutes of Texas, relating to the creation of corporations."

Mr. Curry moved to suspend pending business, to take up and place on its second reading, Senate bill No. 138. Lost.

Senate bill No. 351 read third time and passed.

Mr. O'Connor moved to reconsider the vote by which Senate bill No. 351 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its third reading and final passage, Senate bill No. 362, entitled "An act to amend article 1537, chapter 2, title 32, of the Revised Civil Statutes of Texas, adopted and established by the Twenty-fourth Legislature, in regular session, 1895, relating to the powers and duties of commissioners courts."

Read third time and passed.

Mr. Beard moved to reconsider the vote by which Senate bill No. 362 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Love, the regular order of business was suspended to take up and place on its second reading, Senate bill No. 292, a bill to be entitled "An act making it unlawful for any fire, or fire and marine, or marine insurance company, which is legally licensed to transact the business of fire and marine insurance in this State, to place or cause to be placed, to write or cause to be written, any contract or policy of insurance against loss by fire, or the perils of the sea, on any property in this State, except through legally authorized and licensed agents, resident in the State, and prescribing penalties for violation of same, and to further prescribe conditions to be complied with by any fire, or fire and marine, or marine insurance company, before it shall be licensed or re-licensed by the Commissioner to do business in this State."

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

Mr. Oliver offered the following amendment:

Amend by adding to section 1 the following: "And provided further, that upon oath made in writing by any person that he can not procure insurance on property through said local agents in Texas, it shall be lawful for any insurance company not having an agent in Texas to insure property of any person upon application of
said person, upon his filing said oath with the county clerk of the county in which such person resides.”

Mr. Hill of Gonzales offered the following amendment to the amendment:
Amend the amendment by adding in line 4, after the word “Texas” the following: “who will insure at reasonable rates, and as low a rate as may be procured from agents or companies outside of this State.”

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

The amendment by Mr. Hill of Gonzales was lost.

The amendment by Mr. Oliver was adopted.

On passage of the bill to a third reading, yeas and nays were demanded by Mr. Hill of Gonzales, Mr. Field and Mr. Savage.

The bill was passed to a third reading by the following vote:

**Yeas-90.**

**Nays-10.**

**Absent.**

**Exposed.**

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

I vote “no,” because I am opposed to the insurance rate trust.

Mr. Love moved to suspend the constitutional rule requiring bills to be read on three several days in each house and that Senate bill No. 292 be put on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas-88.**

**Excused.**

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

I vote “no,” because I am opposed to the insurance rate trust.

Mr. Love moved to suspend the constitutional rule requiring bills to be read on three several days in each house and that Senate bill No. 292 be put on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas-88.**
Mr. Seabury (present), who would vote "nay," with Mr. Patterson (absent), who would vote "yea."

Senate bill No. 292 was read third time, and passed by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Nays</th>
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<tr>
<td>86</td>
<td>13</td>
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</table>

PAIRED.

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

Mr. Love moved to reconsider the vote by which Senate bill No. 292 was
The motion to table prevailed. 

On motion of Mr. Strother, the regular order of business was suspended to take up and place on its second reading, Senate bill No. 281, a bill to be entitled "An act to authorize towns and villages incorporated under the provisions of chapter 11, title 18, of the Revised Civil Statutes, to condemn the right of way over and across the roadbed and right of way of any railway company within the limits of such town or village when deemed necessary by such town or village for the purpose of opening, widening or extending the public streets of such towns or villages, to define the duties of railroad companies when their roadbeds and rights of way are condemned for street purposes by such town or village, to provide a penalty for violations thereof." 

The bill was passed to a third reading.

Mr. Reiger moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 281 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—91: Alexander, Ayres, Barbee, Barrett, Beaird, Bertram, Blackburn, Blair, Bounds, Boyd, Brewster, Brigance, Browne.

Nays—5: Bumpass, Field, Henderson, Bumpass.
Amend by adding after section 1, in line 31, page 1, “provided, there is less than four railroad tracks.”

Adopted.

Amend by adding a new section after section 3, line 29, page 2, to be known as “Sec. 3e. County commissioners shall have the right upon petition of twenty freeholders of any community or unincorporated town or city to condemn roadbed of railroad for same purpose.”

Adopted.

The bill was passed by the following vote:

Yeas-87.

Alexander. Love.
Ayers. Manson.
Barbee. Martin.
Barrett. McGaughey.
Bean. McKamy.
Bertram. McKellar.
Blair. Melton.
Bounds. Moore of Lamar.
Boyd. Morton.
Brewster. Mundine.
Brigance. Neighbors.
Burney. Peery.
Burns. Preuffer.
Carpenter. Porter.
Collier. Reiger.
Conoly. Rhea.
Crawford. Robbins.
Cureton. Rogan.
Curry. Rudder.
Dean. Savage.
Dennis. Schlick.
Dies. Seabury.
Doyle. Shelburne.
Drew. Shropshire.
Evans of Hunt. Skillern.
Evans of Grayson. Sluder.
Ewing. Smith.
Fields. Stamper.
Freeman. Staples.
Gilbough. Stokes.
Good. Strother.
Green. Thomas.
Harris. Thompson.
Hensley. Tracy.
Hill of Gonzales. Tucker.
Hill of Travis. Turner.
Holland of Burnet. Vaughan of Collin.
Holland of Harris. Wall.
Humphrey. Wallace.
Kirk. Williams.
Lillard. Wolters.
Logan. Wood.
Lotto.  
Bumpass. Henderson.
Dickinson. Jones.
Felld.  

Nays-5.

Absense.

Bailey. Oliver.
Beaird. Patterson.
Bird. Pitts.
Childs. Randolph.
Crowley. Reubell.
Edwards. Rogers.
Fisher. Smyth.
Garrison. Thaxton.
Graham. Vaughan, Gualupe.
Kimbell. Ward.
Maxwell. Welch.
Meade. Wilcox.
Mercer.  

Excused.

Bell. Dorroh.
Benson. Dill.
Callan. MecFarland.
Carswell. Moore, Fort Bend.

Mr. Reiger moved to reconsider the vote by which Senate bill No. 281 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Conoly, the regular order of business was suspended to take up on its second reading, Senate bill No. 212, a bill to be entitled “An act to provide a penalty for the failure or refusal of any president, vice president, or cashier of a national bank to furnish the tax assessor or the deputy tax assessor a correct statement of the assets and liabilities of the national bank of which such person is president, vice president or cashier.”

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

Mr. Conoly moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 212 be put upon its third reading and final passage.

The motion prevailed by the following vote:

Yeas-94.

Alexander. Collier.
Ayers. Conoly.
Barbee. Crawford.
Barrett. Crowley.
Bertram. Cureton.
Blackburn. Curry.
Blair. Dean.
Bounds. Dennis.
Boyd. Dickinson.
Brewster. Dies.
Brigance. Doyle.
Browne. Drew.
Bumpass. Evans of Grayson.
Burney. Ewing.
Carpenter. Feld.
Childs.  

Field.  

Mr. Conoly moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 212 be put upon its third reading and final passage.

The motion prevailed by the following vote:

Yeas-94.
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**Nays—2.**

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<tr>
<th>Tracy</th>
<th>Turner</th>
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**Absent.**

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**Excused.**

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<td>Moore, Fort Bend</td>
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Senate bill No. 212 was read third time, and passed by the following vote:

**Yees—89.**

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<th>Alexander</th>
<th>Burney</th>
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**Nays—2.**

<table>
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<tr>
<th>Ayers</th>
<th>Manson</th>
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**Absent.**

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<td>Morris</td>
<td>Wolters</td>
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**Excused.**

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<td>McFarland</td>
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<td>Carswell</td>
<td>Moore, Fort Bend</td>
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Mr. Conoly moved to reconsider the vote by which Senate bill No. 212 was passed, and to table the motion to reconsider. The motion to table prevailed.

Mr. Brigance moved to suspend pending business to take up and place on its second reading Senate bill No. 267. Pending which,
On motion of Mr. Wolters, the House, at 12:35 p.m., took recess until 3 o'clock p.m. to-day.

AFTERNOON SESSION.

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

Pending question,

The motion of Mr. Brigance to suspend the regular order of business to take up and place on its second reading, Senate bill No. 267.

On motion of Mr. O'Connor, Mr. Garrison, Mr. Wilcox, Mr. O'Connor, Mr. Turner and Mr. Moore of Lamar, the free conference committee on the general appropriation bill, were excused for this week, on account of important committee work.

COMMITTEE REPORTS.

By Mr. Blair, acting chairman:

Committee Room,
Austin, Texas, May 6, 1897.

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

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 267, 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,"

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.

BLAIR, Acting Chairman.

By Mr. Holland of Harris, chairman:

Committee Room,
Austin, Texas, May 6, 1897.

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

Your Committee on Judicial Districts, to whom was referred Senate joint resolution No. 19, a resolution permitting Hon. T. H. Connor, judge of the Forty-second Judicial district of Texas, to leave the limits of the State for a period of sixty days, on account of important business,

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be adopted.

HOLLAND of Harris, Chairman.

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, May 6, 1897.

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

I am instructed by the Senate to inform the House that the Senate has concurred in the House amendments to Senate bill No. 351, relating to private corporations, by the following vote: yeas 19, nays 7.

Also, that the Senate has adopted the report of the free conference committee on House bill No. 180.

Also, that the Senate has passed Senate joint resolution No. 19, a resolution permitting Hon. T. H. Connor, judge of the Forty-second Judicial district of Texas, to leave the limits of the State for a period of sixty days, on account of important business,

By the following two-thirds vote: yeas 28, nays none.

Respectfully,
WILL LAMBERT, Secretary.

The above reported Senate joint resolution No. 19 was read first time and referred to the Committee on Judicial Districts.

SPEAKER'S TABLE.

Mr. Reiger called up Senate bill No. 162, a bill to be entitled "An act granting permission to M. T. and M. C. Chapman, or their assigns, to bring suit against the State of Texas in the district court of Kaufman county, to ascertain the amount, if any, the State is indebted to said M. T. and M. C. Chapman, or their assigns, on account of the sinking of an artesian well for the State at the North Texas Insane Asylum, Terrell, Texas."

Which bill was read second time on yesterday, and laid on the table subject to call.

(Mr. Seabury in the chair.)

The bill was laid before the House, and

Mr. Ayers offered the following amendment:

Amend by striking out the words "on a plea in reconvention," in line 30, page 1, and insert the following in lieu thereof: "therein, and will pay all damages that may be recovered by the State on any plea in reconvention in said cause."

Adopted.

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

Yea's and nays having been already demanded, the bill was lost by the following vote:

Yeas—40.

Ayers. Beaird.
Bailey. Bean.
Barbee. Blair.
Barrett. Browne.
take up and place on its second reading, Senate bill No. 267, which was left pending, the bill having been misplaced on the Speaker's table, was again laid before the House.

The motion to suspend was lost.

Mr. Blair moved to suspend the regular order of business to take up and place on its second reading, Senate bill No. 154.

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

Lost by the following vote:

Yeas—59.


Nays—38.

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- **Mr. Dies moved to suspend the regular order of business to take up and place on its second reading Senate bill No. 328.**

- Yeas and nays were demanded by Mr. Evans of Hunt, Mr. Wolters and Mr. Sluder.

- **Lost by the following vote:**

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- **Mr. Ayers moved to suspend the regular order of business to take up and place on its second reading Senate bill No. 121.**

- Yeas and nays were demanded by Mr. Evans of Hunt, Mr. Williams and Mr. Wolters.

- **Lost by the following vote:**

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Mr. Randolph moved to suspend the regular order of business to take up and place on its second reading, Senate bill No. 267.

Yeas and nays were demanded by Mr. Peery, Mr. Feild and Mr. Evans of Hunt.

Suspended by the following vote:

Yeas-66.

Ayers.
Bailey.
Barrett.
Beard.
Bean.
Blackburn.
Blair.
Bonds.
Boyd.
Brigance.
Browne.
Bumpass.
Carpenter.
Childs.
Colliner.

Ayers.
Bailey.
Barrett.
Beard.
Bean.
Blackburn.
Blair.
Bonds.
Boyd.
Brigance.
Browne.
Bumpass.
Carpenter.
Childs.
Colliner.

Gilbough.
Good.
Green.
Harris.
Hensley.
Hill of Travis.
Holland of Burnet.
Holland of Harris.
Humphrey.
Jones.
Kimbell.
Lillard.
Logan.
Lotto.
Love.
Manson.
McKamy.
McKellar.
Meade.
Morris.
Mundine.
Oliver.
Pfeuffer.
Randle.
Rudd.
Schlick.
Seabury.
Shropshire.
Sluder.
Smyth.
Strother.
Thaxton.
Wallace.
Williams.
Wolters.
Wood.

Nays-31.

Alexander.
Barbee.
Bird.
Brewster.
Burney.
Burns.
Carpenter.
Crowley.
Cureton.
Dean.
Doyle.
Evans of Grayson.
Feld.
Freeman.
Gilbough.
Henderson.
Hensley.
Hill of Gonzales.
Holland of Burnet.
Holland of Harris.
Humphrey.
Kimbell.
Kirk.
Lillard.
Manson.

Dickinson.
Garrison.
Graham.
Neighbors.
Patterson.
Pitts.
Rogers.

Dickinson.
Garrison.
Graham.
Neighbors.
Patterson.
Pitts.

Excused.

Bell.
Benson.
Callan.
Carswell.
Dorroh.
Flint.

Bell.
Benson.
Callan.
Carswell.
Dorroh.
Flint.

McFarland.
Moore, Fort Bend.
Moore, Lamar.
O'Connor.
Turner.
Wilcox.

McFarland.
Moore, Fort Bend.
Moore of Lamar.
O'Connor.

The Speaker laid before the House, on its second reading, Senate bill No. 267, 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."

On motion of Mr. Randolph, House Rule No. 31, requiring that all bills reported favorably be printed and laid on the desk of each member before acted on by the House, was suspended as pertains to this bill.
The bill was read second time, and passed to a third reading.

Mr. Randolph moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 267 be put upon its third reading and final passage.

The motion prevailed by the following vote:

Yeas-86.

Ayers. Humphrey.
Bailey. Jones.
Barbee. Kimbell.
Barrett. Kirk.
Beard. Lillard.
Beane. Logan.
Bird. Lotto.
Blackburn. Love.
Blair. Manson.
Borders. Maxwell.
Brigance. McKamy.
Browne. McKellar.
Burns. Melton.
Carpenter. Morris.
Chilas. Morton.
Coller. Mundine.
Conoly. Oliver.
Crawford. Peery.
Crowley. Pfeuffer.
Cureton. Randolph.
Dens. Reubell.
Dennis. Rhea.
Diss. Robbins.
Doyle. Rogan.
Drew. Rudd.
Edwards. Savage.
Evans of Hunt. Schlick.
Evans of Grayson. Seabury.
Ewing. Shelburne.
Fel. Shropshire.
Fields. Skillern.
Fisher. Sluder.
Freeman. Smyth.
Gilbough. Stamper.
Good. Strother.
Green. Tracy.
Harris. Tucker.
Henderson. Wall.
Hensley. Wallace.
Hill of Gonzales. Williams.
Hill of Travis. Wolters.
Holland of Burnet. Wood.
Holland of Harris. Wood.

Nays-10.

Alexander. Porter.
Brewster. Smith.
Bumpass. Stokes.
Burney. Thaxton.
Martin.

Absent. Garrison.
Dickinson.

Meade. Thomas.
Mercer. Thompson.
Neighbors. Vaughan, Guadalupe.
Patterson. Vaughan of Collin.
Pitts. Ward.
Rogers. Welch.
Staples. Excused.

Bell. McFarland.
Benson. Moore, Fort Bend.
Callan. Moore of Lamar.
Carswell. O'Connor.
Dorrough. Turner.
Flint. Wilcox.

Senate bill No. 267 was read third time, and passed.

Mr. Randolph moved to reconsider the vote by which Senate bill No. 267 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Holland of Harris moved to suspend the regular order of business to take up and place on its second reading, Senate bill No. 293.

Yeas and nays were demanded by Mr. Dennis, Mr. Oliver and Mr. Hensley.

Lost by the following vote:

Yeas-53.

Ayres. Kimbell.
Barbee. Lillard.
Beard. Logan.
Bean. Lotto.
Boyd. McKamy.
Browne. McKellar.
Browne. Morris.
Conoly. Mundine.
Crawford. Pfeiffer.
Crowley. Reubell.
Curry. Robbins.
Dean. Rudd.
Dews. Schlick.
Ewing. Seabury.
Drew. Skilling.
Evans of Hunt. Sluder.
Ewing. Smyth.
Fields. Strother.
Fisher. Tracy.
Gilbough. Tucker.
Green. Vaughan of Collin.
Henderson. Wood.
Hill of Gonzales. Williams.
Hill of Travis. Wolters.
Holland of Burnet. Wood.
Holland of Harris. Wood.

Nays-41.

Alexander. Bumpass.
Bird. Burns.
Blackburn. Collier.
Blair. Cureton.
Brewster. Dennis.
Brigance. Edwards.
Mr. Wood moved to suspend pending business to take up and place on its second reading, Senate bill No. 172.

On the motion to adjourn, yeas and nays were demanded by Mr. Evans of Grayson, Mr. Brigance and Mr. Wood.

Lost by the following vote:

**Yea**—22.

**Nay**—71.

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On the motion of Mr. Wood to suspend the regular order, yeas and nays were demanded by Mr. Shelburne, Mr. Sluder and Mr. Feild.

Lost by the following vote:

**Yea**—47.
The Chair then stated that as seven motions to suspend the regular order of business had been made and voted down this afternoon, and that only one motion to suspend had prevailed, he would take it as the sense of the House that the regular order was desirable, from continuous refusals to suspend the same, and would henceforth hold such motions as dilatory and would rule them out of order.

The Speaker then laid before the House, on its second reading, as the regular order,

Senate bill No. 3, a bill to be entitled "An act to amend title 14 of the Code of Criminal Procedure of the State of Texas, by creating and adding thereto articles 1068a, 1068b, 1068c, 1068d, 1068e, 1068f, 1068g, 1068h, 1068i, 1068j, 1068k, 1068l, 1068m, 1068n and 1068o, in relation to the apprehension, identification and conviction of all unknown persons who may be guilty of homicide, and in relation to prescribing a method by which all the circumstances and facts that might lead to the identification and capture of such unknown person shall be reported, preserved and filed in the office of the Adjutant-General of Texas as a secret archive of that office."

Mr. Fisher moved to suspend pending business to take up and place on its second reading, Senate bill No. 258.

The Chair ruled the motion out of order.

Mr. Fisher appealed from the ruling of the Chair.

Seconded by Mr. Stamper.

Mr. Blair moved to adjourn until 9 o'clock a.m. to-morrow, upon which motion yeas and nays were demanded by Mr. Bumpass, Mr. Wall and Mr. Henderson.

Lost by the following vote:

Yeas—44.

Pending the appeal,
Mr. Fisher moved a call of the
House, and it was seconded.
The Clerk was directed to call the
roll, and the following were an-
nounced absent without leave: Messrs.
Ayres, Bertram, Childs, Crowley, Dickinson,
Drew, Hill of Gonzales, McGaughey,
Meade, Mercer, Morris, Neighbors, Patterson, Pfeuffer, Pitts,
Randolph, Rogers, Rudd, Staples, Strother, Thompson, Vaughan of Guada-
lupe, Welch.
Mr. Wolters called up House concurrent resolution No. 26, relating to
adjournment sine die on May 18, 1897,
which was tabled subject to call.
The resolution was laid before the
House, and
Mr. Beaird offered the following amendment:
Change for "May 18" to "12 o'clock
m. on Friday, May 7, 1897."

Mr. Carpenter moved to adjourn un-
til 9 o'clock a.m. to-morrow, upon
which motion yes and nays were de-
manded by Mr. Evans of Grayson, Mr.
Peery and Mr. Gilbough.
Adjourned by the following vote:

Yeas—55.

Bailey. Holland of Harris.
Barbee. Jones.
Bean. Kimbell.
Blackburn. Logan.
Blair. Lott.
Bounds. Mansan.
Boyd. McKany.
Brigance. McKellar.
Bumpass. Morton.
Carpenter. Mundine.
Collier. Reiger.
Conoly. Robbins.
Curetten. Rogan.
Curry. Rudd.
Dean. Savage.
Dyes. Schlick.
Ewing. Skilten.
Feld. Sluder.
Fields. Smith.
Gibbough. Smyth.
Good. Tucker.
Graham. Wallace.
Green. Williams.
Halsey. Wolters.
Hill of Travis. Wood.
Holland of Burnet.

Nays—34.

Alexander. Love.
Barrett. Martin.
Beaird. Maxwell.
Brewster. Melton.
Burney. Peery.
Burns. Porter.
Dennis. Reubell.
Drew. Rhea.
Edwards. Seabury.
Evans of Grayson. Shelburne.
Fisher. Stamper.
Freeman. Stokes.
Harris. Thaxton.
Henderson. Thomas.
Humphrey. Tracy.
Kirk. Vaughan of Collin.
Lillard. Wall.

Absent.

Ayres. Meade.
Bertram. Mercer.
Bird. Neighbors.
Childs. Morris.
Crawford. Neighbors.
Dickinson. Oliver.
Drew. Patterson.
Drew. Pitts.
Drew. Randolph.
Drew. Rogers.
Drew. Staples.
Accordingly, the House at 6:16 p. m. adjourned until 9 o'clock a. m. tomorrow.

EIGHTY-SEVENTH DAY.

Hall House of Representatives, Austin, Texas, Friday, May 7, 1897.

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

Speaker Dashiell in the chair.

Roll called, and the following members present:

- Alexander.
- Ayers.
- Bailey.
- Barbee.
- Barrett.
- Beaird.
- Bean.
- Bertram.
- Bird.
- Blackburn.
- Blair.
- Bounds.
- Boyd.
- Brewer.
- Brigance.
- Browne.
- Bumpass.
- Burney.
- Burns.
- Carpenter.
- Carswell.
- Childs.
- Collier.
- Conoly.
- Crawford.
- Cureton.
- Curry.
- Dean.
- Dennis.
- Dickinson.
- Dies.
- Doyle.
- Drew.
- Edwards.
- Evans of Grayson.
- Evins.
- Fehld.
- Fields.
- Fisher.
- Rhea.
- Rogers.
- Schlick.
- Seabury.
- Shelburne.
- Shropshire.
- Skillion.
- Sluder.
- Smyth.
- Stamper.
- Staples.
- Stokes.
- Strother.
- Thaxton.
- Thomas.
- Thompson.
- Tracy.
- Tucker.
- Vaughan, Collin.
- Wall.
- Wallace.
- Welch.
- Williams.
- Wolters.
- Wood.

Absent.

- Crowley.
- O'Connor.
- Dorroh.
- Patterson.
- Evans of Hunt.
- Gilbough.
- McFarland.
- Mercer.
- Moore, Fort Bend.
- Morris.
- Neighbors.
- Roberts.
- Smith.
- Vaughan, Guadalupe.
- Ward.

Excused.

- Bell.
- Benson.
- Callan.
- Flint.
- Turner.
- Wilcox.

A quorum was announced present.

Prayer by Rev. Dr. J. A. French of this city.

Pending reading of the Journal of yesterday,

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

GRANTED LEAVE OF ABSENCE.

On account of important business:

- Mr. Bell and Mr. McFarland for today, on motion of Mr. Bailey.
- Mr. Morris for today, on motion of Mr. Bean.
- Mr. Neighbors for today, on motion of Mr. Doyle.
- Mr. Savage for today, on motion of Mr. Cureton.

On account of sickness:

- Mr. Patterson for today, on motion of Mr. McKellar.
- Mr. Dorroh for today, on motion of Mr. Conoly.
- Mr. Robbins for today, on motion of Mr. Martin.
- Mr. Mercer for today, on motion of Mr. Bertram.

BILLS AND RESOLUTIONS.

By Mr. Hensley:

House bill No. 712, a bill to be entitled "An act to establish a more efficient road system for Matagorda county, Texas."

Read first time and referred to Committee on Roads, Bridges and Ferries.

Mr. Henderson offered the following resolution: