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 3:30 p. m. to-day.

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—65.
Dies. Dies. Seabury.
Harris. Harris. Turner.
Hill of Travis. Hill of Travis. Wilcox.
Holland of Harris. Holland of Harris. Williams.
Lotto. Lotto. Wood.

Curry. Curry. Peery.
Dean. Dean. Pfeuffer.
Dennis. Dennis. Porter.
Feild. Feild. Shelburne.
Freeman. Freeman. Thaxton.
Hensley. Hensley. Thomas.
Lillard. Lillard. Wall.
Logan. Logan. Wallace.

Absent.
Neighbors. Neighbors.

Excused.
Callan. Callan. Martin.
Crowley. Crowley. Patterson.
Flint. Flint. Ward.
Henderson. Henderson.

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.
Resolved, that a committee be appointed, composed of five members of the House, to prepare suitable resolutions expressive of our appreciation of the many virtues and the eminent public services of the deceased statesman and patriot and the profound sorrow felt by us on account of his death, and that said committee recommend such action as in their judgment the House should take in honor of the deceased.

(L.Signed—Fields, Sluder, Bird.)

The resolution was read second time, and adopted.

In accordance with above resolution, the Speaker announced the following committee: Messrs. Fields, Sluder, Bird, Rogan and Curry.

Question recurring on the motion of Mr. Love to table House concurrent resolution No. 26, the motion prevailed, and the resolution was tabled.

**GRANTED LEAVE OF ABSENCE:**

On account of important business:
- Mr. Burney until Monday, on motion of Mr. Stokes.
- Mr. Strother until Monday, on motion of Mr. Rogan.
- Mr. Stamper and Mr. Bertram from Wednesday until Monday, on motion of Mr. Freeman.
- Mr. Skillern until Monday, on motion of Mr. Bounds.
- Mr. Childs until Monday, on motion of Mr. Drew.

On account of sickness:
- Mr. Ewing until Monday, on motion of Mr. Smyth.

**PRIVILEGED REPORTS.**

By Mr. Lillard, chairman:

Committee Room,
Austin, Texas, May 14, 1897.

Hon. L. T. Dashiel, Speaker of the House:
Your Committee on Enrolled Bills have carefully examined and compared 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, knowingly permitting minors in their places of business without the written consent of their parents of guardians, and to provide a penalty therefor;"

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.

Committee Room,
Austin, Texas, May 14, 1897.

Hon. L. T. Dashiel, Speaker of the House:
Your Committee on Enrolled Bills have carefully examined and compared 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 venue of the courts of said respective districts and the disposition of business therein, and define the jurisdictional boundaries and terms thereof;"

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.

Committee Room,
Austin, Texas, May 14, 1897.

Hon. L. T. Dashiel, Speaker of the House:
Your Committee on Enrolled Bills have carefully examined and compared House bill No. 264, a bill to be entitled "An act to prevent the barter, sale and gift of any pistol, dirk, dagger, slung shot, sword-cane, spear or knuckles made of any metal or hard substance to minors, etc., without consent of parent, etc., and providing for penalties for violation;"

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.

**SPEAKER'S TABLE.**

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

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.”

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

Amend on page 2, line 9, by striking out the word “and” where it occurs and place it between the word “audit” and the word “adjust,” and strike out the word settle where it occurs in the section. Strike out the word “and” between the words “adjust” and “settle,” in line 10.

Mr. Dorroh moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Bumpass, Mr. Dennis and Mr. Welch.

Tabled by the following vote:

Yeas—69.

Ayers. Lillard.
Bailey. Logan.
Barbee. Lotto.
Barrett. Martin.
Bean. McFarland.
Benson. McKamy.
Blackburn. McKellar.
Blair. Meade.
Bounds. Melton.
Brigance. Moore, Fort Bend.
Browne. Morris.
Burns. O'Connor.
Carswell. Porter.
Childs. Robbins.
Conoly. Roger.
Crawford. Rudd.
Curry. Savage.
Dennis. Seabury.
Dickinson. Shelburne.
Dorroh. Sluder.
Drew. Smyth.
Evans of Hunt. Strother.
Evans of Grayson. Thaxton.
Field. Tracy.
Fields. Turner.
Fisher. Wall.
Garrison. Wallace.
Gibbough. Wilcox.
Graham. Williams.
Green. Wolters.
Harris. Wolters.
Hill of Travis. Wolters.
Holland of Harris. Wood.
Humphrey. Wood.

Nays—27.

Boyd. Moore of Lamar.
Brewster. Morton.
Bumpass. Mundine.
Carpenter. Peery.
Cureton. Rhea.
Dean. Schick.
Freeman. Shropshire.
Hensley. Smith.
Hill of Gonzales. Stokes.
Jones. Thomas.
Kirk. Tucker.
Love. Vaughan of Collin.
Manson. Welch.
Mercer.

Absent.
Beard. Neighbors.
Bell. Pfeuffer.
Bird. Pitts.
Dies. Randolph.
Doyle. Relger.
Edwards. Rogers.
Good. Staples.
Holland of Burnet Thompson. Maxwell.

Excused.
Bertram. Henderson.
Burney. Patterson.
Callan. Reubell.
Collier. Skilern.
Crowley. Stamper.
Ewing. Vaughan, Guad’lup.
Flint. Ward.

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

The bill was passed to a third reading.

Mr. Dorroh moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 381 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—91.

Alexander. Carpenter.
Ayers. Carswell.
Bailey. Childs.
Barbee. Conoly.
Barrett. Crawford.
Bean. Cureton.
Bell. Curry.
Benson. Dean.
Bird. Dennis.
Blackburn. Dickinson.
Blair. Dies.
Bounds. Dorroh.
Boyd. Doyle.
Brewster. Drew.
Brigance. Evans of Hunt.
Browne. Evans of Grayson.
Burns. Field.

Holland of Harris. Wood.
Humphrey.
Senate bill No. 381 was laid before the House on its third reading and final passage, read third time, and passed by the following vote:

**Yeas—74:**
- Ayers. Blackburn.
- Bailey. Blair.
- Barbey. Bounds.
- Barrett. Brigance.
- Bean. Browne.
- Bell. Burns.
- Benson. Carswell.

**Nays—9:**
- Childs. McKellar.
- Conoly. Meade.
- Crawford. Melton.
- Cureton. Moore, Fort Bend.
- Curry. Moore of Lamar.
- Dennis. Morris.
- Dickinson. Oliver.
- Dies. Pitts.
- Dorroh. Porter.
- Doyle. Robbins.
- Drew. Rogan.
- Evans of Hunt. Rudd.
- Fisher. Savage.
- Garrison. Schlick.
- Gilbough. Shelburne.
- Gree. Shilfer.
- Harris. Smyth.
- Hill of Travis. Staples.
- Holland of Harris. Strother.
- Humphrey. Thaxton.
- Jones. Tracy.
- Kimbell. Turner.
- Lillard. Vaughn, Guad'lupe.
- Logan. Wall.
- Moore of Lamar. Wilcox.
- Morris. Wall.
- Morton. Williams.
- O'Connor. Wood.
- Oliver. Wood.

**Absent:**
- Beaird. Neighbors.
- Fields. Neighbors.
- Good. Neighbors.
- Harris. Neighbors.
- Jones. Neighbors.

**Excused:**
- Bertram. Henderson.
- Burney. Patterson.
- Callan. Reubell.
- Collier. Skillern.
- Crowley. Stamper.
- Ewing. Ward.
- Flint. Ward.

Mr. Dorroh moved to reconsider the vote by which Senate bill No. 381 was passed, and to table the motion to reconsider. The motion to table prevailed.
Mr. Evans of Grayson moved to suspend the regular order of business to take up and place on its second reading, Senate bill No. 258, a bill to be entitled "An act to empower the State Board of Education to procure, for use in the public free schools of the State of Texas, a series of uniform text-books; defining the duties of certain officers therein named with reference thereto, making appropriations therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency."

Mr. Wolters raised the point of order that the motion was not in order, for the reason that Wednesdays and Thursdays of each week had been set apart for the consideration of Senate bills, and that this being Friday the motion to take up a Senate bill was not in order.

Overruled by the Chair.

On the motion to suspend, yeas and nays were demanded by Mr. Dies, Mr. Peery and Mr. Bounds.

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

**Yeas—67.**


**Nays—35.**


Absent.


Excused.


**PAIRED.**

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

Mr. Skillern (present), who would vote "yea," with Mr. Neighbors (absent), who would vote "nay."

Mr. Manson (present), who would vote "nay," with Mr. Randolph (absent), who would vote "yea."

Mr. Fisher 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.

The Speaker laid before the House, as pending business, 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 was pending at adjournment on Tuesday, May 11. Read third time.

(Mr. Rogan in the chair.)
Mr. Carpenter called up the message of the Senate, sent to the House on yesterday, May 13, asking for another free conference committee on Senate bill No. 83, the Wayland fee bill. The request of the Senate was laid before the House, and Mr. Carpenter moved that the request of the Senate be granted. Mr. Dean moved the previous question, and the main question was ordered.

(Speaker in the chair.)

On the motion of Mr. Carpenter that the request of the Senate be granted for another free conference committee on Senate bill No. 83, yeas and nays were demanded by Mr. Blair, Mr. Wolters and Mr. Dean. The motion prevailed by the following vote:

Yeas—63.

Alexander. Love.
Barbee. Manson.
Bean. Martin.
Benson. Maxwell.
Blackburn. McLaughrey.
Bounds. McKellar.
Boyd. Meade.
Brewster. Melton.
Brigance. Mercer.
Brown. Moore, Lamar.
Bumpass. Morris.
Burns. Morton.
Carpenter. Mundine.
Carswell. Oliver.
Conoly. Peery.
Crawford. Porter.
Cureton. Rhea.
Curry. Robbins.
Dean. Savage.
Dennis. Shelburne.
Doyle. Shropshire.
Drew. Skiller.
Evans of Grayson. Sluder.
Field. Stamper.
Fields. Staples.
Freeman. Strother.
Graham. Thomas.
Hensley. Tucker.
Hill of Gonzales. Vaughan of Collin.
Humphrey. Wall.
Kirck. Wood.
Lillard. 

Nays—36.

Ayers. Fisher.
Bailey. Gilbough.
Barrett. Green.
Bell. Harris.
Bird. Hill of Travis.
Blair. Holland of Burnet.
Childs. Holland of Harris.
Dickinson. Jones.
Dies. Logan.
Evans of Hunt. Lotto.

McFarland. Stokes.
McKamy. Thaxton.
Moore, Fort Bend. Tracy.
Rogar. Turner.
Rudd. Vaughan, Gualupe.
Schlick. Welch.
Seabury. Williams.
Smyth. Wolters.

Absent.

Bealrd. Pfeiffer.
Dorrah. Pitts.
Edwards. Randolph.
Flint. Reiger.
Garrison. Rogers.
Good. Smith.
Kimbell. Thompson.
Neighbours. Wallace.
O'Connor. Wilcox.

Excused.

Bertram. Ewing.
Burney. Henderson.
Callan. Patterson.
Collier. Reubell.
Crowley. Ward.

We vote "no" on the motion to comply with the request of the Senate for a second free conference committee on the fee bill, for the reason that if the House will refuse to grant the request the Senate will concur in the House amendments, and it is the only fee bill that will pass the Legislature at this late date, and in our judgment is the only way by which any fee bill can be passed at this session.

EVANS of Hunt, WELCH.

I vote "no" because I believe the Senate will accept the Wayland bill as it went from the House. and I do not believe the House will adopt the report of a conference committee on a new fee bill.

WILLIAMS.

FREE CONFERENCE COMMITTEE (NO.2) ON SENATE BILL NO. 83.

The Speaker announced the appointment of the following committee on part of the House: Messrs. Carpenter, Dean, Boyd, Love, and McKamy.

Returning to consideration of Substitute House bill No. 221, on its final passage, Mr. Feild moved the previous question, and the main question was ordered.

The bill was passed.

Mr. Dennis moved to reconsider the vote by which Substitute House bill No. 221 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Drew moved to suspend the
regular order of business to take up and place on its second reading.

Senate bill No. 138, a bill to be entitled "An act to amend section 2439, chapter 1, of title XLV, of the Revised Statutes of Texas, relating to the fees the Secretary of State is authorized and required to charge for the use of the State for charters, amendments and supplements thereto, and to repeal all laws and parts of laws in conflict with this act in so far as they may affect the same."

On the motion to suspend yea and nays were demanded by Mr. Drew, Mr. Lillard and Mr. Wood.

Suspended by the following vote:

Yeas—88.

Mr. Speaker.  Kirk.
Alexander.  Lillard.
Ayres.  Lotso.
Barbee.  Love.
Barrett.  Manson.
Bean.  Maxwell.
Bell.  McGaughey.
Bertram.  McKamy.
Blackburn.  Qckeller.
Blair.  Meade.
Bounds.  Melton.
Boyd.  Moore, Fort Bend.
Brewster.  Moore of Lamar.
Brigance.  Morris.
Browne.  Morton.
Bumpass.  Mundine.
Burns.  O'Connor.
Carpenter.  Oliver.
Carswell.  Peery.
Childs.  Porter.
Conoly.  Rhea.
Crawford.  Robbins.
Cureton.  Rogen.
Curry.  Rudd.
Dean.  Savage.
Dennis.  Schlick.
Dickinson.  Seabury.
Doyle.  Shelburne.
Drew.  Shropshire.
Evans of Hunt.  Sluder.
Evans of Grayson.  Smyth.
Field.  Strother.
Fields.  Thaxton.
Fisher.  Thomas.
Garrison.  Tracy.
Graham.  Tucker.
Green.  Vaughan, Guadalupe.
Hensley.  Vaughan of Collin.
Hill of Gonzales.  Wills.
Hill of Travis.  Wallace.
Holland of Harris.  Welch.
Humphrey.  Williams.
Jones.  Wolters.
Kimbell.  Wood.
Nays—7.

Mercer.  Holland of Burnet.
Freeman.  Martin.

Mr. Seabury offered the following substitute for the amendment:

Excused.

Burney.  Logan.
Callan.  Patterson.
Collier.  Reubell.
Crowley.  Skillern.
Ewing.  Stamper.
Flint.  Ward.
Henderson.  

The Speaker then laid before the House on its second reading.

Senate bill No. 138, a bill to be entitled "An act to amend section 2439, chapter 1, title XLV, of the Revised Statutes of Texas, relating to the fees the Secretary of State is authorized and required to charge for the use of the State for charters, amendments and supplements thereto, and to repeal all laws in conflict with this act, in so far as they may affect the same."

With amendment by the committee.

The bill was read second time, and the committee report was adopted.

Mr. McKamy offered the following amendment:

Amend by inserting after "expositions," in line 10, page 2, the words "homestead and building and loan associations."

Adopted.

Mr. Wall offered the following amendment:

Amend section 1, page 2, by inserting after the word "manufacturing," in line 10 as follows: "For each line of articles or commodities proposed to be manufactured."

Adopted.

Mr. Wall offered the following amendment:

Amend by striking out all of lines 13 and 14 on page 4, and also the word "five" in line 27, page 2 and insert "five" in line 27, page 2 and insert "from any other State upon this State."

Strike out the word "required," in line 24, page 2, and insert the word "authorized" in its stead.

Mr. Seabury offered the following substitute for the amendment:
Amend by striking out committee amendment No. 1. Strike out the words "a fee of two dollars" in line 27, page 2, and insert in lieu thereof the following: "From another State or country such fee as may be charged by such other State or country for like services."

Accepted by Mr. Wall.

The amendment as substituted was adopted.

Mr. Wall offered the following amendment:

Insert after the word "pay," in line 2, page 3, as follows: "For each and every charter amendment or supplement thereto."

Adopted.

Mr. Doyle offered the following amendment:

Strike out the word "ten" in line 12, page 3, and insert in lieu thereof the word "five."

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

The amendment by Mr. Doyle was lost.

The bill was passed to a third reading.

Mr. Drew moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 138 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—88.

May 14, 1897

HOUSE JOURNAL.

for the purpose of regaining his health; therefore be it
Resolved by the House of Repre
sentatives, the Senate concurring,
That the said Hon. J. M. Hall, district
judge of the Eighteenth Judicial dis
trict, be and is hereby allowed to leave
the State for a period of sixty (60)
days from the first day of June, 1897,
until the first day of August, 1897.
The resolution was read second
time, and
Mr. Rogan moved the previous ques
tion.
The main question was ordered, and
the resolution was adopted.
Mr. Fisher moved to suspend the
regular order of business to take up
and place on its second reading.
Senate bill No. 258, a bill to be enti
tled "An act to empower the State
Board of Education to procure, for
use in the public free schools of the
State of Texas, a series of uniform
text-books; defining the duties of cer
tain officers therein named with refer
ence thereto, making appropriations
therefor, defining certain misdeamen
ors, providing penalties for the viola
tion of the provisions of this act, and
declaring an emergency."
Mr. Wolters moved to take a recess
until 3 p. m. to-day.
Mr. Blair moved to adjourn until
9:30 a. m. next Monday.
On the motion to adjourn, yeas and
nays were demanded by Mr. Fisher
Mr. Dean and Mr. Brigance.
Lost by the following vote:

Yes—12.

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<th>Absent</th>
<th>Yays—37</th>
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<td>Question next recurred on the motion to take a recess until 3 o'clock p. m. to-day, upon which motion yeas and nays were demanded by Mr. Dean, Mr. Wolters and Mr. Field. Carried by the following vote: Yeas—48.</td>
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Mr. Evans of Hunt raised the point of no quorum, and the Clerk was directed to call the roll.

The following members answered to their names:

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<th>Alexander</th>
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Quorum present.

On motion of Mr. Dorroh, Mr. Beard was excused until Monday, on account of important business.

By Mr. Bird:

House bill No. 717, a bill to be entitled “An act to amend article 3753, of title 80, of the Revised Civil Statutes of the State of Texas of 1895, relating to applications for pensions.”

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 the same be not printed.

SLUDER, Acting Chairman.

By Mr. Lillard, chairman:

Committee Room, Austin, Texas, May 14, 1897.

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

Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 240, a bill to be entitled “An act to amend the charter of the city of Galveston by amending sections 39, 116, 127, 132 and 174, and by adding thereto sections 73a, 73b, 73c, 73d, 90a, 132d, 132e, 174a, 188a, 188b, 188c, 188d, 188e, 188f, 188g, 188h, 188i and 188j.”

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 the same be not printed.

SLUDER, Acting Chairman.

By Mr. Lillard, chairman:

Committee Room, Austin, Texas, May 14, 1897.

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

Your Committee on Enrolled Bills have carefully examined and compared House bill No. 673, a bill to be entitled “An act to authorize the Houston and Texas Central Railroad Company to purchase, own and operate the railway extending from a point in or near the town of Bremond, in Robertson county, to a point in or near the town of Ross, in McLennan county, with its franchises and appurtenances, and the railway extending from a point in or near said town of Ross to a point in or near the town of Albany, in Shackelford county, with its franchises and appurtenances, or either of such railways, with its franchises and appurtenances, or any part or parts
thereof, and to authorize the owners thereof to sell the same, and to authorize a corresponding increase in the authorized aggregate of the bonds and stocks of said Houston and Texas Central Railroad Company, and to regulate reports of such properties and the operation thereof.

And find the same correctly enrolled, and have this day, at 4:30 p.m., presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, May 14, 1897.

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

Your Committee on Enrolled Bills have carefully examined and compared

House bill No. 710, a bill to be entitled "An act to amend articles 5243i, 5243j, 5243k, 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.

And find the same correctly enrolled, and have this day, at 4:30 p.m., presented the same to the Governor for his approval.

LILLARD, Chairman.

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

Committee Room,
Austin, Texas, May 13, 1897.

Hon. L. T. Dashielh, Speaker of the House of Representatives, and Hon. George T. Jester, President of the Senate.

We, your free conference committee, to whom was referred, with Senate amendments,

House bill No. 539, a bill to be entitled "An act making appropriations for the deficiencies in the appropriations heretofore made for payment of expenses for 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, and beg to report it back to the Senate and the House with the recommendation that it do pass, except Senate amendments to line 20, page 2, which reads as follows, "by striking out $674,58, and substituting in lieu thereof $1000," and the following inserted between lines 18 and 19, page 2, "Court of Civil Appeals, First district, water, fuel and lights, $22,45."

STONE, ROGERS, ROSS, DARWIN,
On part of the Senate.

DEAN, Chairman; DREW, BLAIR,
PFEUFFER,
On part of the House.

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, May 14, 1897.

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

I am instructed by the Senate to inform the House that the Senate has rejected the report of the free conference committee on House bill No. 539, asks for another free conference, and that Senators Kerr, Woods, Beall, Ross and Linn of Wharton have been appointed as such committee upon the part of the Senate.

Also, that the Senate concurs in the House amendments to Senate bill No. 281, relating to rights of way in towns and villages.

Also, that the following Senate free conference committee has been appointed on Senate bill No. 83, known as the Wayland fee bill: Senators Wayland, Lewis, Greer, Bailey and Terrell.

Respectfully,
WILL LAMBERT, Secretary.

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. 673, entitled "An act to authorize the Houston and Texas Central Railway Company to purchase, own and operate the railway extending from a point in or near the town of Bremond, in Robertson
May 11, 1897

county, to a point in or near the town of Ross, in McLennan county, with its franchises and appurtenances, and the railway extending from a point in or near the town of Albany, in Shackelford county, with its franchises and appurtenances, or either of such railways, with its franchises and appurtenances, or any part or parts thereof, and to authorize the owners thereof to sell the same, and to authorize a corresponding increase in the authorized aggregate of the bonds and stocks of said Houston and Texas Central Railroad Company, and to regulate reports of such properties and the operation thereof,"

House bill No. 710, entitled "An act to amend articles 5243i, 5243j and 5243k of an act entitled an act to amend articles 5243c, 5243d, 5243f and 5243g, 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."

SPEAKER'S TABLE.

Pending business being the motion of Mr. Fisher to suspend the regular order, yeas and nays were demanded by Mr. Blah-, Mr. Lotto and Mr. Shelburne.

Suspended by the following vote:

Yeas—66.

Alexander.
Barbee.
Barrett.
Bean.
Benson.
Blackburn.
Boone.
Brewster.
Brigance. Bumpass.
Burns. Carpenter.
Carrwell.
Childs.
Conoly.
Crawford.
Cureton.
Curry.
Dean.

Dennis.
Dorrah.
Drew.
Evans of Grayson.
Feld.
Fisher.
Freeman.
Graham.
Green.
Holl of Gonzales.
Holl of Burnet.
Humphrey.
Kimbell.
Kirk.
Lillard.
Logan.
Love.
Martin.

Robbins.
Rogan.
Savage.
Shelburne.
Smyth.
Stokes.
Thaxton.
Thomas.
Tracy.
Tucker.
Turner.
Vaughan of Collin.
Wall.
Wallace.

Mr. Speaker. Ayers.
Ayers.
Bailey.
Bell.
Blair.
Blair.
Boyd.
Dickinson.
Dix.
Edwards.
Evans of Hunt.
Fields.
Gibbough.
Good.
Harris.
Hensley.
Holland of Harris.

Lotto.
McFarland.
McKamy.
McMurry.
Moore, Fort Bend.
Moore, Lamar.
Neighbors.
Schiick.
Seabury.
Shropshire.
Sluder.
Smith.
Staples.
Wilcox.
Williams.
Wolters.

Holland of Harris.
Wood.

Absen.

Browne.
Garrison.
Hill of Travis.
Jones.
Mercer.
Pfouffer.
Pitts.

Randolph.
Reiger.
Rogers.
Thompson.
Vaughan, Guadalupe.
Welch.

Excused.

Beaird.
Bertram.
Burney.
Callan.
Collier.
Crowley.
Ewing.

Flint.
Henderson.
Reubell.
Skillern.
Stamper.
Strother.
Ward.

PAIRED.

Mr. Rudd (present), who would vote "nay," with Mr. Strother (absent), who would vote "yea."

Mr. Manson (present), who would vote "nay," with Mr. Randolph (absent), who would vote "yea."

Mr. Bird (present), who would vote "yea," with Mr. Welch (absent), who would vote "nay."

Mr. Wolters demanded a poll of the vote.

The Clerk called the list of those voting "yea," and it was found correct.

The Clerk called the list of those voting "nay," and it was found correct.
The Speaker then laid before the House, on its second reading and passage to a third reading,

Senate bill No. 258, a bill to be entitled "An act to empower the State Board of Education to procure for use in the public free schools of this State a series of uniform text-books, defining the duties of certain officers therein named with reference thereto, making appropriation therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency."

The bill was read second time.

Mr. Lotto offered the following amendment to the bill:

Amend by striking out all after the enacting clause, and insert in lieu thereof the following:

Section 1. That each board of trustees of the public free schools of this State shall have the exclusive control of the selection of text-books for use in its school or schools, and at any regular meeting of the board may determine by a majority vote of all its members the school text-books that shall be used by the school or schools under its control; provided, notice of said meeting has been given by publication in some newspaper in the locality, for at least ten days prior to said meeting, or if there be no newspaper so published, by written or printed notices posted on the doors of the school house or school houses in the territory under the control of the said board; and provided further, that after a book has been selected as aforesaid, it shall not be changed for a period of three years, except by the unanimous vote of said board, and at a meeting called for that purpose, notice of which has been published for the time and in the manner above provided, the expense of the publication of each of the said notices to be paid out of the county school fund allotted to said district, school community, independent school district or incorporated town or city, as the case may be.

Sec. 2. Hereafter, before any publisher of school books, or agent thereof or other person, shall be permitted to enter into contract with any board of trustees of the public free schools of this State, under the provisions of this act, he shall file in the office of the State Superintendent of Public Instruction copies of the latest and best edition of such school books published by him, or for which he is agent, as are used, or that he offers for adoption for use in the schools of this State, together with (1) a statement of the cash prices at which such books will be delivered in single copies, or in quantities sufficient to supply the school, to the trustees or to the patrons of the school, by express or mail prepaid; (2) a statement of the cash prices at which said books will be furnished from a depository, which the publisher shall establish in some city within this State; (3) a statement of the lowest cash prices at which he will furnish such books from his home office; the statements to be accompanied by an affidavit of said publisher, or of said agent, or of such other person as the case may be, that such prices are as low as he sells the same book or books to the city of New York, the city of Philadelphia, the city of St. Louis, the city of Baltimore, or to the States of Nebraska or Minnesota, these cities and States having contracts with the publishers to furnish the books used therein respectively. The said publisher or other person seeking to contract with boards of trustees shall also submit to the State Superintendent of Public Instruction of this State to be approved by him, a good and sufficient bond, signed by at least three solvent sureties, in the sum of not less than five thousand dollars, and not more than fifty thousand dollars, to be fixed by the State Superintendent of Public Instruction, conditioned that the publisher or other contracting person will faithfully perform any contracts made by him with trustees of the public free schools of this State, and for the faithful observance of the requirements of this act; and it shall not be lawful for any board of trustees in this State hereafter to contract with any publisher or agent thereof, or other person, until he shall have complied with all the provisions of this section; provided, that if any publisher shall comply with the provisions of this section, no additional bond shall be required of any agent of such publisher.

Sec. 3. Each board of trustees is hereby authorized to contract with the publisher of the books adopted or used in its district, (1) to furnish such books to the board, (2) to an agent or agents designated by the board, (3) to furnish the same in single copies or in quantities sufficient to supply the school, to the trustees or the patrons of the school by express or mail, prepaid on either or all of the ways above provided; provided, that the books fur-
lished in pursuance of such contract shall equal in quality, material and binding the books deposited as samples with the State Superintendent of Public Instruction, and fully equal in both internal and in external material qualities to the books now in general use in the State on the respective subjects; and provided further, that the prices stated in said contract shall not exceed the prices given in the statement hereinbefore mentioned filed with the State Superintendent of Public Instruction; and provided further, that the board may designate a dealer or dealers in books to handle the books at such price as may be agreed upon between the board and such dealer or dealers, in no event to exceed the price at which the publisher or agent thereof, or other person, has contracted to furnish said books by mail or express prepaid. It shall be the duty of the board of trustees to keep posted in each school room a list of the adopted books, together with a list of prices of same, giving the prices at which the board, or the agent or agents of the board, will sell the books to the pupils, and also the prices at which the publisher will furnish the books in single copies by mall or express prepaid.

Sec. 4. On the first day of July of each year, the county superintendent, or the county judge thereof, if there is no county superintendent, of each county shall furnish to the State Superintendent of Public Instruction the names of each board of trustees of his county, and on the twentieth day of each July, or as soon thereafter as practicable, the State Superintendent of Public Instruction shall prepare from the records and files of his office a list of all the books proposed to be furnished by each of the publishers who have filed statements as aforesaid, with him, together with the prices thereof, and he shall by mail immediately transmit a copy thereof to each board of trustees in this State. And it shall not be lawful for any publisher, or agent thereof, or other person, to ask any board of trustees to give, or to contract to give, or for any board of trustees to give, or to contract to give, more for any book than the price thereof as shown upon the said list.

Sec. 5. The State Superintendent of Public Instruction shall carefully label and file away all sample copies of the books so furnished as heretofore provided.

Sec. 6. Upon the filing of any written complaint with the county superintendent of any county, or with the county judge if there is no county superintendent, by any board of school trustees, charging any publisher, agent thereof, or other person, with violating the conditions of the contract that he may have made with the said board under the provisions of this act, the county judge of said county, upon notice of said violation, shall investigate the same, and if he finds probable cause of action he shall in the name of the State of Texas file suit in the district court of his county on the bond of said publisher, or other contracting party, hereinbefore mentioned, and any penalties or forfeitures so recovered from any such party for failure to comply with his contract shall revert to the available school fund of the said county. Said bond shall not be exhausted by a single recovery, but may be sued upon from time to time till the full amount thereof is recovered, and the board may at any time, after twenty days' notice, require a new bond to be given.

Sec. 7. Hereafter it shall not be lawful for any trustee of any public free school in this State to accept any agency on salary, commission or otherwise, or to receive any sum of money or article of value by way of gift or otherwise from any person, firm, association or corporation dealing in school books, and any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction thereof shall be punished as hereinafter provided.

Sec. 8. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than $10 nor more than $100.

Sec. 9. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 10. The crowded condition of the calendar rendering it improbable that this bill can be considered upon three several days creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Mr. Shelburne offered the following amendment to the bill:

Amend by adding at the end of section 14, and as a part thereof, the following: "Provided, that this act shall
not apply to cities of 10,000 inhabitants or over, unless such city or cities shall by their city council or school board adopt the provisions of this act.” (Signed—Shelburne, O’Connor.)

Mr. Shropshire offered the following amendment to the amendment by Mr. Shelburne:

Amend the amendment by striking out “10,000” and insert “5000.”

Mr. Williams moved to postpone further consideration of the bill until next Monday.

Mr. Brigance moved to table the motion to postpone.

On the motion to table, yeas and nays were demanded by Mr. Williams, Mr. Brigance and Mr. Wolters.

Tabled by the following vote:

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Mr. Rudd (present), who would vote “nay,” with Mr. Strother (absent), who would vote “yea.”

Mr. Manson (present), who would vote “nay,” with Mr. Randolph (absent), who would vote “yea.”

Mr. Jones (present), who would vote “nay,” with Mr. Childs (absent), who would vote “yea.”

Mr. Schlick (present), who would vote “nay,” with Mr. Stamper (absent), who would vote “yea.”

Mr. Wolters offered the following substitute for the pending amendments by Mr. Shelburne and Mr. Shropshire:

Amend by adding at the end of section 14: “Provided, this act shall not apply to towns incorporated for school purposes.” (Signed—Wood, Wolters, Bell.)

Mr. Evans of Grayson moved the previous question on all pending amendments (except the Lotto amendment), and the main question was ordered.

Question first recurred on the substitute by Mr. Wolters, and it was lost.

Question next recurred on the amendment by Mr. Shropshire, upon which yeas and nays were demanded by Mr. Dean, Mr. Tracy and Mr. Thomas.

Lost by the following vote:

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Holland of Harris. Moore of Lamar.
Kirk. Seabury.
Logan. Shropshire.
Lotto. Shropshire.
McFarland. Williams.
McKamy. Wolters.
Moore, Fort Bend. Wood.

Nays—60.

Alexander. Humphrey.
Barrett. Jones.
Bean. Kimbell.
Blackburn. Love.
Bounds. Martin.
Brewster. McGaughey.
Briggs. McKellar.
Bumpass. Meade.
Burns. Melton.
Carswell. Morris.
Conoly. Morton.
Crawford. Mundine.
Cureton. O'Connor.
Curry. Oliver.
Dean. Peery.
Dennis. Porter.
Doroh. Rhea.
Doyle. Robbins.
Drew. Rogen.
Evans of Grayson. Savage.
Feld. Shelburne.
Fisher. Smyth.
Freeman. Stokes.
Garrison. Thaxton.
Good. Thomas.
Graham. Tracy.
Green. Vaughn of Collin.

Hill of Gonzales. Wall.
Holland of Burnet Wallace.

Absent.

Bailey. Pitts.
Barbee. Randolph.
Bird. Reiger.
Browne. Rogers.
Dickinson. Smith.
Edwards. Staples.
Lillard. Thompson.
Manson. Turner.
Mercer. Welch.
Neighbors. Wilcox.
Pfeuffer.

Excused.

Bcald. Henderson.
Bertram. Patterson.
Burney. Reubell.
Callan. Skillern.
Childs. Stamper.
Collier. Strother.
Crowley. Vaughan, Guadalupe.
Ewing. Ward.
Flint.

PAIRLED.

Mr. Schlick (present), who would vote "yea," with Mr. Stamper (absent), who would vote "nay."

Mr. Rudd (present), who would vote "yea," with Mr. Strother (absent), who would vote "nay."

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

Question next recurred on the amendment by Mr. Shelburne, upon which yeas and nays were demanded by Mr. Sluder, Mr. Evans of Hunt and Mr. Neighbors.

Adopted by the following vote:

Yeas—65.

Alexander. Logan.
Ayers. Martin.
Barrett. McFarland.
Bell. McGaughey.
Benson. McKamy.
Blackburn. Meade.
Blair. Melton.
Bounds. Moore, Fort Bend.
Boyd. Moore of Lamar.
Brewster. Morris.
Briggs. Morton.
Bumpass. Mundine.
Burns. O'Connor.
Carpenter. Oliver.
Carswell. Peery.
Conoly. Porter.
Cureton. Rhea.
Curry. Robbins.
Dennis. Rudd.
Doroh. Savage.
Evans of Grayson. Seabury.
Feld. Shelburne.
Fisher. Shropshire.
Freeman. Sluder.
Garrison. Smyth.
Gilbough. Stokes.
Graham. Thaxton.
Harris. Thomas.
Hill of Gonzales. Tucker.
Hill of Travis. Vaughan of Collin.
Holland of Burnet Wallace.
Holland of Harris. Williams.
Lillard.

Nays—23.

Bean. Kirk.
Crawford. Lotto.
Dean. Love.
Dies. Maxwell.
Doyle. McKellar.
Drew. Neighbors.
Fields. Tracy.
Good. Wall.
Green. Wilcox.
Hensley. Wolters.
Humphrey.

Absent.

Barbee. Jones.
Bird. Kimbell.
Browne. Manson.
Dickinson. Mercier.
Mr. Jones (present), who would vote "nay," with Mr. Childs (absent), who would vote "yea."

Mr. Schlick (present), who would vote "nay," with Mr. Stamper (absent), who would vote "yea."

PRIVILEGED REPORT.

Mr. Fields, chairman, submitted the following report:

Committee Room,
Austin, Texas, May 14, 1897.

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

We, your committee appointed to prepare suitable resolutions expressive of the sense of the House concerning the death of Hon. Richard Coke and to recommend appropriate action on the part of the House as a mark of respect to his memory, beg to submit the following preamble and resolutions;

FIELDS, SLuder, BIRD, ROGAN, CURRY.

Whereas, the House of Representatives has learned of the death of the Hon. Richard Coke, which occurred at his home at Waco this morning; and

Whereas, this great man was the commanding figure and peerless leader of the people of Texas at a time of supreme need, in the crucial struggle for the overthrow of the forces of ignorance and plunder, for the destruction of the unspeakable tyranny of carpetbagism, for the restoration of free institutions and the re-establishment of Anglo-Saxon civilization and democratic government on Texas soil; and

Whereas, the present and future generations must ever remain unable sufficiently to honor the stout hearts and the fearless patriots who, in the memorable civic conflict of 1873 and 1874 won again the freedom of the people; and

Whereas, Senator Coke served Texas many years in public positions, as district judge, on the supreme bench, in the executive office, and in the Senate of the United States, retiring voluntarily at last to enjoy as a private citizen the blessings of those free institutions he had done so much to secure, and to contemplate with patriotic pride the happiness of his country, which he had done so much to promote; and

Whereas, throughout his great career, alike in private life and public position, he maintained his integrity without blemish, his honor unspotted, his name a synonym of patriotic devotion to the interests of the people and the glory of his country; therefore be it

Resolved by the House of Representatives, that we are unable to express in adequate terms the profound sorrow with which we have learned of the death of this great man, the learned lawyer, the spotless judge, the incorruptible statesman, the unquailing patriot, the immovable leader, the indomitable advocate of the people.

Resolved further, that these resolutions, together with the attached sketch of the life of the illustrious Coke, written by that noble jurist-statesman, Governor O. M. Roberts, shall be spread upon the Journal of this House, and an engrossed copy thereof forwarded to the family of the deceased.

Resolved, that as a further mark of respect, a committee of thirty-six members of the House be appointed to attend the funeral, and that this House do now adjourn until Monday next at 9:30 o'clock a.m.

SKETCH OF THE LIFE OF HON. RICHARD COKE.

By Hon. O. M. Roberts.

Governor Richard Coke was born and educated in the State of Virginia. He, when a young man, came to Texas and settled in the practice of law at Waco, at which place he became prominent in his profession (when I first knew him) in 1838. He received in partnership with him in practice Mr. M. D. Herrig, and afterward James Anderson. He was elected to the secession convention by McLennan county in 1861. During the war he
was a captain in Colonel Speight's regiment, which was most generally commanded by Lieutenant-Colonel James Harrison. He was slightly wounded in the battle of Burdeaux, in Louisiana, on the 3d day of November, 1863. He served as captain of his company during the war, declining to take promotion, which he could have obtained if he had wished it. Upon the urgent solicitation of the citizens of his section of the State, both Union men and secessionists, in 1866 he was appointed district judge of his district by Governor A. J. Hamilton. Before he would receive that appointment, however, he visited Governor Hamilton at the capitol in Austin, bringing with him his recommendations, and stated to the Governor that he was a secessionist and the only regret he had was that he and his comrades in the army did not maintain it successfully, and that if he could appoint him after having made that statement to him he would accept it. Governor Hamilton replied that he only desired to fill the place with a competent lawyer, and he knew him to be such a one, and made the appointment.

In 1866 the caucus composed of secessionists and moderate Union men at Austin, that nominated the State executive officers, placed Richard Coke, with George F. Moore, George W. Fields, Bird, Sluder, Rogan, Curry, Green, Wall, Thomas, Bounds,Brigance, Wood, Strother, Oliver, Conoly, Doyle, Feild, Tracy, Peery, Thaxton, Edwards, Turner, Tucker, Dickinson, Barbee, Harris, Martin, Schlick, Humphrey, Kirk, Logan, Crawford, Dorrill, Manson, Staples, Welch, and others.

On motion of Mr. Wolters, he putting the question, the Speaker was, by a unanimous vote, also added to the committee.

NOTICE.

Mr. Seabury gave notice that on Monday next, May 17, he would call up the motion to reconsider the vote by which the free conference report on Senate joint resolution No. 13 failed of adoption, and which motion to reconsider was spread upon the Journal.

In accordance with the resolution just adopted, the House at 6:50 p.m., adjourned until 9:30 a.m. next Monday.

NINETY-SECOND DAY.

Hall House of Representatives, Austin, Texas, Monday, May 17, 1897.

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

Speaker Dashiel in the chair.

Roll called, and the following members present:

Mr. Speaker, Bean.
Alexander, Benson.
Ayers, Blackburn.
Barbee, Blair.
Barrett, Bounds.
Beaird, Boyd.