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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
- Bealrd
- Bean
- Bertram
- Bird
- Blackburn
- Blair
- Bounds
- Boyd
- Brewerster
- Brigance
- Browne
- Bumpass
- Burney
- Burns
- Carpenter
- Carswell
- Childs
- Collier
- Conoly
- Crawford
- Cureton
- Curry
- Dean
- Dennis
- Dickinson
- Dies
- Doyle
- Drew
- Edwards
- Evans of Grayson
- Ewing
- Field
- Fields
- Fisher
- Rhea
- Rogers
- Schlick
- Seabury
- Shelburne
- Shropshire
- Skillern
- 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
- Pitts
- Gilbrough
- Robbins
- McFarland
- Rudd
- Mercer
- Savage
- Moore, Fort Bend
- Smith
- Morris
- Vaughan, Guadalupe
- Neighbors
- Ward
- Excused
- Bell
- Flint
- Benson
- Turner
- Callan
- 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 to-day, on motion of Mr. Bailey.
- Mr. Morris for to-day, on motion of Mr. Bean.
- Mr. Neighbors for to-day, on motion of Mr. Doyle.
- Mr. Savage for to-day, on motion of Mr. Cureton.

On account of sickness:

- Mr. Patterson for to-day, on motion of Mr. McKellar.
- Mr. Dorroh for to-day, on motion of Mr. Conoly.
- Mr. Robbins for to-day, on motion of Mr. Martin.
- Mr. Mercer for to-day, 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:
Whereas, Senate bill No. 258, known as the "text-book bill," is one of if not the most important bill now pending before this House; therefore be it

Resolved, that said bill No. 258 be made pending business at 10 o'clock, Wednesday morning, May 12, 1897.

The resolution was read second time. Yeas and nays were demanded by Mr. Wolters, Mr. Williams and Mr. Logan.

Lost by the following vote (not receiving the necessary two-thirds majority):

- Yeas—66.
  - Alexander.
  - Fisher.
  - Barbee.
  - Freeman.
  - Haritt.
  - Graham.
  - Beaird.
  - Henderson.
  - Bean.
  - Hill of Gonzales.
  - Bird.
  - Humphrey.
  - Blackburn.
  - Kimbell.
  - Bounds.
  - Kirk.
  - Brewer.
  - Lillard.
  - Love.
  - Bumpass.
  - Martin.
  - Burns.
  - Maxwell.
  - Carpenter.
  - McCaughey.
  - Carswell.
  - McMurry.
  - Conoly.
  - Léton.
  - Crawford.
  - Morton.
  - Cureton.
  - Mundline.
  - Curry.
  - Oliver.
  - Dean.
  - Peery.
  - Dickinson.
  - Pfeuffer.
  - Doyle.
  - Porter.
  - Drew.
  - Randolph.
  - Evans of Grayson.
  - Reiger.
  - Field.
  - Rennell.
  - Rhea.
  - Thaxton.
  - Rogan.
  - Thomas.
  - Skillern.
  - Tracy.
  - Smyth.
  - Tucker.
  - Stamper.
  - Vaughan of Collin.
  - Staples.
  - Wall.
  - Stokes.
  - Wallace.
  - Strother.
  - Welch.

- Nays—34.
  - Mr. Speaker.
  - Ayers.
  - Jones.
  - Bailey.
  - Logan.
  - Blair.
  - Lotto.
  - Boyd.
  - Manson.
  - Browne.
  - McKellar.
  - Collier.
  - Meade.
  - Dills.
  - Moore of Lamar.
  - Edwards.
  - O'Connor.
  - Evans of Hunt.
  - Rogers.
  - Ewing.
  - Schlick.
  - Fields.
  - Seabury.
  - Good.
  - Shropshire.
  - Green.
  - Shuler.
  - Harris.
  - Thompson.
  - Hensley.
  - Williams.
  - Hill of Travis.
  - Wood.

Absent.
- Burney.
- Pitts.
- Childs.
- Rudd.
- Crowley.
- Shelburne.
- Dennis.
- Smith.
- Gilbough.
- Vaughan, Guadalupe.
- Holland of Harris.
- Ward.
- Moore.
- Fort Bend.

Excused.
- Bell.
- Morris.
- Benson.
- Neighbors.
- Callan.
- Patterson.
- Dorroh.
- Robbins.
- Flint.
- Savage.
- McFarland.
- Turner.
- Mercer.
- Wilcox.

Mr. Henderson demanded a poll of the vote.

The list of those voting "yea" was called and found correct.

The list of those voting "nay" was called and found correct.

Mr. Garrison, who was present when the roll was called on the resolution, asked that his name be passed, and failing to vote before the result was announced, asked that his vote be recorded when the vote was verified.

The Speaker held that his vote could not be recorded, since a poll of the vote had been demanded, the roll called, and found correct as announced.

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, May 7, 1897.
Hon. L. T. Dashiel, 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. 567, a bill to be entitled "An act to amend sections 9, 11, 18, 19, 21, 32, and 44, of an act to incorporate the City of Denison, and to fix the boundaries thereof, etc., passed March, 1891, to provide for the election of aldermen and other officers of said city, by the people, and for fixing their compensation; providing for the filling of vacancies in said offices; prescribing the duties of the city secretary, and for fixing his compensation; to vest in the city council, only, the power to contract debts for the city, and to appropriate money to pay the same, and to repeal all laws and parts of laws in conflict with this act."

By a two-thirds vote: yeas 25, nays none.

- Senate bill No. 286, a bill to be entitled "An act to provide for the redistricting of the counties of this State into public free school districts."

- Absent.
- Burney.
- Pitts.
- Childs.
- Rudd.
- Crowley.
- Shelburne.
- Dennis.
- Smith.
- Gilbough.
- Vaughan, Guadalupe.
- Holland of Harris.
- Ward.
- Moore.
- Fort Bend.

- Excused.
- Bell.
- Morris.
- Benson.
- Neighbors.
- Callan.
- Patterson.
- Dorroh.
- Robbins.
- Flint.
- Savage.
- McFarland.
- Turner.
- Mercer.
- Wilcox.

- Yeas—66.
  - Alexander.
  - Fisher.
  - Barbee.
  - Freeman.
  - Haritt.
  - Graham.
  - Beaird.
  - Henderson.
  - Bean.
  - Hill of Gonzales.
  - Bird.
  - Humphrey.
  - Blackburn.
  - Kimbell.
  - Bounds.
  - Kirk.
  - Brewer.
  - Lillard.
  - Love.
  - Bumpass.
  - Martin.
  - Burns.
  - Maxwell.
  - Carpenter.
  - McCaughey.
  - Carswell.
  - McMurry.
  - Conoly.
  - Léton.
  - Crawford.
  - Morton.
  - Cureton.
  - Mundline.
  - Curry.
  - Oliver.
  - Dean.
  - Peery.
  - Dickinson.
  - Pfeuffer.
  - Doyle.
  - Porter.
  - Drew.
  - Randolph.
  - Evans of Grayson.
  - Reiger.
  - Field.
  - Rennell.
  - Rhea.
  - Thaxton.
  - Rogan.
  - Thomas.
  - Skillern.
  - Tracy.
  - Smyth.
  - Tucker.
  - Stamper.
  - Vaughan of Collin.
  - Staples.
  - Wall.
  - Stokes.
  - Wallace.
  - Strother.
  - Welch.

- Nays—34.
  - Mr. Speaker.
  - Ayers.
  - Jones.
  - Bailey.
  - Lotto.
  - Blair.
  - Manson.
  - Boyd.
  - McKellar.
  - Browne.
  - Meade.
  - Collier.
  - Moore of Lamar.
  - Dills.
  - O'Connor.
  - Edwards.
  - Rogers.
  - Evans of Hunt.
  - Schlick.
  - Ewing.
  - Seabury.
  - Fields.
  - Shropshire.
  - Good.
  - Shuler.
  - Green.
  - Thompson.
  - Harris.
  - Williams.
  - Hensley.
  - Wood.

- Absent.
- Burney.
- Pitts.
- Childs.
- Rudd.
- Crowley.
- Shelburne.
- Dennis.
- Smith.
- Gilbough.
- Vaughan, Guadalupe.
- Holland of Harris.
- Ward.
- Moore.
- Fort Bend.

- Excused.
- Bell.
- Morris.
- Benson.
- Neighbors.
- Callan.
- Patterson.
- Dorroh.
- Robbins.
- Flint.
- Savage.
- McFarland.
- Turner.
- Mercer.
- Wilcox.

- Yeas—66.
  - Alexander.
  - Fisher.
  - Barbee.
  - Freeman.
  - Haritt.
  - Graham.
  - Beaird.
  - Henderson.
  - Bean.
  - Hill of Gonzales.
  - Bird.
  - Humphrey.
  - Blackburn.
  - Kimbell.
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  - Kirk.
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  - McCaughey.
  - Carswell.
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  - Dean.
  - Peery.
  - Dickinson.
  - Pfeuffer.
  - Doyle.
  - Porter.
  - Drew.
  - Randolph.
  - Evans of Grayson.
  - Reiger.
  - Field.
  - Rennell.
  - Rhea.
  - Thaxton.
  - Rogan.
  - Thomas.
  - Skillern.
  - Tracy.
  - Smyth.
  - Tucker.
  - Stamper.
  - Vaughan of Collin.
  - Staples.
  - Wall.
  - Stokes.
  - Wallace.
  - Strother.
  - Welch.

- Nays—34.
  - Mr. Speaker.
  - Ayers.
  - Jones.
  - Bailey.
  - Lotto.
  - Blair.
  - Manson.
  - Boyd.
  - McKellar.
  - Browne.
  - Meade.
  - Collier.
  - Moore of Lamar.
  - Dills.
  - O'Connor.
  - Edwards.
  - Rogers.
  - Evans of Hunt.
  - Schlick.
  - Ewing.
  - Seabury.
  - Fields.
  - Shropshire.
  - Good.
  - Shuler.
  - Green.
  - Thompson.
  - Harris.
  - Williams.
  - Hensley.
  - Wood.
By the following two-thirds vote: yeas 22, nays none.
Respectfully,
WILL LAMBERT, Secretary.

SENATE BILL ON FIRST READING.

Senate bill No. 286, reported above, was read first time and referred to the Committee on Education.

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:

House bill No. 189, 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.”

House bill No. 581, entitled “An act to restore and confer upon the county court of Terrell 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, entitled “An act to establish a more efficient road system for Marion county, and to provide for the appointment of county superintendents of public roads.”

Senate bill No. 361, 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.”

Substitute Senate bill No. 63, entitled “An act to repeal articles 4218d and 4218i, chapter 12a, title 87, of the Revised Civil Statutes of the State of Texas, and to add to said chapter articles 4218ff and 4218fff, 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.”

HOUSE AND SENATE JOINT RESOLUTIONS.

Mr. Wall called up the motion to reconsider the vote by which House joint resolution No. 34, to amend section 51, of article 3, of the Constitution of the State of Texas, so as to authorize the granting of aid to disabled and dependent Confederate soldiers and sailors and their widows, and to grant aid to the establishment and maintenance of a home for said soldiers and sailors,” was lost, and which motion to reconsider was spread on the Journal on April 23.

The Speaker laid the same before the House, and the motion to reconsider prevailed.

Question: Shall the resolution pass?

Mr. Hill of Travis, in speaking to the resolution, said:

In 1861 the flower of young Texas chivalry entered the Confederate army. Young men left their plows, their grazing herds, the State departments, their stores, the court room, the doctor’s shop and all other vocations, at the call of Davis, followed Lee in Virginia, Johnson in Tennessee and Tom Green in Texas and Louisiana, and spilled their blood and left their limbs and bodies on every important battlefield, from Val Verde, to Gettysburg, Pa. The Texas Confederate soldier, fully sustaining the character of Texan chivalry established by Travis and his comrades at the Alamo, and by Houston, Lamar and Burleson and the Texas army at San Jacinto. As soldiers, they won the plaudits of the world and the admiration of their brave opponents in arms. When the war closed in darkness and gloom and the loved flag was furled forever, they returned to their desolate homes as grand specimens of true manhood in defeat as they had been in victory. They set about repairing their dilapidated farms. Without a dollar they planted their crops and caused their ruined farms to again teem with plenty; they aided in banishing the carpet-bagger and restoring local self-government to Texas.

The Confederate army has furnished Coke, Roberts, Ireland, Hubbard and Ross as governors; Mills, Reagan and Coke as United States Senators; Dave Culberson, Throckmorton, Jones, Sayers, Lanham and many others as Representatives in Congress; and Roberts and many of the brightest minds that ever adorned the bench, to the judiciary of Texas.

The Confederate soldiery, who had been organized, disciplined and used to resist wrong for four years, brought all their trained energy to the development of the State and to the support of the Democratic party in its darkest hour, and are continuing to do so. Texas has reared them in the past and is rewarding them now. Gaines and Brown are on your Su-
preme bench; Hunt, Henderson and Davidson on the Court of Criminal Appeals; the last member of the Confederate cabinet — that grand old commoner, J. H. Reagan—and Storey, on your Railroad Commission; Baker, your Land Commissioner; Wooten, president of your board of University regents; Bishop, Swearingen, your State health officer; George B. Zimpelman, the German soldier boy, who as sheriff of Travis county made it possible to inaugurate Coke, your first Democratic governor after the war, without bloodshed, is now Austin's honored postmaster; and Ed Cunningham, the penniless major at the close of the war, has established at Sugar Land the largest sugar interest in Texas, if not in the South.

At the close of the war there were 294 miles of railroad in Texas; in 1890 there were 9457 miles of direct line, or including sidings, 10,755 miles. In 1866 there were 123 organized counties; in 1897 there are 224. In 1860 the taxable values of Texas were $120,749,125; in 1897 there are $850,309,246 worth of property on which taxes are paid. The population of Texas in 1866 was 1,763,874; in 1890 it was 2,255,528. The land in cultivation in 1870 was 2,964,816 acres; in 1890 there were 20,746,215 acres under fence. In 1890, Texas was without a school fund; in 1897 she has a school fund of $4,387,000. The vote cast at the time of the election of Coke was 128,182; at the last general election 52,693 votes were cast, exclusive of ten counties, probably swelling the total vote to 645,000 or 646,000.

The Confederate soldiers of Texas have been reduced to a few thousand in the past thirty-two years. Many of these hoary-headed veterans, maimed and diseased, are to-day demanding from the State that they served so faithfully forty years ago a small plantation to take care of those whose wounds and disease render them unable to take care of themselves. The true manhood that made them good soldiers will always prevent them from asking aid when they can only secure it by proving themselves paupers. As for those of us who are able to meet the burthens of life, we have nothing to ask of the State, only that those whose wounds and infirmities render them helpless shall be provided for by the State in whose service they were wounded, and that such provision be worthy of the men and the State they served. We ask that all who are entitled to enter the Confederate Home under the present law, and those now in that institution, be furloughed at the discretion of the superintendent and board of directors, and when so furloughed to draw monthly from the appropriation for the Confederate Home the sum of $10, and that said amount be forwarded to them by the superintendent, under such rules and regulations as the superintendent and the board may establish.

The Confederate soldier whose wife was faithful to him through the war and all the succeeding years will weep long and often before he will abandon her to the cold charities of the world and himself accept the charities of a State that makes such a demand and demands such a sacrifice. We will admit that Confederate soldiers are like other men; many of us have good discipline and the honor of our faults, but any aid must admit these truths an. be bestowed in such manner and under such restrictions as will secure the best protection to all and the least restriction consistent with good discipline, and the honor of all.

Therefore, in the name of common humanity, in the name of the State of Texas, whose honor they defended, in the name of as grand a military record as marks the pages of human history, we plead for the necessary aid for these hoary-headed Confederate soldiers.

(On motion of Mr. Beaird, Mr. Hill of Travis was requested to furnish his remarks for publication in the Journal, and the Journal Clerk was instructed to have them printed in the proceedings of to-day.)

After further consideration by the House.

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

House joint resolution No. 34 was passed by the following vote:

Yeas—96.

Mr. Speaker. Burney.
Bailey. Carpenter.
Barbee. Carswell.
Barrett. Childs.
Beaird. Ooller.
Bean. Conoly.
Blackburn. Crawford.
Blair. Crowley.
Boulds. Boyd.
Brewer. Brewer.
Brigance. Brewer.
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Doyle.  Moore of Lamar.
Drew.  Morton.
Edwards.  Mundine.
Evans of Grayson.  Oliver.
Ewing.  Peery.
Feld.  Porter.
Fields.  Randolph.
Fisher.  Belger.
Freeman.  Reubell.
Garrison.  Rogan.
Gilbough.  Rudd.
Good.  Schlick.
Graham.  Seabury.
Harris.  Shropshire.
Henley.  Skillern.
Hill of Travis.  Sluder.
Holland of Harris.  Stamper.
Humphrey.  Staples.
Jones.  Stokes.
Kimbell.  Strother.
Kirk.  Thaxton.
Lillard.  Thomas.
Logan.  Thompson.
Lotto.  Tracy.
Love.  Tucker.
Manson.  Turner.
Martin.  Vaughan of Collin.
Maxwell.  Wall.
McGaughey.  Wallace.
McKamy.  Welch.
McKeller.  Williams.
Meade.  Woters.
Melton.  Wood.

Nays—9.
Bertram.  Hill of Gonzales.
Bird.  Holland of Burnet.
Bumpass.  Wilcox.
Cureton.

Absent.
Ayers.  Rogers.
Burns.  Smith.
Moore, Fort Bend.  Smyth.
Pfeuffer.  Vaughn, Guadalupe.
Pitts.  Ward.
Rhea.

Excused.
Bell.  Mercer.
Benson.  Morris.
Callan.  Neighbors.
Doroh.  Patterson.
Flint.  Robbins.
McFarland.  Savage.

I vote "no" on House joint resolution No. 34, providing for $100,000 to maintain a home for disabled and indigent Confederate soldiers, also granting the Legislature power to aid by pension indigent and disabled Confederate soldiers and sailors and their widows, in indigent circumstances, who have never remarried. I am unalterably opposed for the State to go into the pensioning business, and at the same time have to maintain a home. If we pension, we ought to abolish the home. If we abolish the Confederate Home, we ought by all means to pension indigent Confederates and their widows.

BERTRAM.

I vote "no," not because I do not reverence the ex-Confederate soldier, but because I know no ex-Confederate soldier would accept a cent, knowing it to be wrung from an already depleted treasury.

HENDERSON.

Mr. Wall moved to reconsider the vote by which House joint resolution No. 34 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its final passage, House joint resolution No. 14, to amend section 5, article 7, of the Constitution of the State of Texas, so as to repeal the provision which authorizes the Legislature to add to the available school fund not exceeding 1 per cent annually of the total value of the permanent school fund.

Pending consideration, Mr. Beaird moved that the Senate be requested to return to the House Senate bill No. 362 for correction.

The motion prevailed.

Mr. Conoly moved the previous question on passage of House joint resolution No. 14, and it was not seconded.

After further consideration, Mr. Lotto moved the previous question, and the main question was ordered.

House joint resolution No. 14 was lost by the following vote (not receiving the necessary two-thirds majority):

Yeas—46.
Barrett.  Jones.
Bird.  Lillard.
Blair.  Lotto.
Boyd.  Love.
Brigance.  McGaughey.
Carpenter.  McKamy.
Childs.  Melton.
Collier.  Moore of Lamar.
Curry.  Morton.
Dean.  Peery.
Dennis.  Pfeuffer.
Evans of Hunt.  Randolph.
Feld.  Rhea.
Fields.  Shropshire.
Freeman.  Shuburne.
Hill of Gonzales.  Smyth.
Hill of Travis.  Stamper.
Holland of Harris.  Strother.
Humphrey.  Thaxton.
Mr. Wolters (present), who would vote "nay," with Mr. Schilck (absent), who would vote "aye."

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

Mr. Hensley (present), who would vote "nay," with Mr. Brewster (absent), who would vote "yea."

Mr. Ayers (present), who would vote "aye," with Mr. Rudd (absent), who would vote "nay."

I vote "aye" on the question submitting House joint resolution No. 14, repealing that provision of the Constitution authorizing the transfer annually of 1 per cent of the permanent to the available public school fund; first, not because I favor the repeal of that provision of the Constitution, but because a bill repealing the statute carrying into effect this constitutional amendment has passed the House and may pass the Senate; and further, because there will be an election upon other constitutional amendments in August, and to add this one and settle the question will cost but very little more; second, because, where I believe there to be any general demand for an amendment to the Constitution, I think it the duty of the Legislature to give the people a chance to vote upon it.

HILL of Gonzales.

I vote "no" on the joint resolution submitting to the people an amendment to the Constitution repealing the Jester amendment, which was adopted six years ago, for the reason that as the people passed on the question so short a time ago, I deem it unnecessary to incur the expense of submitting the same again; and besides, I doubt the wisdom of the repeal.

SLUDER.

The Speaker laid before the House, with Senate amendments, House bill No. 601.

The amendments were read, and concurred in.

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, May 7, 1897.
Hon. L. T. Dashell, Speaker of the House:
I am instructed by the Senate to inform the House that the Senate grants the request of the House, and hereewith returns Senate bill No. 362.
Respectfully,
WILLIAM M. LAMBERT, Secretary.

On motion of Mr. Brigance, the House at 12:30 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.
Mr. Gilbough offered the following resolution:
House concurrent resolution No. 27, fixing 12 o'clock m., May 17, 1897, as the date for the sine die adjournment of the Twenty-fifth Legislature.
Read second time.
Mr. Blackburn moved to table the resolution.
Lost.
Mr. Childs offered the following amendment:
Amend by striking out "May 17th" and inserting in lieu thereof "Saturday, noon, the 15th May, A. D. 1897."
Tabled on motion of Mr. Wolters.
On motion of Mr. Bailey, the resolution was tabled subject to call.
On motion of Mr. Maxwell, Mr. Carpenter, Mr. Dean, Mr. Boyd, Mr. Love and Mr. McKamy, the free conference committee on the fee bill, were excused for this evening on account of important committee work.
By Mr. Tracy:
House joint resolution No. 39, a resolution to amend article 5 of the Constitution of the State of Texas, relating to the organization and jurisdiction of the various courts of the State.
Read first time and referred to the Committee on Constitutional Amendments.

COMMITTEE REPORTS.
By Mr. Rogan, chairman:
Committee Room,
Austin, Texas, May 7, 1897.
Hon. L. T. Dashiel, Speaker of the House:
Your Committee on Roads, Bridges and Ferries, to whom was referred
House bill No. 712, a bill to be 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 county of Matagorda, and to authorize and empower the said county to issue bonds for the construction and maintenance of public roads and highways within said county;"
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. Randolph, acting chairman:
Committee Room,
Austin, Texas, May 7, 1897.
Hon. L. T. Dashiel, Speaker of the House:
Your Judiciary Committee No. 1, to whom was referred
Senate bill No. 215, a bill to be entitled "An act to regulate the trial of civil actions for damages for libel, and damages that may be allowed in such cases;"
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.
RANDOLPH, Acting Chairman.
have carefully examined and compared.

House bill No. 616, entitled "An act to create a more efficient road system for the county of Calhoun, and making county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as said road commissioners, and 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."

And find the same correctly enrolled, and I have this day at 11:30 a. m. presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, May 7, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Enrolled Bills have carefully examined and compared
House bill No. 463, a bill to be entitled "An act to amend article 602, of chapter 3, of title 17, of the Penal Code of the State of Texas, relating to herding stock on the land of another."

And find the same correctly enrolled, and I have this day at 11:30 a. m. presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, May 7, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Enrolled Bills have carefully examined and compared
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."

And find the same correctly enrolled, and I have this day at 11:30 a. m. presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, May 7, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Enrolled Bills have carefully examined and compared
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."

And find the same correctly enrolled, and I have this day at 11:30 a. m. presented the same to the Governor for his approval.

LILLARD, Chairman.
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inal and civil 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 for holding court; and to repeal all laws in conflict with this act."

And find the same correctly enrolled, and I have this day at 11:30 a. m. presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, May 7, 1897.

Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Enrolled Bills have carefully examined and compared 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 such disease, and providing a manner of examining such animals, together with the manner of taxing and collecting costs therefor, and making it a misdemeanor to violate the provisions of this act, and providing penalties for such violation."

And find the same correctly enrolled, and I have this day at 11:30 a. m. presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, May 7, 1897.

Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Enrolled Bills have carefully examined and compared House bill No. 456, a bill to be entitled "An act to amend subdivision 13, article 22, title 3 of the Revised Civil Statutes of the State of Texas, and to change and fix the times of holding courts in the Thirteenth Judicial District of Texas."

And find the same correctly enrolled, and I have this day at 11:30 a. m. presented the same to the Governor for his approval.

LILLARD, Chairman.

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, May 7, 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:

House bill No. 442, a bill to be entitled "An act to amend article 4908 of the Revised Civil Statutes of Texas, providing that constables in towns and cities of 2500 inhabitants may appoint one deputy."

By the following two-thirds vote: ayes 23, noes none.

Also that the Senate has adopted the report of the free conference committee on Senate joint resolution No. 13.

Also, that the Senate concurs in House amendments to Senate bills Nos. 79, 362 and 292.

Also, that the Senate refuses to concur in House amendments to Senate bill No. 1, asks for a free conference, and that Senators Lewis, Terrell, Dibrell, Stafford and Yantis have been appointed as such committee on part of the Senate.

Respectfully,

WILL LAMBERT, Secretary.

Mr. Field called up House bill No. 597, with Senate amendments.

The bill, with amendments, was laid before the House, amendments read, and, on motion of Mr. Field, the House concurred.

BILL RECOMMENDED.

Senate bill No. 215 (reported adversely), on motion of Mr. Randolph.

SPEAKER'S TABLE.

The Speaker laid before the House, on its third reading and final passage, House joint resolution No. 27, amending sections 4, 22 and 23, of article 4, and sections 9, 15, 18, 20, 21 and 23, of article 5, and sections 14 and 16, of article 8, section 4, of article 3, and section 3, of article 3, so that hereafter all State and county officers may be elected by the people for four years, including the office of Secretary of State."

The resolution was read third time, and

Mr. Childs offered the following amendment:

Amend page 5, section 4, article 3, line 22, by striking out "on the first Tuesday in August, A. D. 1897," and inserting In lieu thereof "on the next general election in this State."

Yeas and nays were demanded by Mr. Childs, Mr. Holland of Harris and Mr. Welch.

Adopted by the following vote:
<table>
<thead>
<tr>
<th>Yeas—82.</th>
<th>Nays—8.</th>
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<tr>
<td>Ayers.</td>
<td>Bertram.</td>
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<td>Bailey.</td>
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<td>Lotto.</td>
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<td>Martin.</td>
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<td>Maxwell.</td>
<td>Wolters.</td>
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Excused.

<table>
<thead>
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<th>Yeas—68.</th>
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<tr>
<td>Bell.</td>
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<td>Mercer.</td>
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Mr. Childs offered the following amendment:

Amend by striking out section 15, article 5, page 2, and insert the following:

"Art. 5, sec. 15. There shall be established in each county in this State a county court, which shall be a court of record; and there shall be elected in each county by the qualified voters thereof, at a general election, a county judge, who shall be a citizen of the United States and of this State; who shall have been a practicing lawyer of this State or a judge of a court in this State for three years next preceding his election: who shall have been a resident of the county in which he was elected for twelve months next preceding his election: and who shall be a conservator of the peace; who shall hold office for a period of four years and until his successor shall be elected and qualified, and he shall reside in the county during his term of office. He shall receive as a compensation for his services such fees and perquisites as may be prescribed by law."

Pending consideration.

Mr. Dean offered the following resolution:

Be it resolved by the House of Representatives of the Twenty-fifth Legislature, that Senate bill No. 258 be and the same is hereby made a special order for half-past ten o'clock a. m., Wednesday, May 12, 1897.

Yea and nay were demanded by Mr. Wolters. Mr. Fisher and Mr. Williams.

Adopted by the following vote:

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<th>Yeas—68.</th>
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<td>Barbee.</td>
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<td>Burns.</td>
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<td>Carswell.</td>
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<td>Childs.</td>
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<td>Conoly.</td>
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<td>Cureton.</td>
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Hill of Gonzales. | Hill of Burnet. |

Hill of Harris.
Returning to consideration of House joint resolution No. 27 on its final passage, with amendment by Mr. Childs pending,
Mr. Bumpass offered the following amendment to the amendment:
Amend the amendment by striking out the words "who shall have been a practicing lawyer of this State or a judge of a court in this State for three years."

Mr. Childs moved to table the amendment to the amendment, upon which motion yeas and nays were demanded by Mr. Thomas, Mr. Bumpass and Mr. Burns.

Lost by the following vote:

Yeas—23.

Barrett.
Blair.
Childs.
Conoly.
Dies.
Feild.
Good.
Hensley.
Hill of Gonzales.
Holland of Harris.
Jones.
Kimbell.
Kirk.
Lillard.
Love.
McKamy.
Meade.
Melton.
Morris.
Morton.
O'Connor.
Oliver.
Peery.
Porter.
Randolph.
Reubell.
Thomas.
Turner.
Vaughan of Collin.
Wall.
Wallace.
Welch.

Nays—64.

Mr. Speaker.
Bailey.
Barbee.
Beard.
Bertran.
Bird.
Blackburn.
Bonds.
Boyd.
Bumpass.
Burney.
Burns.
Carpenter.
Carswell.
Collier.
Cureton.
Curry.
Doyle.
Drew.
Edwards.
Evans of Grayson.
Ewing.
Fisher.
Freeman.
Gilbough.
Graham.
Green.
Harris.
Hill of Travis.
Holland of Burnet.
Humphrey.
Kirk.
Lillard.
Logan.
Love.
Manson.
Martin.
McGaughey.
McKellar.
Meade.
Melton.
Morton.
Peery.
Porter.
Reubell.
Rudder.
Rutherford.
Seabury.
Shropshire.
Stamper.
Thomas.
Tracy.
Tucker.
Vaughan of Guadalupe.
Wall.
Wolters.

Absent.

Alexander.
Bailey.
Browne.
Burney.
Carpenter.
Fields.
Henderson.
Moore, Fort Bend.
Mundine.
Pfeiffer.
Bell.
Benson.
Callan.
Dorroh.
Flint.
McFarland.

Excused.

Pitts.
Relger.
Rogers.
Schlick.
Smith.
Smith.
Stamper.
Thomas.
Tracy.
Tucker.

Bell.
Benson.
Callan.
Crawford.
Dorroh.
Flint.
Mr. Peery moved the previous question, and the main question was ordered.

The amendment by Mr. Bumpass to the amendment was adopted and the amendment as amended was lost.

House joint resolution No. 27 was lost by the following vote:

Yeas—33.
Barbee. Manson.
Barrett. Martin.
Bird. McGaughey.
Brigance. McKamy.
Bumpass. Melton.
Carpenter. Morris.
Carswell. Oliver.
Childs. shuffle.
Dennis. Shelburne.
Dies. Sluder.
Drew. Smyth.
Freeman. Strother.
Hensley. Tracy.
Hill of Gonzales. Wolters.
Holland of Harris.
Holland of Gonzales.

Nays—53.
Mr. Speaker. Kirk.
Beaird. Lillard.
Bertram. Logan.
Blair. Love.
Bounds. Maxwell.
Burney. McKeller.
Collier. Meade.
Conoly. Morton.
Cureton. Peery.
Dickinson. Randolph.
Doyler. Relger.
Edwards. Reubell.
Ewing. Rudd.
Feild. Shropshire.
Fields. Skillern.
Gilbough. Smith.
Good. Thaxton.
Graham. Thomas.
Green. Tucker.
Harris. Vaughan of Collin.
Hill of Travis. Wall.
Holland of Burnet. Wallace.
Humphrey. Williams.
Jones. Wood.
Kimbell. Absent.

Absent.
Alexander. Blackburn.
Ayres. Brewster.
Bean. Crawford.
for deficiencies in the appropriations heretofore made for payment of expenses in support of the State government from March 1, 1895, to February 28, 1897, and for previous years, being for payment of claims registered in the Comptroller’s office, in accordance with law, and for outstanding claims not registered, and other deficiencies.”

Have had the same under consideration, with Senate amendments thereto, and have agreed as follows:

First. That the House agree to the Senate amendment striking out line 22, page 2, of the House printed bill, the sum of $874.58 and substitute in lieu thereof the sum of $1000 for refund of liquor licenses.

Second. That the House agree to Senate amendment, inserting between lines 18 and 19, page 2, House printed bill, the words “Court of Civil Appeals, First District, water, fuel and lights, the sum of $22.45.”

Third. That the House agree to Senate amendment adding to section 1, page 2, the words, “to refund liquor tax erroneously collected from T. B. Bond, from December 15, 1894, to December 15, 1895, being one year’s tax, the sum of $300.”

Fourth. That the Senate recede from so much of its amendment to House bill providing for pay for two years of stenographer for Court of Civil Appeals of Fifth District, $1800, and substituting therefor the sum of $900 for said stenographer.

Fifth. That the House agree to Senate amendments as follows: “To refund to M. A. Dillard, druggist in local option precinct, for liquor tax collected from August 11, 1893, to August 11, 1894, the sum of $300.”

“Unf to refund to J. J. Hooper, for liquor license erroneously collected of him, being one year's tax from December 15, 1894, to December 15, 1895, the sum of $300.”

Sixth. That the House agree to Senate amendment as follows: “To Geo. B. Morton, sheriff of King county, for services in enforcing State sanitary laws, the sum of $12.50.”

Seventh. That the Senate recede from so much of its amendment for “Salary of stenographer for Second District Court of Civil Appeals, $2000,” and substituting therefor the words “$1000 for services from June 30, 1895, to February 28, 1897.”

“For salary of stenographer for the Third District Court of Civil Appeals, $500, from October 1, 1896, to Febru-

dary 28, 1897,” and substituting for said service the sum of $250.

That the House agree to Senate amendments as follows:

“To refund to creditors of the O. N. Hollingsworth ledger, in cases where moneys were deposited to pay for patents where patents can not issue, and where moneys were deposited or paid for specific work to be done, but which was not delivered because of the defalcation of the receiver of the Land Office; provided, that sums refunded shall be paid upon the certificate of the Commissioner of the General Land Office, showing the facts, approved by the Governor and Attorney-General, $2000.”

Also, to Senate amendment as follows: “For the First National Bank of Aransas Pass, for taxes paid the State by error as occupation taxes for the time between October 8, 1896, to January 8, 1896, as shown by records in the Comptroller's office, the sum of $106.25.”

In pursuance of their duties, your conference committee discovered that there exists a strong diversity of opinion regarding the actual status of the law authorizing the employment and salary of stenographers by the several Courts of Civil Appeals of the State, and with a view to set at rest any future dispute on this question they do now recommend the speedy passage through the House and Senate of a bill to be introduced amending article 1012, title XXVII, chapter 14, of the Revised Statutes, relating to the salary of said stenographers.

All of which is respectfully submitted.

FREEMAN, MAXWELL, THOMAS, LOGAN, FIELDS,
On part of the House.
LINN, Victoria, YETT, BURNS, HARRISON, BOWSER,
On part of the Senate.

The report was read.
Mr. Blair moved that the report be rejected, and the Senate be requested to appoint another free conference committee to act in conjunction with a like committee from the House.

Yeas and nays were demanded by Mr. Blair, Mr. Reubell and Mr. Drew,
There was not a quorum voting, whereupon
Mr. Conoly moved a call of the
House.

The call was seconded.

Later a quorum was developed, and
the motion to reject prevailed by the
following vote:

Yeas—67.

Barbee. Lillard.
Barrett. Lotte.
Bertram. Manson.
Blackburn. Martin.
Blair. McGaughy.
Bounds. McKellar.
Brewster. Meade.
Brigance. Melton.
Bumpass. Morris.
Burney. Morton.
Burns. O'Conner.
Carswell. Porter.
Collie. Randolph.
Conoly. Reubell.
Cureton. Rhea.
Drew. Shuder.
Edwards. Smith.
Field. Smyth.
Gilbough. Stamper.
Good. Strother.
Graham. Thomas.
Green. Tracy.
Harris. Tucker.
Hill of Gonzales. Vaughan of Collin.
Hill of Travis. Wall.
Holland of Burnet. Wallace.
Holland, Harris. Wolters.
Humphrey. Wood.
Kimbell.
Nays—20.

Beard. Maxwell.
Dickinson. McKamy.
Evans, Grayson. Moore of Lamar.
Ewing. Oliver.
Fields. Peery.
Freeman. Reiger.
Garrison. Seabury.
Hensley. Thaxton.
Jones. Welch.
Logan. Wilcox.

Absent.

Bird. Mundine.
Browne. Pfeuffer.
Childs. Pitts.
Crawford. Rogers.
Crowley. Rudd.
Evans of Hunt. Schlick.
Fisher. Staples.

Thompson. Ward.
Vaughan, Gau'lupe. Williams.
Excused.

Bell. Boyd.
Benson. Callan.
Carpenter. Mercer.
Dean. Neighbors.
Dorroh. Patterson.
Flint. Robbins.
Love. Savage.

Mr. Blair moved to reconsider the
vote by which the report was rejected, and
to table the motion to reconsider.
The motion to table prevailed.

Mr. Brigance moved that the House
take a recess until 9 o'clock a.m. to­
morrow.

Mr. Gilbough moved to adjourn un­
til 9:30 a.m. to­morrow.

Lost.
The motion of Mr. Brigance pre­
vailed, and the House, at 5:45 p.m.,
took recess until 9 o'clock a.m. to­
morrow.

MORNING SESSION.

Saturday, May 8, 1897.
The House was called to order by
the Speaker at 9 o'clock a.m.

GRANTED LEAVE OF ABSENCE:
On account of Important business:
Mr. Bailey for next week, on motion
of Mr. McKellar.
Mr. Alexander and Mr. Wallace for yesterday, on motion of Mr. Oliver.
Mr. Vaughan of Guadalupe for last Thursday and Friday, on motion of
Mr. Hill of Travis.

SENATE MESSAGE.

Hon. L. T. Dashiell, Speaker of the
House.
I am instructed by the Senate to in­
form the House that the Senate has
passed
Senate bill No. 110, a bill to be enti­
tled "An act to amend article 4221
(3992), and article 4227 (3999), of the
Revised Civil Statutes of the State of
Texas;"

By a two-thirds vote: ayes 21, noes
none.

Respectfully,
WILL LAMBERT, Secretary.

SENATE BILL ON FIRST READING

Senate bill No. 110, reported above,
was read first time and referred to the
Committee on Public Printing.