House Journal

May 10, 1897

The House met at 11:25 a.m., adjourned until 10 o'clock a.m. next Monday.

EIGHTY-EIGHTH DAY.

Hall House of Representatives, Austin, Texas, Monday, May 10, 1897.

The House met at 10 o'clock a.m., pursuant to adjournment.

Speaker Dashiell in the chair.

Roll called and the following members present:

Ayers. Hill of Gonzales.
Barbee. Hill of Travis.
Barrett. Hollands of Burnet.
Beaird. Holland of Harris.
Bean. Humphrey.
Bell. Jones.
Blackburn. Kimbrell.
Blair. Kirk.
Bounds. Lillard.
Boyd. Logan.
Brewster. Lotto.
Brigance. Love.
Bumpass. Martin.
Burney. Maxwell.
Burns. McFarland.
Brewster. McGaughney.
Carpenter. McKamy.
Carswell. McKellar.
Childs. Meade.
Crowley. Melton.
Cureton. Mercer.
Curry. Moore, Fort Bend.
Dennis. Moore of Lamar.
Dickinson. Morton.
Died. Mundine.
Doyle. O'Connor.
Drew. Oliver.
Edwards. Peery.
Evans of Hunt. Pfeiffer.
Evans of Grayson. Porter.
Ewing. Randolph.
Pell. Rhea.
Fisher. Robbins.
Freeman. Rogan.
Garrison. Savage.
Gilbough. Schluck.
Good. Seabury.
Graham. Shelburne.
Green. Shropshire.
Harris. Skillern.
Hensley. Sluder.

Barbee, Diclcinson, Morton, Dean, Moore, Fort Bend.

Other consideration of the bill until next Saturday.

Lost.

On motion of Mr. Peery, the bill was laid on the table subject to call.

On motion of Mr. Maxwell, the regular order of business was suspended, to take up and place on its second reading.

Senate joint resolution No. 19, granting leave of absence from the State to the Hon. T. H. Connor, judge of the Forty-second judicial district, for a period of sixty days.

The resolution was laid before the House, read second time, and adopted.

The bill was laid before the House, read second time, and adopted.

On motion of Mr. Evans of Hunt, the regular order of business was suspended, to take up and place on its second reading.

House bill No. 552, a bill to be entitled "An act to amend chapter 3, title 9, of the Penal Code of the State of Texas, and to prohibit the use of profane, obscene, vulgar or indecent language through any telephone or over any wire or line of any telephone system, and fixing a penalty therefor.

The bill was laid before the House, read second time, and ordered engrossed.

On motion of Mr. McKellar, the regular order of business was suspended, to take up and place on its second reading.

House bill No. 494, a bill to be entitled "An act to amend article 788, of chapter 3, of the Penal Code of the State of Texas, relating to the use of animals without the consent of the owner."

The bill was laid before the House, read second time, and ordered engrossed.

On motion of Mr. Staples, the regular order of business was suspended, to take up and place on its third reading and final passage.

House bill No. 279, a bill to be entitled "An act declaring the theft of cotton over the value of twenty dollars a felony, and under the value of twenty dollars a misdemeanor, and affixing penalties therefor."

Bill read third time and passed.

Mr. Staples moved to reconsider the vote by which House bill No. 279 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Graham moved to suspend the regular order of business, to take up and place on its third reading.

House bill No. 264, a bill to be entitled "An act to prevent the barter, sale and gift of any pistol, dirk, dagger, slugshot, sword-cane, spear or knuckles made of any metal or hard substance, etc., to any minor without the written consent of parent or guardian of such child, or of someone standing in lieu thereof, and providing a penalty for violation thereof."

Mr. Brigance raised the point of no quorum, whereupon

On motion of Mr. Blair, the House, at 11:25 a.m., adjourned until 10 o'clock a.m. next Monday.
May 10, 1897

HOUSE JOURNAL.

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A quorum was announced present.

Prayer by J. S. Miller, Secretary of the Y. M. C. A. in this city.

Pending reading of the Journal of Friday and Saturday last, On motion of Mr. Kirk, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Benson and Mr. Patterson for to-day, on motion of Mr. McKellar.
Mr. Wood for to-day on motion of Mr. Graham.
Mr. Conoly for to-day, on motion of Mr. Kimbell.
Mr. Crawford for to-day, on motion of Mr. Ewing.
Mr. Schick for last Friday and Saturday, on motion of Mr. Wolters.
Mr. Reubell for to-day, on motion of Mr. Meade.
Mr. Ward for to-day, on motion of Mr. Hill of Travis.
Mr. Morris for to-day, on motion of Mr. McGaughey.
Mr. Bertram for to-day, on motion of Mr. Freeman.
Mr. Staples for to-day, on motion of Mr. Dennis.
Mr. Bird for to-day, on motion of Mr. Shropshire.
Mr. Browne for to-day, on motion of Mr. Tucker.
Mr. Manson for to-day, on motion of Mr. Cureton.
Mr. Stokes for to-day, on motion of Mr. Burney.

Mr. Henderson for to-day, on motion of Mr. Mercer.
Mr. Thompson for to-day, on motion of Mr. Holland of Harris.
Mr. Fields for to-day, on motion of Mr. Shropshire.
Mr. Dies moved to excuse Mr. Collier until Thursday, on account of important business.

On the motion to excuse, objection was made, and Mr. Dies withdrew the motion.

On motion of Mr. Carpenter, the free conference committee on Senate bill No. 88, were excused for thirty bill No. 88, were excused for this morning on account of important committee work.

PETITIONS AND MEMORIALS.

By Mr. Cureton:
A resolution adopted by the Albert Sidney Johnston Camp of U. C. V., of Bosque county, asking that the Legislature appropriate sufficient means to maintain the Confederate Home.
Read and referred to the Committee on State Affairs.

RESOLUTIONS.

By Mr. Mundine:
Whereas, a petition has been forwarded to this Legislature by William Jackson, of Lee county, a veteran of Texas who rendered faithful and valuable services to the Republic in the struggle for independence, has presented to this House an application to this Legislature for appropriate recognition of his labors and sacrifices in that great cause; and
Whereas, the circumstances connected with his claim are of a nature that render it impossible for the Legislature to reward him under the provisions of the Constitution and laws providing for pensions; and
Whereas, it is deemed just and proper to acknowledge in some manner the debt of gratitude due to this worthy veteran; therefore be it
Resolved, that the thanks of the House of Representatives of the Twenty-fifth Legislature be and the same are hereby extended to said William Jackson, and that his communication to the Legislature, together with this resolution, be filed among archives of the House of Representatives.

By Mr. Logan:
Whereas, it has been the custom at each regular session of the Legislature for the House of Representatives to appoint a committee to count the
cash in the State Treasury and make report thereof to the House, therefore be it
Resolved, that the Speaker is hereby empowered and requested to appoint a committee of five to count all the money now in the State Treasury and ascertain whether or not said money corresponds with the entries with reference thereto, and report back to the House as early as practicable the result of their investigation.

Read second time and adopted.

FREE CONFERENCE COMMITTEE (No. 2) on HOUSE BILL No. 539.
The Speaker announced the appointment of the following committee on House bill No. 539, the general deficiency appropriation bill: Messrs. Dean, Blair, Pfeuffer, Drew and Stamper.

COMMITTEE REPORTS.
By Mr. Brewster, Acting Chairman:

Committee Room,
Austin, Texas, May 10, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Engrossed Bills have carefully examined and compared House bill No. 712, a bill to be entitled "An act to inaugurate a more efficient road system for Matagorda county,"
And find the same correctly engrossed.

BREWER, Acting Chairman.

By Mr. Diers, chairman:

Committee Room,
Austin, Texas, May 8, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Engrossed Bills have carefully examined and compared House bill No. 696, a bill to be entitled "An act to prohibit the taking of fish from the waters of this State otherwise than by means of the ordinary hook and line and trout line, and to prohibit the sale or shipping of game fish in this State, and to provide penalties for the violation thereof,"
And find the same correctly engrossed.

DIES, Chairman.

By Mr. Lillard, Chairman:

Committee Room,
Austin, Texas, May 10, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Engrossed Bills have carefully examined and compared House bill No. 567, a bill to be entitled "An act to amend sections 9, 11, 18, 19, 21, 22, and 44, of an act to incorporate the City of Denison, and to fix the boundaries thereof, etc., passed March, 1891, 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."
And find the same correctly enrolled, and have this day at 11:40 a. m., presented the same to the Governor.

LILLARD, Chairman.
Committee Room,
Austin, Texas, May 8, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Enrolled Bills have carefully examined and compared House bill No. 442, a bill to be entitled "An act to amend article 4908, title CI., of the Revised Civil Statutes of the State of Texas And find the same correctly enrolled, and have this day at 11:40 a. m., presented the same to the Governor for his approval.

LILLARD, Chairman.

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, May 10, 1897.
Hon. L. T. Dashiell, Speaker of the House:
I am instructed by the Senate to inform the House that the Senate has passed House bill No. 79, a bill to be entitled "An act to prevent immoral publications, and to prevent the sale, giving away or distribution of such publications, making a violation thereof a felony, prescribing a penalty therefor and declaring an emergency. Also, that the Senate concurs in the House amendment to Senate bill No. 158, a bill to be entitled "An act to amend article 3328 of chapter 4, title 66, of the Revised Statutes of the State of Texas, and article 4901, chapter 3, title 65, of the Revised Statutes of the State of Texas, by providing for the place of record of certain written contracts, for the condi-
tional sale, lease or hire of railroad 
equipment and rolling stock.”

Respectfully,

WILL LAMBERT, Secretary.

BILLS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House, after having given due 
notice thereof, and their captions had been read severally, the following 
bills:

- Senate bill No. 267, entitled “An act 
to amend article 1706 of the Revised 
Statutes of the State of Texas, relating 
to the places of holding elections in cities and towns.”

- Senate bill No. 79, entitled “An 
act to amend article 2640 of 
the Revised Civil Statutes of the State 
of Texas, relating to loaning money of 
wards by their guardians.”

- Senate bill No. 212, entitled “An act 
to provide a penalty for the failure 
or refusal of any president, vice pres­ 
ident, or cashier of a national bank to 
comply with the taxing laws of the state; 
and 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.”

- 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.”

- Senate bill No. 292, entitled “An act 
to make it unlawful for any 
fund, 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 
fire, or fire and marine, or marine 
insurance company, before it shall be 
licensed or re-licensed by the Com­ 
mmissioner to do business in this 
State.”

SPEAKER’S TABLE.

The Speaker laid before the House 
on its engrossment, as pending busi­ 
ness,

Substitute House bill No. 207, a bill 
to be entitled “An act to amend arti­ 
cle 5049, chapter 1, title 104, of the Re­ 
vised Civil Statutes of 1895, relating 
to the collection of a tax on occupa­ 
tions.”

With the following amendment by 
Mr. Wallace pending:

Amend by striking out on page 6, 
lines 3, 10 and 11, to and including 
the word “quarter,” and substitute the 
following: “From every theatre or 
dramatic representation for which pay 
for admission is demanded or received 
in towns or cities of 1500 inhabitants 
or less one dollar; in towns and cities 
of 1500 and not over 3000, two dol­ 
ars; in towns and cities of over 3000 
and not more than 5000, three dollars; 
in towns and cities over 5000 and not 
over 10,000, four dollars, and in towns 
and cities of over 10,000 inhabitants, 
five dollars per day for every day they 
may perform.”

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

House bill No. 264, a bill to be en­ 
titled “An act to prevent the barter, 
sale and gift of any pistol, dirk, dag­ 
ger, slungshot, sword-cane, spear or 
knuckles made of any metal or hard 
substance, etc., to any minor without 
the written consent of parent or 
guardian of such child, or of some 
one standing in lieu thereof, and pro­ 
viding a penalty for violation hereof.”

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

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

After consideration by the House, 
Mr. Field moved the previous ques­ 
tion, and the main question was or­ 
dered.

The bill was passed by the following 
vote:

Yeas—78.


76—House.
The amendment by Mr. Wallace was adopted.

Mr. Bounds offered the following amendment:

Amend line 11, page 12, by adding after the word “annum,” “provided this shall not apply to race tracks owned by private individuals and used only for training purposes.”

Adopted.

Mr. Meade offered the following amendment:

Amend by adding between the words “peddling,” and “provided,” in line 32, page 5, the following: “Provided, that all ex-Confederate and ex-Federal soldiers, who from old age or other cause may be incapacitated to do and perform full manual labor, and who are actual residents of the State of Texas, and are not inmates of any soldiers’ home, or drawing any pension from the United States or any other State government, be and are hereby exempted from the payment of any such peddler’s occupation tax.”

Adopted.

Mr. Thomas offered the following amendment:

Amend by adding a new paragraph after line 22, page 12, to read as follows: “From every compress company, firm or association of persons operating a cotton compress where fees are received or charges made for compressing cotton, fifty dollars.”

Lost.

Mr. Burney offered the following amendments:

Amend by inserting after the word “stoves,” in line 19, page 9, “cultivators or other agricultural implements.”

Adopted.

Also amend by adding after the word “business,” in line 19, page 9, the following: “or in the country adjacent and tributary to his place of business.”

Adopted.

Mr. Childs offered the following amendment:

Amend page 11, line 20, by striking out “five hundred dollars,” and inserting in lieu thereof “two hundred and fifty dollars.”

Mr. Kimbell offered the following substitute for the amendment:

Amend line 20, page 11, by striking out “five hundred dollars,” and inserting in lieu thereof “three hundred dollars.”

Accepted by Mr. Childs.

Mr. Evans of Hunt moved the previous question on the amendment, and the main question was ordered.
On the amendment as substituted, yeas and nays were demanded by Mr. Childs, Mr. Wolters and Mr. Gilbough. Adopted by the following vote:

**Yeas—51**


**Nays—37**


Mr. Blair offered the following amendment: in Amend by striking out in line 25, page 71, the words “fifty dollars,” and insert therein “one hundred dollars.”

Mr. Drew moved the previous question on engrossment of the bill, and the motion was seconded.

On ordering the main question, yeas and nays were demanded by Mr. Dies, Mr. Blair and Mr. Gilbough. Main question ordered by the following vote:

**Yeas—49**


**Nays—42**

On the amendment by Mr. Blair, yeas and nays were demanded by Mr. Blair, Mr. Blackburn and Mr. Tracy.
Lost by the following vote:

Yeas—33.
Blackburn.
Blair.
Burney.
Dies.
Drew.
Ewing.
Freeman.
Glibough.
Graham.
Green.
Harris.
Hollard of Gonzales.
Hollard of Harris.
Kirk.
Lillard.

Nays—54.
Ayers.
Barbee.
Bean.
Bell.
Brewster.
Brigance.
Bumpass.
Burns.
Carswell.
Crowley.
Crowley.
Curley.
Curry.
Dennis.
Dickinson.

McKeller.
Melton.
Mercer.
Morton.
Mundine.
Oliver.
Oliver.
Randolph.
Rhea.
Robbins.
Shelburne.
Shropshire.
Smith.
Sluder.
Stamper.
Thaxton.
Thomas.
Tracy.
Tucker.
Turner.
Vaughan, Guadalupe.
Vaughan of Collin.
Wall.
Wallace.
Wilcox.

Absent.
Alexander.
Barrett.
Boyd.
Collier.
Dorrah.
Edwards.
Moore of Lamar.

Excused.
Bailey.
Benson.
Bertram.
Bird.
Browne.
Callan.
Carpenter.
Conoly.
Crawf.
Dean.
Fields.
Flint.

On engrossment of the bill, yeas and nays were demanded by Mr. Drew, Mr. Beaird and Mr. Kirk.
Substitute House bill No. 207 ordered engrossed by the following vote:

Yeas—69.
Bean.
Bell.
Blackburn.
Bounds.
Brewster.
Bumpass.
Burns.
Carswell.
Childs.
Crowley.
Curry.
Dennis.
Dickinson.

Doyle.
Drew.
Ewing.
Evans of Hunt.
Evans of Grayson.
Evans of Grayson, Moore of Fort Bend.
Ewing.
Field.
Field.
Fisher.
Fisher.
Freeman.

Graham.
Green.
Hensley.
Hill of Gonzales.
Hill of Travis.
Humphrey.
Jones.
Kimbell.
Lillard.
Logan.
Martin.
McGaughey.
McGaughey.
McFarland.
Moore of Lamar.
Patterson.
Pitts.
Reiger.
Reiger.
Rogers.
Rogers.
Welch.

Absent.
Alexander.
Barrett.
Beaird.
Bounds.
Bird.
Browne.
Callan.
Carpenter.
Conoly.
Crawford.
Dean.
Fields.
Flint.

Excused.
Bailey.
Benson.
Bertram.
Bird.
Browne.
Callan.
Carpenter.
Conoly.
Crawford.
Dean.
Fields.
Flint.
We vote "no" on engrossment of this bill because we have been cut off from proper amendments by the previous question, and the bill as it now stands increases the taxes, which we promised to reduce.

TRACY, MERCER.

On motion of Mr. Evans of Grayson, 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.

Pending question, House bill No. 665, a bill to be entitled "An act to redistrict the State of Texas into judicial districts, for the purpose of reducing their number and equalizing the work of the judges, to fix the times of holding the court therein, to provide for the appointment of district judges and district attorneys in certain cases, and to repeal all laws and parts of laws in conflict herewith,"

On its engrossment, with amendment by Mr. Crowley pending, which amendment was printed in the Journal of Friday, April 23d.

COMMITTEES APPOINTED.

The Speaker announced the appointment of the following committees:

Free conference committee on part of the House on House substitute for Senate bill No. 1, the fellow servant bill: Messrs. Bell, Meade, Dies, Randolph and Neighbors.

Committee to visit the State Treasury department in accordance with resolution adopted to-day: Messrs. Logan, Randolph, Moore of Fort Bend, Vaughan of Guadalupe, and Cureton.

BILL INTRODUCED.

(By unanimous consent.)

By Mr. Seabury:

House bill No. 713, a bill to be entitled 'An act to appropriate the sum of ten thousand dollars, or so much thereof as may be necessary, to pay the per diem of members, officers and employees of the Twenty-fifth Legislature of the State of Texas.'

Read first time and referred to Committee on Finance.

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, May 10, 1897.

Hon. L. T. Dashell, 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. 34, a bill to be entitled "An act to repeal title 82 of the Revised Statutes of Texas, and to pass in lieu thereof this act, to license physicians and surgeons and to regulate the practice of medicine, and to punish persons violating the provisions thereof in the State of Texas," by the following vote—yeas 13, nays 7.

Senate bill No. 275, a bill to be entitled "An act to amend subdivision 8,
It is further agreed that the caption of the bill shall be amended by striking out that provision relating to attorney's fees, so that the same may harmonize with the agreements reached by unanimous action of your committee representing both houses.

MEADE, SEABURY, PEERY, DIES,
On part of the House.

BURNS, GOUGH, ROGERS, DARWIN,
On part of the Senate.

By Mr. Carpenter, chairman, on part of the House:

Committee Room,
Austin, Texas, May 10, 1897.

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

Your free conference committee, to whom was referred Senate bill No. 83, a bill to be entitled "An act to regulate the compensation of certain State, district and county and precinct officers in this State, and to repeal all laws and parts of laws in conflict therewith,

Together with the House amendments thereto, have had the same under consideration, and beg to report the same back, together with the following substitute hereto attached, and recommend that the said substitute be adopted in lieu of said bill and amendments thereto.

CARPENTER, DEAN, BOYD, LOVE, MCKAMY,
On part of the House.

WAXLAND, WOODS, TERRELL, KERR, GREER,
On part of the Senate.

Free conference committee substitute for Senate bill No. 88, a bill to be entitled "An act to fix and limit the fees and compensation of clerks of the district court, district attorneys, county attorneys, sheriffs and constables in felony cases to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and to regulate the compensation of the clerk of the county court, county judge, county attorney, and to pre-
scribe penalties for the violation of this act, and to repeal all laws in conflict herewith."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the clerks of the district court, district attorneys, county attorneys and sheriffs and constables shall receive from the State the following fees and compensation in felony cases, and no more.

Sec. 2. The clerks of the district court shall receive for each felony case tried in such court by jury, whether the defendant be convicted or acquitted, the sum of $8. For each transcript on appeal or change of venue, 8 cents for each 100 words. For each felony case finally disposed of without trial, or dismissed, or nolle prosequi entered, $8. For recording each account of sheriff, 50 cents. For entering judgment in habeas corpus cases, 80 cents, and for taking down testimony and preparing transcript in habeas corpus cases, 8 cents for each 100 words, but the fees in habeas corpus cases shall in no event exceed $8 in any one case.

Sec. 3. The district or county attorneys shall receive the following fees:

1. For all convictions in cases of felonious homicide, when the defendant does not appeal or dies or escapes after appeal and before final judgment of the Court of Criminal Appeals, or when upon appeal the judgment is affirmed, the sum of $40.

2. For all other convictions of felony when the defendant does not appeal or dies or escapes after appealing and before final judgment of the Court of Criminal Appeals, or when upon appeal the judgment is affirmed, the sum of $24; provided, that in all convictions of felony where by the verdict and judgment the defendant is confined in the House of Correction and Reformatory, the fee of the district or county attorney shall be $12.

3. For representing the State in each case of habeas corpus where the defendant is charged with felony, the sum of $16.

Sec. 4. The sheriffs or constables shall receive the following fees:

1. For executing each warrant of arrest or capias, or for making arrest without warrant when authorized by law, the sum of 80 cents, and 4 cents for each mile actually and necessarily traveled in going to the place of arrest, and for conveying the prisoner or prisoners to jail, mileage as provid-
ed for in subdivision 5 shall be allowed.

2. For summoning or attaching each witness, 40 cents.

3. For representing the State in each case where jury is actually sworn in, $1.60.

4. For executing death warrant, $40.

5. For removing a prisoner, for each mile going and coming, including guards and all other expenses, when traveling by railroad, 8 cents; when traveling otherwise than by railroad, 12 cents; provided, that when more than one prisoner is removed at the same time, in addition to the foregoing he shall only be allowed 8 cents a mile for each additional prisoner; provided further, that when an officer goes beyond the limits of the State after a fugitive on requisition of the Governor, he shall receive such compensation as the Governor shall allow for such services.

6. For each mile the officer may be compelled to travel in executing criminal process, summoning or attaching witnesses, 4 cents; provided, that in no case shall he be allowed to duplicate his mileage; when two or more witnesses are named in the same or different writs in any case, and he shall serve process on them in the same neighborhood or vicinity during the same trip, he shall not charge mileage for serving such witness to and from the county seat, but shall only charge one mileage, and for such additional as are actually and necessarily traveled in summoning and attaching each additional witness. When process is sent by mail to any officer away from the county seat or returned by mail to any officer, he shall only be allowed to charge mileage for the miles actually traveled by him in executing such process, and the return of the officer shall show the character of the service and miles actually traveled in accordance with this subdivision, and his accounts shall show the facts.

7. To officers for services of criminal process not otherwise provided for, the sum of 4 cents a mile going and returning shall be allowed; provided, if two or more persons are mentioned in the same or different writs the rule prescribed in subdivision 6 shall apply.

8. For conveying a witness attached by him to any court, or in a habeas corpus proceeding out of his county, or when directed by the judge from any other county to the court where the case is pending, $1 per day for each day actually and necessarily consumed.
In going and returning from such courts, and his actual necessary expenses by the nearest practical route or nearest practicable public conveyance, the amount to be stated by him in an account, which shall show the place where the witness was attached, the distance to nearest railroad station, and miles actually traveled to each court. If horses or vehicles are used, from whom hired and price paid and length of time consumed, and amount paid out for feeding horses, and to whom. If meals and lodging were provided, from whom and when, and prices paid, provided, that officers shall not be entitled to receive exceeding 50 cents per meal, and 35 cents per night for lodging for any witness. Said account shall also show, before said officer shall be entitled to compensation for expenses of attached witnesses, that before starting with said witness to the foreign court, he carried each of them before the magistrate nearest the place of serving the attachment, giving his name and residence, and that said witness made oath in writing before said magistrate, certified copies of which shall be attached to the account, that they were unable to give bond for their appearance at court, or refused to give bond after having been advised by said officer of their right to do so. And the officer shall present to the court the affidavit of the witness to the same effect, or shall show that the witness refused to make the affidavit; and should it appear to the court that the witness was able and willing to give bond, the sheriff shall not be entitled to any compensation for conveying such witness or said account shall be sworn to by the officer before any officer authorized to administer oaths, and shall state that said account is true, just and correct in every particular, and present same to the judge, who shall, during such term of court, carefully examine such account, and if found to be correct, in whole or in part, shall so certify and allow the same for such amount as he may find to be correct; and if by him allowed, in whole or in part, he shall so certify; and such account, with the affidavit of the sheriff and certificate of the judge, shall be recorded by the clerk of the district court in a book to be kept by him for that purpose, which shall constitute a part of the proceedings or minutes of the court; and the clerk shall certify to the original account, and shall show that the same has been recorded; and said account shall then become due and the same shall then constitute a voucher, on which the Comptroller is authorized to issue a warrant; and such minutes of the court or a certified copy thereof may be used in evidence against the officer making the affidavit, for perjury, in case said affidavit shall not be willfully false. When the officer receiving the writ for the attachment of such witness shall take a bond for the appearance of such witness, he shall be entitled to receive from the State $1 for each bond taken; but he shall be responded to by the officer making said writ that said bond is in proper form and has been executed by the witness with one or more good or solvent securities, and said bond shall in no case be less than $100; provided, the Comptroller may require from such officer a certified copy of all such process before and citing any account; provided, that when no inquest or examining trial has been held at which sufficient evidence was taken upon which to find the indictment, which fact shall be certified by the grand jury, or when the grand jury shall state to the district judge that an indictment can not be procured except upon the testimony of non-resident witnesses, the district judge may have attachments issued to other counties for other witnesses not to exceed the number for which the sheriff may receive pay as provided for below, to certify before any grand juries; provided, however, that the judge shall not approve the account of any sheriff for more than one witness to any one fact, nor more than three witnesses to any one case pending before a grand jury, in which case the sheriff shall receive the same compensation as he does for conveying attached witnesses before the court.

9. For attending a prisoner on habeas corpus, for each day $1.60, together with the mileage as provided in subdivision 5, when removing such prisoner out of the county under an order issued by a district or appellate judge.

Sec. 5. All fees accruing under this act shall be due and payable at the close of each term of the district court after approval, except as provided in subdivisions 8 and 9 of the preceding section, which shall be paid when approved by the judge under whose order the writ was issued; provided, that in all cases where the defendant shall be finally convicted of a misdemeanor the sheriff or constable shall
be required to pay back to the State Treasurer a sum of money equal to the amount he may have received from the State in such case, and such sheriff or constable and their bondsman shall be responsible to the State for such sums.

Sec. 6. In cases where the defendant is indicted for a felony and is convicted of an offense less than a felony, no cost shall be paid by the State to any officer.

Sec. 7. Each assessor of taxes shall receive the following compensation for his services, which shall be estimated upon the total values of the property assessed as follows: For assessing the State and county taxes on all sums of $2,000,000 or less, 5 cents for each one hundred dollars worth of property assessed; and for all sums of over $2,000,000 and less than $5,000,000, 2 cents on each one hundred dollars; and for all sums over $5,000,000, 1½ cents on each one hundred dollars. Two-thirds of the above fees shall be paid by the State and one-third by the county; and for assessing the poll tax, 5 cents for each poll, which shall be paid by the State. The commissioners court may allow to the assessor of taxes such sums of money, to be paid monthly from the county treasury, as may be necessary to pay for clerical work, taking assessments and making out the tax rolls of the county, such sums so allowed to be deducted from the amount allowed to the assessor as compensation upon the completion of said tax rolls; provided, the amount allowed the assessor by the commissioners court shall not exceed the compensation that may be due by the county to him for assessing.

Sec. 8. There shall be paid for the collection of taxes, as compensation for the services of the collector, beginning with the first day of September of each year, 5 per cent on the first ten thousand dollars of tax collected, and 4 per cent on the next ten thousand dollars collected for the State, and 1 per cent on all collections over that sum; for collecting the county taxes, 5 per cent on the first five thousand dollars of such taxes collected, and 4 per cent on the next five thousand dollars collected, and 1½ per cent on all such taxes collected over that sum; and in counties owning subsidies to railroads, the collector shall receive only 1 per cent for collecting such railroad tax; and in cases where property is levied on and sold for taxes, he shall receive the same compensation as allowed by law to sheriffs or constables upon making a levy and sale in similar cases, but in no case to include commissions on such sales, and on all occupation and license taxes collected, 5 per cent.

Sec. 9. Hereafter the maximum amount of fees that may be retained by any officer mentioned in this section as compensation for services shall be as follows, viz: County judge, an amount not exceeding $2000 per annum; clerk of the county court, an amount not exceeding $2000 per annum; county attorney, an amount not exceeding $2000 per annum; and in addition thereto one-fourth of the excess of the fees collected by such officers respectively. Provided, that up to A. D. 1902 in counties in which there were cast at the last presidential election as many as 5000 votes, and thereafter in counties shown by the national census of 1900 to contain as many as 25,000 inhabitants, the following amounts shall be allowed: County judge, an amount not exceeding $2250 per annum; clerk of the county court, an amount not exceeding $2250 per annum; county attorney, an amount not exceeding $2250 per annum, and in addition thereto one-fourth of the excess of fees collected by such officers respectively; provided further, that in counties containing a city of over 25,000 inhabitants, or in which there were cast at the last presidential election as many as 7500 votes, or that by the census of A. D. 1900 shall contain as many as 37,500 inhabitants, the following amounts shall be allowed, viz: County judge, an amount not exceeding $2500 per annum; clerk of the county court, an amount not exceeding $2500 per annum; county attorney, an amount not exceeding $2500 per annum, and in addition thereto one-fourth of the excess of fees collected by such officers respectively. Last national census shall govern as to population of cities. Provided, that in counties where the county judge acts as superintendent of public instruction and he shall receive such other salary as may be provided by the commissioners court, not to exceed the sum of $600 per annum.

Sec. 10. The amounts allowed to each officer mentioned in section 9 of this act may be retained out of fees collected by him under existing law, but in no case shall the State or county be responsible for the payment of any sum when the fees collected by any officer are less than the maximum compensation allowed by this act, or be responsible for the pay of
and deputy or deputies. Each officer mentioned in the preceding section shall at the close of each fiscal year make to the district court of the county in which he resides a sworn statement, showing the amount of fees collected by him during the fiscal year, and the amount of fees charged and not collected, and by whom due, and the number of deputies or assistants employed by him during the year, and the amounts paid or to be paid each. And all fees collected during the fiscal year in excess of the maximum and of the one-fourth of the excess of the maximum amounts allowed for their services and for the services of their deputies hereinafter provided for shall be paid into the treasuries of their respective counties; provided, that any officer mentioned in section 9 of this act who does not collect the maximum of his fees for any fiscal year, and who reports delinquent fees for that year, shall be entitled to retain, when collected, such a part of said delinquent fees as is sufficient to complete the maximum compensation for the year in which said delinquent fees were charged, and also to retain the one-fourth of the excess belonging to him, and the remainder of the delinquent fees for that fiscal year shall be paid to the county treasurers when collected.

Sec. 11. Whenever the county clerk shall require the services of a deputy or deputies in the performance of his duties, or whenever the county attorney shall require an assistant or assistants in the performance of his duties, he shall apply to the county judge of his county for authority to appoint same, and the county judge shall issue, either in term time or vacation, an order authorizing the appointment of such a number of deputies or assistants as in his opinion may be necessary for the efficient performance of the duties of said officer. The county clerk or county attorney applying for appointment of a deputy or deputies or an assistant or assistants shall make affidavit that they are necessary for the efficiency of the public service, and the county judge may require in addition a statement showing the need of such deputies or assistants, and in no case shall the county judge attempt to influence the appointment of any person as deputy or assistant in any office. The maximum amount allowed for deputies or assistants for their services shall be as follows, to-wit: First assistant or chief deputy not to exceed a rate of $1200 per annum; others not to exceed a rate of $900 per annum. The county judge, in issuing his order granting authority to appoint deputies or assistants, shall state in such order the number of deputies authorized, and the amount to be paid each, and the amount of compensation allowed shall be paid out of the fees of office to which said deputy or assistant may be appointed, and shall not be included in estimating the maximum salaries of officers named in section 9 of this act.

Sec. 12. All fees due and not collected, as shown in the reports required by section 10 of this act, shall be collected by the officer to whose office the fees accrue, and out of such part of said delinquent fees as may be due the county. The officer making such collection shall be entitled to 10 per cent of the amounts collected by him, and the remainder shall be paid into the county treasury. It shall not be lawful for any officer to remit any fee that may be due under the law fixing fees.

Sec. 13. Any officer mentioned in section 9 of this act who shall fail to charge up the fees or cost that may be due under existing laws, or who shall remit any fee that may be due under the law, or who shall fail to make the report required in section 10 of this act, or who shall pay his deputy or assistant a less sum than the amount specified in the order of the court authorizing such deputy or assistant, or who shall receive back any part of such compensation allowed such deputy or assistant as a rebate, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than $25 nor more than $500.

Sec. 14. It is not intended by this act that the commissioners court shall be debarred from allowing compensation for ex-officio services to county officials in excess of the maximum, when in their judgment such compensation is necessary; provided, such compensation for ex-officio services shall not exceed the amounts allowed under the law for ex-officio services. And in those counties where the fees of office do not amount to the sums allowed under this act to the county attorney, county judge, and county clerk, the commissioners court are hereby authorized to pay for ex-officio services such sums as they may deem just and right. All sums received by such officers not to exceed,
when added to the fees retained by such officers, the maximum amount allowed to be retained under the provisions of this act; provided, that in such counties the commissioners court may allow the county attorney for ex-officio services a sum not to exceed $300 per annum; and provided further, the fees allowed by law to county clerks and county attorneys in suits to collect taxes shall be in addition to the maximum salaries fixed by this act.

Sec. 15. It shall be the duty of those officials named in section 9 of this act to keep a correct statement of the sums coming into their hands as fees and commissions, and in a book to be provided by them for that purpose, in which the officer, at the time any fees or moneys come into his hands, shall enter the same, and it shall be the duty of the grand jury (and the district judge shall so charge the grand jury) to examine these accounts at the session of the district court next succeeding the 30th day of November of each year, and make a report on the same to the district court at the conclusion of the grand jury session.

Sec. 10. The officers named in section 9 of this act in those counties having a population of 12,500 or less, shall not be required to make a report of fees as provided in section 10 of this act, the population of the county to be determined by the vote cast at the last preceding general election, on the basis of five inhabitants for each vote cast at such election.

Sec. 17. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 18. The fact that the session of the Legislature is fast growing to a close, and the importance of this bill and the very crowded condition of the calendar, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read in three several days be suspended, and that this bill be put on its third reading and final passage, and it is so enacted.

By Mr. Garrison, chairman:

Committee Room,
Austin, Texas, May 10, 1897.

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

Your Committee on Finance, to whom was referred
House bill No. 713, a bill to be entitled "An act to appropriate the sum of ten thousand dollars, or so much thereof as may be necessary, to pay the per diem of members, officers and employees of the Twenty-fifth Legislature of the State of 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 and that it be not printed.

GARRISON, Chairman.

By Mr. Freeman, chairman:

Committee Room,
Austin, Texas, May 10, 1897.

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

Your Committee on Public Health and Vital Statistics, to whom was referred
Senate bill No. 34, a bill to be entitled "An act to repeal article 82 of the Revised Statutes of the State of Texas, and to pass in lieu thereof this act, to license physicians and surgeons, and to regulate the practice of medicine, and to punish persons violating the provisions thereof in the State of 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.

FREEMAN, Chairman.

SPEAKER'S TABLE.

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

House bill No. 696, a bill to be entitled "An act to prohibit the taking of fish from the waters of this State other than those of the hill and line and trout line, and to prohibit the sale and shipping of game fish in this State, and to provide a penalty for the violation thereof."

Bill laid before the House, read third time, and

Mr. Green offered the following amendment:

Amend by inserting the word "fresh," in line 6, page 1; in line 14, page 1, and in line 21, page 1, before the word "waters," where it occurs in said lines.

Adopted.

The bill was passed by the following vote:

Yeas—86.

Mr. Speaker. Bean.
Ayres. Bell.
Barbee. Blackburn.
Barrett. Blair.
Beaird. Bounds.
Boyd.  McGaughey.
Brewster.  McKamy.
Brewster.  Meade.
Burney.  Melton.
Burns.  Melton.
Carpenter.  Moore, Fort Bend.
Carswell.  Moore or Lamar.
Cbllds.  Morton.
Crowley.  Mundine.
Cureton.  Neighbors.
Curry.  Oliver.
Dean.  Peery.
Dennis.  Porter.
Dies.  Randolph.
Doyle.  Robbins.
Drew.  Rogan.
Evans of Hunt.  Rudd.
Evans of Grayson.  Savage.
Field.  Schlick.
Freeman.  Shelburne.
Garrison.  Shropshire.
Gibbons.  Skillern.
Good.  Sluder.
Graham.  Smyth.
Green.  Stamper.
Harris.  Strother.
Hensley.  Thomas.
Holland of Burnet.  Tucker.
Holland of Harris.  Turner.
Humphrey.  Vaughan, Guad’lne.
Kimbell.  Vaughan of Collin.
Kirk.  Wall.
Lillard.  Wallace.
Logan.  Welch.
Lotto.  Wilcox.
Love.  Williams.
Martin.  Wolters.

Bumpass.  Absent.
Alexander.  O’Connor.
Colliner.  Patterson.
Dickinson.  Pfeiffer.
Dorros.  Pitts.
Edwards.  Reiger.
Fisher.  Rhea.
Hill of Gonzales.  Rogers.
Hill of Travis.  Smith.
Jones.  Taxton.
McFarland.  Tracy.
Mercer.  Excused.

Mr. Green moved to reconsider the vote by which House bill No. 696 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. McKamy, pending business was suspended to take up and place on its second reading House bill No. 710, a bill to be entitled "An act to amend articles 52431 and 5243j of an act entitled an act to amend articles 5243e, 5243i, 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."

The bill was laid before the House, read second time, and Mr. Meade offered the following amendment:

Amend the caption by striking out in line 6, after the words "articles 5243i and 5243j," and insert in lieu thereof 5243i, 5243j, and 5243k."

Amend section 1, line 1, by striking out "5243i and 5243j," and insert in lieu thereof "5243i, 5243j, 5243k."

Amend by adding article 5243k as follows:

"Article 5243k. Corporations organized for the purpose of religious worship, or for providing places of burial, not for private profit, or corporations organized for the purpose of holding agricultural fairs and encouraging agricultural pursuits, or for strictly educational purposes, or for purely public charity, are exempted from the tax imposed by this act. Every sleeping car company, palace car company, dining car company, doing business in this State, and every corporation, person or association of persons leasing or renting, owning, controlling, or managing any dining or sleeping cars within this State for the use of the public, and for which use any fare is charged, shall pay a tax of two and one-half per cent of their gross receipts from all of their passenger travel originating in and ending in this State. This tax to be in addition to that now levied by law, but no occupation tax shall be levied on said companies by any county, city or town. Said tax herein pro-
vided for shall be paid to the State Treasurer quarterly, for the use of the State; and every such company, association, person or corporation so owning, controlling or managing any such dining or sleeping car shall quarterly report to the Comptroller of the State of Texas, under oath of the president, treasurer, superintendent, or some other officer of said corporation, or some agent thereof duly authorized, the amount received by them for the transportation of passengers between points in this State. Should any person, association of persons, the officers or agents of any such persons, association of persons, or corporations herein named fail to make the report provided in this act for 30 days after the termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than $60 nor more than $100; and each day after said thirty days have expired shall be deemed a separate offense. And in addition thereto, in the event of the failure of the officers or agents of any such persons, association of persons, or corporations herein named to make such report herein required and pay such tax for thirty days after the termination of any quarter of the year, each and every company or corporation so failing shall forfeit and pay to the State of Texas twenty-five dollars for each day said report and payment is delayed, which forfeiture shall be sued for by the Attorney-General in the name of the State. For the purpose of suits and prosecutions provided for herein venue and jurisdiction are hereby conferred upon the courts of Travis county. Nothing in this article shall be construed to appeal or in any way affect the provisions of article 5243g of the Revised Statutes of the State of Texas."

Adopted.

The bill was ordered engrossed.

Mr. McKamy moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 710 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yea's—88.

Crawley. Crowley. Curton.
Curry. Dean. Dennis.
Ewing. Feld. Freeman.
Hensley. Hill of Travis. Stamper.
Lott. Love. Luton.

Nays—none.

Absent.


Burney. McKamy.
Burns. McKellar.
Carpenter. Meade.
Carswell. Melton.
Childs. Mercer.
Crowley. Moore, Fort Bend.
Curton. Moore, Lamar.
Curry. Morton.
Dean. Mundine.
Dennis. Neighbors.
Dickinson. O'Connor.
Drea. Oliver.
Doyle. Peery.
Drew. Polk.
Evans of Hunt. Randolph.
Evans of Grayson. Rhea.
Ewing. Robbins.
Feld. Rogan.
Freeman. Schlick.
Garrison. Seabury.
Gilbough. Shelburne.
Good. Shropshire.
Graham.Skillern.
Green. Smith.
Hansley. Smyth.
Hill of Travis. Stamper.
Holland of Burnet. Strother.
Holland of Harris. Thomas.
Kimbell. Tucker.
Kirk. Turner.
Lillard. Vaughn, Guadalupe.
Logan. Vaughn of Collin.
Lotto. Wall.
Love. Wallace.
Luton. Wills.
Maxwell. Williams.
McGaughey. Wolters.

House bill No. 710 read third time and passed by the following vote:
Mr. McKamy moved to reconsider the vote by which House bill No. 710 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Field moved to suspend pending business to take up and place on its engrossment, Substitute House bill No. 221, a bill to be entitled "An act to preserve and protect the wild game, birds and fowl of the State of Texas, and provide adequate penalties for the unlawful taking, slaughter, sale or shipment thereof, and to repeal all laws and parts of laws in conflict herewith."

Which bill was read second time April 9, amended and left pending, with amendment by Mr. Smyth pending.

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

Pending business was suspended by the following vote:

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| Manson.  | Stokes. |
| Morris.  | Thompson. |
| Reubell. | Ward. |
| Staples. | Wood. |

Mr. McKamy moved to reconsider the vote by which House bill No. 710 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Field moved to suspend pending business to take up and place on its engrossment, Substitute House bill No. 221, a bill to be entitled "An act to preserve and protect the wild game, birds and fowl of the State of Texas, and provide adequate penalties for the unlawful taking, slaughter, sale or shipment thereof, and to repeal all laws and parts of laws in conflict herewith."

Which bill was read second time April 9, amended and left pending, with amendment by Mr. Smyth pending.

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

Pending business was suspended by the following vote:

<table>
<thead>
<tr>
<th>Yeas—66</th>
<th>Nays—23</th>
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<tbody>
<tr>
<td>Ayers.</td>
<td>Kimbell.</td>
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<td>Beard.</td>
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<td>Bumpass.</td>
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<td>Burns.</td>
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<td>Harris.</td>
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<td>Hill of Gonzales.</td>
<td>Vaughan of Collin.</td>
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<td>Hill of Travis.</td>
<td>Vaughan, Gua'lupe.</td>
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<td>Holland of Burnet.</td>
<td>Wallace.</td>
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<td>Holland of Harris.</td>
<td>Wilcox.</td>
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<td>Kimbell.</td>
<td>Williams.</td>
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<td>Kirk.</td>
<td>Wolters.</td>
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<tr>
<th>Nays—none</th>
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<td>Absent.</td>
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<td>Alexander.</td>
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<td>Barbee.</td>
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<td>Jones.</td>
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<td>McFarland.</td>
<td>Welch.</td>
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<th>Excused.</th>
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<td>Bailey.</td>
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<td>Benson.</td>
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<td>Bird.</td>
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<td>Callan.</td>
<td>Henderson.</td>
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Substitute House bill No. 221 was laid before the House on its engrossment, with the following amendment by Mr. Smyth pending:

Amend line 5, page 2, by striking out the word "antelope."

Mr. Holland of Harris moved the previous question, and it was not seconded.

The amendment by Mr. Smyth was lost.

Mr. Dennis offered the following amendment:

Amend section 6, on page 2, by striking out all after section 6, down to the word "or," in line 12, page 2, and insert in lieu thereof the following: "It shall be unlawful for any person to kill, ensnare or trap, or in any way destroy any wild deer except in the period of time embraced between the 15th day of July and the 15th day of November in each year."

Mr. Lotus offered the following substitute for the amendment:

Amend section 6 by inserting after section 6: "After the space of five years next after this act takes effect," and by striking out of line 13 all after the word "year," all of line 19 and of line 20, all to the word "destroy," and inserting the word "on" before the word "any," line 20.

Tabled on motion of Mr. Brigance.
Mr. Ayers offered the following amendment: Amend line 20, page ____, so as to read: "Provided, that no game mentioned in section 1 shall be shipped or in anywise removed from the magistrate's precinct in which it is killed; and provided further, that no man shall hunt or kill such game out of the magistrate's precinct in which he resides."

Tabled on motion of Mr. Ayers.

Mr. Dennis offered the following amendment: Amend by adding:

"Sec. 10. The near approach of the close of the present session of the Legislature, the crowded condition of the calendar, and the importance of protecting the wild game, birds, and wild fowl of the State, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house, and that this act take effect and be in force from and after its passage, and it is so enacted."

Mr. Evans of Hunt moved the previous question, and it was seconded.

On ordering the main question, Mr. Turner moved a call of the House, and it was not seconded.

The House refused to order the main question.

The amendment by Mr. Dennis was adopted.

Mr. Dean moved to reconsider the vote by which the amendment offered by him to section 2 was lost, and asked to have the motion to reconsider spread upon the Journal.

Mr. Randolph offered the following amendment: Amend section 7, page 3, by inserting after the word "act," in line 1, the following: "And it shall be unlawful for any person to transport, carry or take beyond the limits of this State any animal, bird or fowl mentioned in section 1 of this act."

Adopted.

Mr. Hill of Gonzales offered the following amendment: Amend by adding after section 3 as follows: "Provided, that nothing in this section shall be construed to prohibit boys from catching in season any of the above named birds for their own use and not for sale, by the ordinary trap set with triggers."

Mr. Ayers offered the following amendment to the amendment:
Add after the word "boys" the words "under 15 years of age."

Mr. Blair moved to table both amendments, upon which motion yeas and nays were demanded by Mr. Hill of Gonzales, Mr. Blackburn and Mr. Strother.

Lost by the following vote:

Yeas-26.

Barbee.  Green.
Beaird.  Jones.
Bell.  McKamy.
Blair.  Moore, Fort Bend.
Brigance.  Neighbors.
Carswell.  Randolph.
Childs.  Rhea.
Evans of Grayson.  Seabury.
Field.  Shelburne.
Fisher.  Thompson.
Freeman.  Vaughan, Gu'alupe.
Gilbough.  Wolters.
Nays--64.

Ayers.  Logan.
Barrett.  Lotto.
Bean.  Love.
Benson.  Martin.
Blackburn.  Maxwell.
Brewster.  McGaughhey.
Bumpass.  McKellar.
Burney.  Meade.
Burns.  Melton.
Carpenter.  Mundine.
Crowley.  Oliver.
Curry.  Peery.
Dean.  Porter.
Dennis.  Rogan.
Dickinson.  Savage.
Dies.  Schlick.
Doyle.  Skillern.
Drew.  Sluder.
Ewing.  Smyth.
Good.  Stamper.
Harris.  Strother.
Hensley.  Thaxton.
Hill of Gonzales.  Thomas.
Hill of Travis.  Turner.
Holland of Burnet.  Tucker.
Holland of Harris.  Vaughan of Collin.
Humphrey.  Wall.
Kimbell.  Wallace.
Kirk.  Williams.
Lillard.  Wood.

Absent.

Bounds.  O'Connor.
Browne.  Patterson.
Collier.  Pfeiffer.
Doroch.  Pitts.
Edwards.  Reiger.
Garrison.  Rogers.
Graham.  Rudd.
Mercer.  Shropshire.

Smith.  Welch.
Tracy.  Wilcox.

Excused.

Bertram.  Manson.
Bir.  Morris.
Callan.  Reubell.
Conoly.  Staples.
Crawford.  Stokes.
Fields.  Ward.

Mr. Hill of Gonzales accepted the amendment by Mr. Ayers, and the amendment as amended was adopted.

Mr. Smyth offered the following amendment:

Strike out all of section 5.

Mr. Holland of Harris moved the previous question, and the main question was ordered.

The amendment by Mr. Smyth was lost.

Mr. Dean called up the motion to reconsider the vote by which the following amendment was lost:

Amend by adding at the end of section 2, page 1, the following: "Provided, that the sale and purchase of the game mentioned in section 1 of this act shall not be unlawful when said sale or purchase is made in the county where such game was killed or taken," and which motion to reconsider was spread upon the Journal.

Mr. Blair moved to table the motion to reconsider, upon which motion to table yeas and nays were demanded by Mr. Dean, Mr. Bumpass and Mr. Thomas.

Lost by the following vote:

Yeas--22.

Ayers.  Lotto.
Bean.  McKamy.
Blackburn.  Meade.
Blair.  Melton.
Brigance.  Moore, Fort Bend.
Hill of Gonzales.  Rhea.
Hill of Travis.  Shropshire.
Holland of Burnet.  Smyth.
Holland of Harris.  Vaughan of Collin.
Humphrey.  Wood.
Kimbell.  Cureton.
Kirk.  Bean.
Benson.  Dean.
Bounds.  Dickinson.
Boyd.  Doyle.
Brewster.  Drew.
Crowley.  Evans of Hunt.
Bumpass.  Ewing.
Burns.  Field.
Carpenter.  Fisher.
Carswell.  Freeman.
Crowley.  Good.
The motion to reconsider prevailed. 

Question then recurring—Shall the amendment be adopted? yeas and nays were demanded by Mr. Ayers, Mr. Beard, Mr. Blair, and Mr. Martin.

Adopted by the following vote:

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<th>Yeas—69</th>
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<td>Barbee.</td>
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<td>Ayers.</td>
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EIGHTY-NINTH DAY.

Hall House of Representatives,
Austin, Texas,
Tuesday, May 11, 1897.

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

Speaker Dashiel in the chair.

Roll called, and the following members present:

Ayers.  Holland of Burnet.
Bailey.  Holland of Harris.
Barbee.  Humphrey.
Barrett.  Jones.
Bean.    Kimbell.
Bell.    Kirk.
Benson.  Lillard.
Blackburn. Logan.
Blair.   Lotto.
Bounds.  Love.
Boyd.    Martin.
Brewster. Maxwell.
Brigance. McFarland.
Browne.  McGaughy.
Carswell. Mundine.
Cureton.  Neighbors.
Dean.    O'Connor.
Dennis.  Oliver.
Drew.    Porter.
Evans of Hunt.  Randolph.
Evans of Grayson.  Rhea.
Ewing.  Vaughn, Guadalupe.
Feild.    Schlick.
Fisher.  Seabury.
Freeman.  Shelburne.
Gilbough. Shropshire.
Good.    Sluder.
Green.   Stamper.
Hensley.  Strother.
Holland of Gonzales.  Thaxton.
Holland of Travis.  Thompson.
Hollant of Harris.  Tucker.
Holland of Burnet.  Vaughan, Guadalupe.
Holland of Harris.  Wallace.
Hensley.  Wilcox.
Holland of Burnet.  Wolters.
Hill of Gonzales.  Wood.
Hill of Travis.  Wood.

Nays—21.

Beard.  Holland of Burnet.
Benson.  Humphrey.
Blackburn.  Rogan.
Bumpass.  Savage.
Burns.   Skillern.
Carpenter.  Smith.
Curry.   Thomas.
Dickinson.  Turner.
Dies.    Vaughan of Collin.
Doyle.   Wall.
Harris.  Wall.

Absent.
Alexander.  Patterson.
Burney.  Pfeuffer.
Childs.  Pitts.
Collier.  Randolph.
Crowley.  Reiger.
Dorroh.  Rogers.
Edwards.  Rudd.
Garrison.  Smith.
Graham.  Tracy.
McFarland.  Welch.
Mercer.  Williams.

Excused.
Bailey.  Conoly.
Bertram.  Crawford.
Bird.    Crawford.
Callan.  Fields.

Henderson.  Staples.
Manson.  Stokes.
Morris.  Ward.
Reubell.

On motion of Mr. Wolters, the House, at 6:30 p.m., adjourned until 9 o'clock a.m. to-morrow.