tion, and I am instructed to report the same back to the House with the recommendation that it do pass.

HOLLAND of Harris, Chairman.

Committee Room,
Austin, Texas, May 12, 1897.

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

Your Committee on Judicial Districts, to whom was referred
House bill No. 716, a bill to be entitled “An act to reorganize the Sixth judicial district of the State of Texas, and to repeal all laws and parts of laws in conflict herewith.”

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.

HOLLAND of Harris, Chairman.

By Mr. Randolph, acting chairman:

Committee Room,
Austin, Texas, May 12, 1897.

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

Your Judiciary Committee No. 1, to whom was referred
Senate bill No. 381, a bill to be 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 authorized to audit, adjust and settle claims,”

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.

Mr. Garrison called up the report of the free conference committee on substitute House bill No. 203, the general appropriation bill, the committee having reported a substitute, and which report was submitted to-day and printed in the proceedings of this forenoon. The report was laid before the House and read.

Mr. Garrison moved that the report be adopted.

Mr. Shropshire moved that the report be rejected, and that the Senate be requested to appoint another free conference committee to act in conjunction with a like committee from the House, to consider further the differences between the two houses on said bill.

(Mr. Rogan in the chair.)

Mr. Childs moved to table the motion of Mr. Shropshire.

On the motion to table, yeas and nays were demanded by Mr. Mercer, Mr. Burns and Mr. Burney; whereupon,

On motion of Mr. Randolph, the House, at 5:45 p.m., adjourned until 9 o'clock a.m. to-morrow.

NINETY-FIRST DAY.

Hall House of Representatives,
Austin, Texas,
Thursday, May 13, 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:

Bailey. Humphrey.
Barbee. Jones.
Barrett. Kimbell.
Beard. Lillard.
Bean. Logan.
Bell. Lotto.
Benson. Love.
Blackburn. Maxwell.
Blair. McFarland.
Bounds. McGaughey.
Boyd. McKamy.
Brewer. McKellar.
Briggance. Melton.
Browne. Mercer.
Bumpass. Moore, Fort Bend.
Burney. Moore of Lamar.
Burns. Morris.
Carpenter. Morton.
Carswell. Neighbors.
Childs. O'Connor.
Conoly. Oliver.
Crawford. Peery.
Cureton. Pfeuffer.
Curry. Porter.
Dean. Randolph.
Dennis. Rhea.
Dickinson. Robbins.
Dies. Rogan.
Dorroh. Savage.
Doyle. Schlick.
Drew. Shuburne.
Edwards. Shelburne.
Evans of Grayson. Skillern.
Field. Sluder.
Fields. Smith.
Fisher. Smyth.
Garrison. Staples.
Gilbough. Stokes.
Graham. Strother.
Green. Thaxton.
Hensley. Thomas.
Hill of Gonzales. Thompson.
Hill of Travis. Tracy.
Holland of Burnet. Tucker.
Holland of Harris. Turner.
By Mr. Wall:

House concurrent resolution No. 29:

Whereas, the present session of this Legislature was far advanced when the joint committee of the Senate and House of Representatives was raised for the purpose of redistricting the State into judicial districts;

And whereas, no adequate previous steps had been taken to furnish said committee with data and proper information to enable it to make a just, fair and equitable apportionment of the State into judicial districts;

And whereas, House bill No. 665, by reason of the absence of information as to the volume of business in the several judicial districts, and it being impracticable to obtain such information at the present session of this Legislature by reason of the late hour at which this committee was appointed, and for want of such information said bill is crude and unjust in its provisions to the people in many sections of the State, and will result in a large increase in the expenses of the judiciary and entail heavy losses upon litigants, witnesses, and all other persons who may be so unfortunate as to have business in the courts, by reason of delay in the trial of cases by continuance for want of time to transact the business of the courts;

And whereas, there exists widespread dissatisfaction and opposition to said bill from nearly every section of the State, and in order that the State may be redistricted on a basis equalizing the business of the different districts upon the basis of the volume of litigation and population of the several counties, and such other information as may be obtained; therefore be it

Resolved, by the House of Representatives, the Senate concurring, that the Governor cause to be made to the Secretary of State by the clerks of the several counties of this State reports under oath of the number of cases filed in their respective courts within the past twelve months preceding said report, as follows: the number of criminal cases filed in said courts and the number not prosessed, the number of pleas of guilty and the number of cases tried and finally disposed of, the number of civil cases filed and the number of judgments taken by default, the number of judgments by confession, and the number of cases tried and finally disposed of, and also the number of days said courts have
been in session during said time, and that said reports be compiled and printed for the use and information of the Twenty-sixth Legislature.

The resolution was read first time, and a second reading was called for. Objection was made by Mr. Green, and the Speaker put it to a vote of the House.

The House refused to order a second reading, and the resolution went over.

COMMITTEE REPORT.

By Mr. Williams, chairman:

Committee Room,

Austin, Texas, May 12, 1897.

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

Your Committee on Internal Improvements, to whom was referred House bill No. 714, a bill to be entitled "An act to amend article 4367 of the Revised Civil Statutes of the State of Texas, requiring railroad companies to permanently maintain their general offices in Texas where they have contracted to do so,"

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.

WILLIAMS, Chairman.

SENATE MESSAGE.

Senate Chamber,

Austin, Texas, May 13, 1897.

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

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

House bill No. 263, a bill to be entitled "An act to prohibit persons, firms or corporations engaged in running pool or billiard tables in a public place, or for profit, or agent of such person, firm or corporation, permitting minors in or about their place of business without the written consent of their parents or guardians, and to provide a penalty therefor,"

House bill No. 620, entitled "An act to prevent the selling or trading of animals of the horse or ass species affected with a discharge from the nose,"

With amendments.

House bill No. 673, a bill to be entitled "An act to authorize the Houston and Texas Central Railroad Company to purchase and operate the railway extending from near Bremond to Ross and from Ross to Albany, and to regulate reports of such properties," etc.

Also, that the Senate requests another free conference on Senate bill No. 83, better known as the "Wayland fee bill."

Respectfully,

WILL LAMBERT, Secretary.

MESSAGE FROM THE GOVERNOR.

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

Executive Office,

Austin, Texas, May 13, 1897.

To the House of Representatives:

House bill No. 667, which is an act authorizing the counties of Galveston, Harris, Brazoria, Wharton, Calhoun and Victoria to issue bonds for the construction and maintenance of public roads and highways, is herewith returned without approval.

Under the Constitution, as interpreted by the Supreme Court, no debt can be incurred by a county unless provision is made at the time of creating it for levying and collecting a sufficient tax to pay the interest thereon and provide at least 2 per cent as a sinking fund. The tax which any county might levy under the original Constitution of 1876 for roads and bridges was 15 cents on the $100. By the amendment adopted in 1890, it is provided that the Legislature may also authorize an additional annual ad valorem tax, to be levied for the further maintenance of public roads, if a majority of the qualified property taxpayers of the county shall vote such tax, not to exceed 15 cents on the one hundred dollars. This amendment was put into operation by the act approved April 1, 1891, but it was expressly provided therein that no bonds should be issued under its provisions.

Every county named in the act under consideration has already levied the 15 cents authorized by the Constitution without a vote of the taxpayers, and apparently needs the revenue derived from that source for ordinary road and bridge purposes. In some of the counties affected bridges have been constructed for which bonds have been issued and a tax levied to pay interest and create a sinking fund. If the first tax available as already indicated is necessary for the current needs of the county for roads and bridges and the bridge bonds already issued, it may be (Bank v. Terrell, 78 Texas, 460) that before additional debts for that purpose can be created, the tax therefor must be authorized by a vote of the taxpayers. No provision, however, is
made in this bill to submit the question of taxation to the people, but it is proposed to give the counties direct authority to issue bonds. It is not clear under which of these tax provisions it is proposed to issue bonds, but presumably it is under the first, and this important matter should not be left in doubt. If under the first, it seems from inquiries made of the county judges that the entire tax is needed for current purposes and existing bonds, which would leave no tax for the new bonds, and without if they would be void; if under the second, provision is not made for submission to the taxpayers, which is a prerequisite of legality.

It is submitted, also, that the policy of the act of 1891 in prohibiting the issue of bonds for the construction of county roads should not be departed from. This is particularly true unless the taxpayers by a direct vote shall voluntarily assume this additional burden, and in view of the many purposes for which bonds may now be issued. Authority lodged in counties to issue negotiable coupon bonds is far more dangerous and burdensome than the power to contract ordinary debts, because with the last many defenses are allowable which are denied in the case of negotiable bonds which have passed into the hands of innocent purchasers for value. Under the operation of this rule, bonds in the hands of third parties, though wrongfully issued, must nevertheless be paid, while the counties would be relieved of payment if the unjust claims rested in ordinary contracts. Besides this, bonds usually run for long periods of time, the tax to pay them is irrepealable and practically perpetual, and against it there is no relief, as would be the case with specific simple contracts to improve and maintain the roads. Already counties may issue funding, court house, jail and bridge bonds, and the bonded debt of some of the counties named approaches the constitutional limit. The taxation necessary to provide for these bonds and current expenses, added to that of the towns or cities, often renders the local rate of taxation in these times of depression high if not oppressive, and the situation should not be aggravated by a bond measure under which its express terms taxation is only limited by the Constitution.

C. A. CULBERSON.

The message was read, and on mo-

tion of Mr. Seabury was, with accompanying bill, referred to the Committee on Roads, Bridges and Ferries.

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. 263, entitled "An act to prohibit persons engaged in running pool or billiard tables in a public place, or for profit, permitting minors in or about their places of business without the written consent of their parents or guardians, and to provide a penalty therefor."

House bill No. 550, entitled "An act to prescribe the time of holding the terms of the district court in the Twenty-fourth Judicial District."

House bill No. 264, entitled "An act to prevent the barter, sale and gift of any pistol, dirk, dagger, shot, 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 minor, or of some one standing in lieu thereof, and providing a penalty for violation hereof."

House bill No. 25, entitled "An act to create a judicial district in Harris county, additional to the Eleventh Judicial District existing therein, to be the Fifty-fifth Judicial District, to establish a court and provide for a judge and clerk of such new district, and to regulate the tenure of the courts of said respective districts and the disposition of business therein, and to define the jurisdictional boundaries and terms thereof."

SPEAKER'S TABLE.

The Speaker laid before the House, as pending business, the report of the free conference committee on

Substitute House bill No. 203, a bill to be entitled "An act making an appropriation for the support of the State government for the years beginning March 1, 1897, and ending February 28, 1899, and for other purposes."

The committee having reported a substitute.

Pending questions:

The motion of Mr. Garrison that the report be adopted;

The motion of Mr. Shropshire that the report be rejected, and that the Senate be requested to appoint another free conference committee to act in conjunction with a like committee from the House, to consider fur-
ther the differences between the two houses on said bill;

And the motion of Mr. Childs to table the motion of Mr. Shropshire.

Mr. Childs, by consent, withdrew the motion to table.

After further consideration by the House.

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

Question first recurred on the motion of Mr. Shropshire to reject and ask for another conference committee.

Yeas and nays were demanded by Mr. Shropshire, Mr. Welch and Mr. Bounds.

The motion prevailed by the following vote:

| Yeas  | 62   |

Alexander.  
Barbee.  
Barrett.  
Bean.  
Benson.  
Bird.  
Blackburn.  
Bounds.  
Brewster.  
Bridgeman.  
Browne.  
Bumpass.  
Burney.  
Burns.  
Crawford.  
Curry.  
Dean.  
Dies.  
Evans, Grayson.  
Fields.  
Fisher.  
Freeman.  
Graham.  
Hill of Gonzales.  
Holland of Burnet.  
Holland, Harris.  
Humphrey.  
Kimbell.  
Kirk.  
Lillard.  
Lotto.  
Nays—42.

Ayers.  
Beaird.  
Bell.  
Blair.  
Boyd.  
Carswell.  
Childs.  
Conoly.  
Dennis.  
Dickinson.  
Dorrah.  
Drew.  
Doyle.  

McKamy.  
Moore of Lamar.  
Neighbors.  
O'Connor.  
Oliver.  
Peery.  
Seabury.  
Strother.  
Tharston.  
Thompson.  
Turner.  
Welch.  
Wilcox.  
Williams.  
Wolters.  
Wood.  
Absent.  
Balley.  
Carpenter.  
Good.  
Pitts.  
Bertram.  
Callan.  
Collier.  
Crowley.  
Cureton.  
Ewing.  
Flint.  
Henderson.  
Manson.  
Martin.  
Moore, Ft. Bend.  
Mundine.  
Patterson.  
Rubell.  
Vaughan, Gau'lupe.  
Ward.

I vote "yea" to reject the report of the free conference committee for the reason that it is in excess of the appropriation made two years ago by approximately a half-million dollars, and that in the face of a Democratic platform pledge, of a continuance in economy, and a further reduction in expenditures; also, for the reason that on April 26 I offered a substitute for the general appropriation bill, which was ruled out of order, which substitute would have reduced the appropriation for two years $1,063,919.

I state that the amounts therein sought to be appropriated are amply sufficient to an efficient and economical administration of the State government, and would thereby save to the tax-ridden people of the State more than a million dollars and prevent the threatened deficiency. The government should be run for awhile in the interest of the people, instead of in the interest of the office-holding class.

BURNEY.

We vote against the report of the free conference committee on the general appropriation bill:

First. Because the changes made are generally against the institutions in which the common people are interested, and in favor of those for the upper classes, and the difference between the House bill and the bill submitted by the committee is therefore much greater than it appears from a comparison of sum totals in the two bills.

Second. Because, while the committee admit, and all know, that it is unconstitutional to appropriate money from the general revenue of the State
for buildings for the State University, this bill proposes, by a subterfuge, claiming it to be "to supplement the available fund in the support and maintenance of the main university," to appropriate a large sum of money, when it is admitted by the friends of the bill that this amount is not necessary for the purpose of diverting a part of the available fund to the erection of additional buildings, doing indirectly what the Constitution forbids directly.

Third. Because this bill is very largely in excess of the State's available revenues, and it seems to be the policy of this Legislature to persistently refuse to pass any measure looking to any material increase of the revenues.

HUMPHREY, PORTER, CURRY, McGAUGHEY.

We vote "aye" on motion to reject:

First. Because the same discriminates against the Sam Houston Normal school and the Agricultural and Mechanical College and in favor of the University, and is extravagant in many ways, and in favor of the Executive and judicial departments of this State.

Second. The bill seeks to appropriate $13,700 of the available school fund to pay clerks, which is in violation of section 5, article 7, of the Constitution.

SHELBURN, BURNS, TRACY, MELTON, MERCER, RHEA, KIRK.

I vote "yea" to recommit the appropriation bill, for the reason that the bill was drawn with reference to the passage of the redistricting bill and the fee bill. Had these bills passed, they would have saved a large sum of money to the State; but both these bills have been defeated, thereby necessitating the cutting down of the appropriation bill. I believe that the expenses of the State ought to be seen within its income.

CRAWFORD.

I vote "aye," because the report of the free conference committee increases the amount above the House bill by over a quarter-million dollars.

Second. Because it takes away from such weak and struggling institutions as Prairie View the money absolutely needed to properly run the school.

Third. Because it cut out the sum voted by the House to run the summer normal schools, and thus give us better teachers — what we absolutely need and ought to have.

I am further opposed to the strangulation of our schools and eleemosynary institutions to increase salaries and other interests that do not need it as much.

SMITH.

We vote "reyn," because the amount of $90,000 allowed to the University is indivisible, and that the Governor can not cut the amount without striking out the entire amount.

KIMBELL, GRAHAM.

We vote against recommitting the appropriation bill, not that we approve it, as we believe that the appropriations might have been greatly reduced without impairing the efficiency of the public service; yet, judging from the past votes on this bill and other reform measures, we believe it is the best we can do.

DOYLE, WOOD.

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

The motion to table prevailed.

On motion of Mr. Maxwell, the House at 12:50 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. Fisher moved to suspend pending business to take up and place on its second reading Senate bill No. 293, the text book bill.

Mr. Wolters called up House bill No. 629, with Senate amendments.

The bill was laid before the House and the amendments were read.

Mr. Fisher moved the previous question, and it was seconded.

On ordering the main question, yeas and nays were demanded by Mr. Evans of Hunt, Mr. Williams and Mr. Lotto.

There was not a quorum voting, only seventy-five members answering to their names, whereupon

Mr. Conoly moved a call of the House.

The call was seconded, and the clerk was directed to call the roll.
It appeared that the following members were absent without leave: Messrs. Bailey, Bell, Bird, Boyd, Dean, Drew, Edwards, Freeman, Garrison, Good, Green, Mercer, Neighbors, Pfeuffer, Pitts, Randolph, Reiger, Rogers, Rudd, Smith, Stamper, Thompson, and Welch.

A quorum was obtained, many of the absentees having come into the hall without being announced, whereupon the roll call was completed, and the main question was ordered by the following vote:

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<th>Yeas-59</th>
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<td>Mr. Speaker.</td>
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| Edwards. | Rogers |
| Garrison. | Rudd |
| Good. | Shelburne |
| Green. | Sluder |
| Mercer. | Smith |
| Pfeuffer. | Stamper |
| Pitts. | Thompson |
| Randolph. | Welch |
| Reiger. | Excused |
| Bertram. | Manson |
| Callan. | Martin |
| Collier. | Moore, Fort Bend |
| Crowley. | Mundine |
| Cureton. | Patterson |
| Ewing. | Reuben |
| Flint. | Vaughn, Guadalupe |
| Henderson. | Ward |
| Logan. | |
May 13, 1897

Nays—32.

Mr. Speaker. Jones.
Bailey. Logan.
Barbee. Lotto.
Beaird. McFarland.
Bell. McKamy.
Blackburn. Moore, Fort Bend.
Blair. Moore of Lamar.
Browne. O'Conner.
Dickinson. Schlick.
Dies. Seabury.
Evan of Hunt. Shropshire.
Fields. Sluder.
Gilbough. Vaughan, Gunauple.
Harris. Wilcox.
Hensley. Williams.
Hill of Travis. Wolters.
Holland of Harris. Wood.

Absent.

Bird. Pfeuffer.
Boyd. Pitts.
Dean. Randolph.
Doyle. Reiger.
Drew. Rogers.
Edwards. Rund.
Garrison. Smith.
Good. Stamper.
Green. Thompson.
Mercer. Ward.
Neighbors. Welch.

Excused.

Bertram. Henderson.
Callan. Manson.
Collier. Martin.
Crowley. Mundine.
Cureton. Parferson.
Ewing. Reubell.
Flint.

PAIRED.

Mr. Dennis (present), who would vote "ay," with Mr. Good (absent), who would vote "nay."

Mr. Meade called up the report of the free conference committee on Senate bill No. 32, which report was printed in the Journal of Monday, May 10.

The report was laid before the House and was read.

Mr. Meade moved that the report be adopted.

Mr. Wilcox moved that the report be rejected, and that the Senate be requested to appoint another free conference committee to act in conjunction with a like committee from the House to consider further the differences between the two houses on said bill.

Mr. Seabury was called to the chair, but it was resumed again by the Speaker.
Mr. Wood moved to suspend the regular order of business to take up and place on its second reading, Senate bill No. 360, relating to the State Orphan Asylum.

On the motion to suspend, yeas and nays were demanded by Mr. Fisher, Mr. Evans of Grayson and Mr. Love. Pending call of the roll, the Speaker announced that the bill was not on the Speaker's table, and could not be taken up, so the roll call was suspended.

Mr. Fiel'd moved to suspend pending business to take up and place on its second reading, Senate bill No. 34. Pending the motion to suspend, Mr. Turner called up House bill No. 661, with Senate amendments. The bill, with amendments, was laid before the House, amendments were read, and

On motion of Mr. Turner, the House concurred.

Mr. Turner moved to reconsider the vote by which the amendments were concurred in, and to table the motion to reconsider.

The motion to table prevailed. Mr. Wolters called up the report of the free conference committee on Senate joint resolution No. 13, a resolution to amend section 24, of article 3, of the Constitution of the State of Texas, relating to compensation of members of the Legislature, which report was printed in the Journal of May 5.

The report was laid before the House and was read.
Mr. Seabury moved to reconsider the vote by which the report was lost, and asked to have the motion to reconsider spread upon the Journal.

Mr. Wolters called up House concurrent resolution No. 26, providing for sine die adjournment May 18, with amendment by Mr. Beaird pending, which was left pending at adjournment on May 6.

The resolution was laid before the House.

Mr. Fields moved to postpone further consideration of the resolution until next Monday.

Mr. Love moved to table the resolution.

Mr. Blair moved to adjourn until 9 o'clock a. m. to-morrow.

Mr. Fisher moved to take a recess until 9:30 p. m. to-morrow.

Question first recurred on the motion to adjourn until 9 o'clock a. m. to-morrow, upon which yeas and nays were demanded by Mr. Blair, Mr. Brigance and Mr. Fisher.

Lost by the following vote:

Yeas—37.

Bell. McKamy.
Blair. McKeelar.
Boulds. Moore of Lamar.
Boyd. Mundine.
Browne. O'Connor.
Childs. Randolph.
Conoly. Rudd.
Dickinson. Schlick.
Dels. Seabury.
Garrison. Sluder.
Gilbough. Smith.
Graham. Strother.
Harris. Turner.
Hill of Travis. Wilcox.
Holland of Harris. Williams.
Jones. Wolters.
Lotto. Wood.

Alexander. Bean.
Barbee. Reeson.
Barrett. Bird.
Beaird. Blackburn.

The motion of Mr. Fisher prevailed, and the House at 6 p. m. took recess until 9:30 o'clock a. m. to-morrow.

MORNING SESSION.

Friday, May 14, 1897.

The House was called to order by the Speaker at 9:30 o'clock a. m.

Pending question: House concurrent resolution No. 26, with pending motions to postpone and to table.

Mr. Sluder, by unanimous consent, offered the following resolution:

Resolved, that the House of Representatives was heard with sincere regret the announcement of the death of the Hon. Richard Coke, late United States Senator from Texas.