making county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers and defining their duties, and for working of county convicts upon the public roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act; and to repeal all laws in conflict with this act,"

Have carefully examined said bill and find the same correctly enrolled, and I have this day, at 3:35 o'clock p. m., presented the same to the Governor.

COLLINS, Chairman.

Committee Room, Austin, Texas, March 23, 1899.

Hon. J. S. Sherrill, Speaker of the House of Representatives.

Sir: Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 273, A bill to be entitled "An Act to amend an act entitled 'An Act to incorporate the city of Paris, and to prescribe its duties and liabilities,' adopted by the Twenty-first Legislature of Texas, and approved March 27, 1889, by amending Section 4 of said act, so as to make all officers created by said act, elective by the qualified voters of said city,"

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

MCKAMY, Chairman.

SIXTY-FOURTH DAY.

Hall of the House of Representatives, Austin, Texas, Friday, March 24, 1899.

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

Speaker Sherrill in the chair.

Roll called, and the following members present:

Present—115.

Pending reading of the Journal of yesterday,
on motion of Mr. Childers, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Willrodt until Tuesday, on motion of Mr. Tompkins.
Mr. Wright until next Friday, on motion of Mr. Monroe.
Mr. McKellar until Tuesday, on motion of Mr. Clements.

On account of sickness:
Mr. Bailey until Monday, on motion of Mr. Kennedy.

SPEAKER'S TABLE.

Mr. Robertson of Bell called up House bill No. 710, to create a more efficient road system for Bell county, with Senate amendments. The bill was laid before the House, and the amendments were read.

Mr. Robertson of Bell moved that the House do concur in the Senate amendments. The House concurred by the following vote:

Yea—106.
Adams.
Allen of Hopkins.
Ayers.
Barbee.
Barrett.
Bean.
Beaty.
Brown.
Calvin.
Chambers.
Childers.
Childs.
Clements.
Cole.
Conoly.
Cros.
Culp.
Dean.
Decker.
Derden.
Died.
Ekols.
Ellis.
Evans.
Frost.
Garner.
Garrett.
Gill.
Goodlett.
Goodman.
Gordon.
Graham.
Greenwood.
Grogan.
Grubbs.

Phillis of Camp.
Pitts.
Poole.
Prince.
Kratliff.
Robertson, Harrison.
Tarkington.
Robertson of Bell.
Rogers.
Russell.
Sanson.
Savages.
Schuler.
Seury.
Shannon.
Shelburne.
Shropshire.
Smith of Grayson.

Smith of Collin.
Staples.
Stewart.
Stripling.
Sutherland.

Terry.
Thomas of Wise.
Thomas of Fannin.

Tompkins.

Tucker.
Vaughan.
Wooten.

Wells.

Wright.

The Speaker laid before the House, on its third reading and final passage, House bill No. 308, A bill to be entitled "An Act to amend Article 1794, of the Revised Civil Statutes of the State of Texas, relating to suffrage, and to make the statutes conform to the amended Constitution of 1895." Read third time, and passed.

The Speaker laid before the House, on its third reading and final passage, House bill No. 459, A bill to be entitled "An Act to amend Articles 308 and 309, Chapter 4, Title V, of the Code of Criminal Procedure, Revised Statutes, 1895, relating to recognizances and bail bonds." Read third time, and passed.

On motion of Mr. Greenwood the regular order of business was suspended to take up, and place on its second reading, House bill No. 618, A bill to be entitled "An Act to define the powers and duties of the Courts of Civil Appeals of the several supreme judicial districts of the State of Texas, where there is or may be a conflict of opinion by any of the said Courts of Civil Appeals, on a question of law involved in any cause pending before said courts, and prescribing the duties of the Supreme Court of the State of Texas in such cases."

The bill was laid before the House, and was read second time, with favorable committee report with amendments.
The committee report was adopted.

Mr. Greenwood offered the following amendment:

"Amend the emergency clause by adding before the word 'several' the word 'three,' on line 9, page 2."

Adopted.

Mr. Derden offered the following amendment:

"Amend committee report, page 2, line 28, by adding after the word 'the' in line 28, the following words, to wit: 'Parties or their.'"

Adopted.

The bill was ordered engrossed.

Mr. Greenwood moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 618 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-105.


Absent.


Absent—Excused.


House bill No. 618 laid before the House, on its third reading and final passage. Read third time, and passed by the following vote:

Yeas-106.

Mr. Greenwood moved to reconsider the vote by which House bill No. 618 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, as special order for this hour, 10 o'clock a.m., House bill No. 342, the Dallas city charter, on its second reading.

Pending question—Shall the committee report be adopted?

Mr. Shropshire rose to a point of order, and said:

"Mr. Speaker: I arise to the following point of order: I submit to your consideration the proposition that House bill No. 342, known as the Dallas charter is not now before this House for consideration, and that said bill has never been legally set for consideration at this hour.

"On yesterday, when the gentleman from Dallas moved to take up House bill No. 342 and make it a special order for this hour, the Speaker entertained the motion and put the question to the House in due form. Only sixty members having voted in the affirmative to take up House bill No. 342 and make it a special order for this hour, and less than a sufficient number to make a quorum having voted in the affirmative, the Speaker announced 'No quorum voting,' whereupon a division was demanded by several members, and the yeas and nays were demanded by some half dozen or more members of this House at the same time.

"The Speaker erred in refusing to give the members of this House the benefit of a yeas and nays vote, as will be seen by reference to Rule No. 82, which provides that:

"The yeas and nays of the members of this House on any question shall, at the desire of any three members present, be called and entered on the Journal.

"Having neglected, failed or refused to give the members of this House the benefit of a yeas and nays vote, the Speaker instructed the Reading Clerk to count the members present. Said Clerk complied with said instructions, and announced that one hundred and three members were present, whereupon the Speaker stated, 'There being one hundred and three members present, and sixty members having voted in the affirmative, and sixty members being more than two-thirds of the number necessary to constitute a quorum, the ayes have it, and House bill No. 342 is made the special order for tomorrow morning at 10 o'clock.'

"Rule 18 of the House provides that:

"'Every member who is in the House when the question is put shall give his vote, unless the House, for reasons assigned, shall excuse him, and any member who is present and shall fail and refuse to vote, after being requested to do so by the Speaker, shall be recorded, under direction of the Speaker, as voting with the minority on the subject or question being voted upon.'

"Rule 54 of the House provides that:

"'Neither shall any rule of the House be suspended, nor the order of business established by the rules of the House be postponed or changed, except by a vote of at least two-thirds of the members present.'

"The Speaker erred in ruling the proposition or motion carried in that he should have counted all members present and not voting (after having been requested to do so by the Speaker), as voting in the negative, as provided in Rule 18 of House Rules. Had the Speaker complied with the provisions of Rule 18, there would have been sixty yeas and forty-three nays, there being one hundred and three members present; hence the vote would have disclosed the fact that the motion was defeated for the reason that less than two-thirds of the members present voted in the affirmative.

"The Speaker erred in declaring the motion carried to take up House bill No.
Mr. McKamy offered the following amendments:

(1) "Amend Section 7, line 13, page 5, by striking out the words 'or commissioner.'"
Adopted.

(2) "Amend Section 33, by adding thereto the following: 'The salary of the chief of the fire department shall never exceed the sum of fifteen hundred dollars per annum, payable monthly.'"
Adopted.

(3) "Amend Section 42, lines 23 to 31, page 22, by striking out the words 'the chief of the fire department shall receive for his services the sum of twelve hundred dollars per annum, and each of said officers shall give such bond as the city council may prescribe. The city council shall have power, from time to time, to require other duties of all city officers. The chief of the fire department shall be appointed by the council, unless at the expiration of any term of such office there shall be a board of commissioners, appointed and acting, in which case the said office shall be filled by said board, as provided for in reference to the office of chief of police.'"
Adopted.

(4) "Amend Section 21, page 10, by adding thereto the following: 'All city officers and employees shall enter into such bond for the faithful performance of their duties as the council may re-
quire, by ordinance or resolution, and shall perform such other and further duties as the council may from time to time prescribe.""

Adopted.

(5) "Committee amendment, Section 106, on line 26, page 89, clerical error, the figures should be '1900,' instead of '1897.'"

Adopted.

(6) "Amend Section 120, page 41, lines 7 and 8, by striking out the words 'provided, that the aggregate amount of said bonds shall at no time exceed the present bonded indebtedness of the city,' and insert in lieu thereof the following: 'Provided, that the aggregate amount of said bonds shall at no time exceed the sum of two million dollars outstanding.'"

(7) "Amend Section 120, line 12, page 41, by striking out the word 'not' where it occurs in said line 12."

Adopted.

(8) "Amend Section 159, page 59, by inserting in line 14, after the words 'the owner to,' the words 'repair such,' and by striking out the words 'repair such,' in line 16, of Section 159, page 59."

Adopted.

(9) "Amend Section 159, line 30, page 73, by correcting the spelling of the word 'sinking.'"

Adopted.

(10) "Amend Section 213, lines 27, 28 and 29, page 80, by striking out the words 'An Act to incorporate the city of Dallas, and to grant a new charter to said city, approved the ... day of ..., A. D. 1897,' and insert in lieu thereof the words 'An Act to incorporate the city of Dallas and grant it a new charter, Special Laws Twenty-fifth Legislature, Chapter 6, page 13.'"

Adopted.

(Pending consideration of the bill, Mr. Schluter occupied the chair.)

Speaker in the chair,

Mr. Staples offered the following amendment:

"Amend by striking out Section 7, on page 5, and insert in lieu thereof the following: 'No person shall be eligible to the office of mayor, or alderman, or commissioner, or president, or member of the board of education unless he, at the date of his election, be a qualified voter of the city of Dallas, as now prescribed by general law.'"

(Mr. Schluter in the chair.)

Mr. Prince yielding the floor,

Mr. Tarver moved to adjourn until 9:30 o'clock a. m. next Monday.

Mr. Monroe moved to take a recess until 3 o'clock p. m. today.

Question being on the longest time first, the motion prevailed, and the House, at 12:30 p. m., adjourned until 9:30 o'clock a. m. next Monday.

"We oppose the motion to adjourn until Monday to take an excursion to Port Arthur. We demanded the ayes and nays, but the Speaker pro tem failed to recognize us, and declared the House adjourned until Monday morning at 9:30 o'clock."

"We voted against the motion to adjourn for said excursion, and we shall continue to vote against taking these excursions at the expense of the people, as it costs them $800 to take this trip, and it would have cost $1500 if we were getting $5.00 per day instead of $2.00 per day. We hold that the Legislature has no right to charge the State for services rendered while on these pleasure trips."

"Fernald."

"SMITH of Collin."

---

SIXTY-FIFTH DAY.

Hall of the House of Representatives.

Austin, Texas,

Monday, March 27, 1899.

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

Speaker Sherrill in the chair.

Roll called, and the following members present:

Present—113.


