An act to amend article 838 of chapter 6 of the Penal Code of the Revised Statutes of Texas, relating to sentences in cases of felony."

With amendment by the committee, the bill was read second time, and the committee report was adopted.

The committee amendments were adopted.

Mr. Turner offered the following amendment:

Amend by inserting in line 12, after the word "night," the word "or in the daytime."

Mr. Maxwell moved the previous question, which was seconded, and the main question was ordered.

The amendment by Mr. Turner was lost.

The bill was ordered engrossed.

The Speaker laid before the House, on its second reading, House bill No. 41, a bill to be entitled "An act to amend article 2979 of chapter 4, title 55, of the Revised Statutes of the State of Texas, relating to divorce, so as to make husband and wife competent witnesses, and to repeal all laws in conflict herewith."

The bill was read second time, and was ordered engrossed.

The Speaker laid before the House, on its second reading, House bill No. 50, a bill to be entitled "An act to amend article 1767 of the Revised Civil Statutes (1895) of Texas, relating to the time and manner of making returns to the Secretary of State of elections for State and district officers," etc.

The bill was read second time, and was ordered engrossed.

The Speaker laid before the House, on its second reading, House bill No. 54, a bill to be entitled "An act to amend article 398 of the Penal Code of the State of Texas, adopted A. D. 1895, so as to fix the penalty for unlawfully carrying arms at a fine of not less than $25 nor more than $200."

The bill was read second time, and Mr. Wilcox offered the following amendment:

"Amend by striking out the enacting clause."

On motion of Mr. Martin, the amendment was tabled.

Mr. Shropshire offered the following amendment:

Amend by inserting in line 17, after the word "dollars," the following "and imprisonment in the county jail not less than 5 nor more than 50 days."

On motion of Mr. Love, the amendment was tabled.

Mr. Wolters moved the previous question, which was seconded, and the main question was ordered.

The bill was ordered engrossed.

The Speaker laid before the House, on its second reading, House bill No. 65, a bill to be entitled "An act to define and punish the offense of wilfully or maliciously throwing missiles or firing guns or other firearms at or into moving trains on railroads or any railway depot, private residence, school house, church, storehouse, hotel or other public or private building, sailboat or steamboat in this State."

The bill was read second time, and was ordered engrossed.

On motion of Mr. Bounds, the House at 12.15 p. m. adjourned until tomorrow at 10 o'clock a. m.

FOURTEENTH DAY.

Hall House of Representatives, Austin, Texas.

Friday, January 29, 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:

Alexander. Dickinson.
Ayers. Dies.
Bailey. Doyle.
Barbee. Drew.
Barrett. Edwards.
Beaird. Evans of Hunt.
Bean. Evans of Grayson.
Bell. Feld.
Bennett. Fields.
Benson. Fisher.
Bertram. Flint.
Bird. Freeman.
Blackburn. Gilbough.
Blair. Good.
Bounds. Graham.
Boyd. Green.
Browester. Harris.
Browne. Hensley.
Burney. Hill of Gonzales.
Burns. Hill of Travis.
Callan. Holland of Burnet.
Carpenter. Holland of Harris.
Carswell. Humphrey.
Childs. Jones.
Collier. Kimbell.
Conoly. Kirk.
Crowsted. Lillard.
Crawford. Logan.
Crawley. Love.
Cureton. Lotto.
Curry. Love.
Dean. Martin.
Dennis. Maxwell.
McFarland. Seabury.
McGaughy. Shelburne.
Mckamy. Surpherson.
Mckellar. Skillern.
Meade. Sluder.
Melton. Smith.
Merk. Smyth.
Moore, Fort Bend. Stamper.
Moore of Lamar. Staples.
Morris. Stokes.
Morton. Strother.
Mundine. Thaxton.
Neighbors. Thomas.
O'Connor. Thompson.
Oliver. Tracy.
Patterson. Tucker.
Peery. Turner.
Pfueffer. Vaughan, Guadalupe.
Pitts. Vaughan of Collin.
Randolph. Wall.
Reubell. Wallace.
Rhea. Ward.
Rogan. Welch.
Rogers. Wilcox.
Rudd. Williams.
Savage. Wolters.
Schlick. Wood.

Absent.

Bumpass. Porter.
Ewing. Robbins.
Henderson. Wood.

Excused.

Dorroh. Manson.
Garrison. Reiger.

A quorum was announced present.
Prayer by Chaplain Jackson.
Pending reading of the Journal of yesterday.
On motion of Mr. Kirk, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of sickness:
Mr. Henderson for to-day, on motion of Mr. Boyd.
Mr. Ewing for to-day, on motion of Mr. Barbee.
Mr. Bumpass indefinitely, on motion of Mr. Drew.
Mr. Porter indefinitely, on motion of Mr. Humphrey.

On account of important business:
Mr. Dorroh until next Monday, on motion of Mr. Patterson.
Mr. Robbins until next Monday, on motion of Mr. Williams.

BILLS AND RESOLUTIONS.

By Mr. Wolters:
House bill No. 274, a bill to be entitled "An act to repeal articles 5068, 5059, and 5060, title 104, chapter 1, of the Revised Statutes of the State of Texas, providing for the appointment of a revenue agent and defining his duties, and providing for his compensation."

(The object of the bill is to abolish the office of the Revenue Agent.)
Read first time and referred to Committee on Revenue and Taxation.

By Mr. Bailey:
House bill No. 275, a bill to be entitled "An act to regulate the sale and transfer of judgments of courts of record and of causes of action or interest therein when suit has been filed thereon, and to provide for recording such transfers."
Read first time and referred to Judiciary Committee No. 2.

By Mr. Ayers:
House bill No. 276, a bill to be entitled "An act to amend article 1316, chapter 12, title 30, of the Revised Civil Statutes of Texas, 1895, and to require judges of the district and county courts to prepare their charges to the jury before the argument of a cause before the jury, and repeal all laws in conflict herewith."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Stamper:
House bill No. 277, a bill to be entitled "An act to amend article 4221 and article 4227 of the Revised Civil Statutes of the State of Texas, relating to public printing and binding."

(Provides that all such printing and binding shall be done within the limits of the State, and the current printing of the Legislature at the seat of government.)
Read first time and referred to Committee on Public Printing.

By Mr. Wood:
House bill No. 278, a bill to be entitled "An act to prevent the manufacture, sale, barter, or giving away any pistol."

(Makes the offense a misdemeanor, fineable in sums from $100 to $1000.)
Read first time and referred to Judiciary Committee No. 2.

By Mr. Staples:
House bill No. 279, a bill to be entitled "An act declaring the theft of cotton over the value of $20 a felony, and under the value of $20 a misdemeanor, and fixing a penalty therefor."

(Makes the former offense punishable by confinement in the penitentiary from two to four years, and the latter by a fine of from $50 to $500, or by confinement in the county jail not more than twelve months, or by both such fine and imprisonment.)
Read first time and referred to Judiciary Committee No. 2.
By Mr. McKamy:
House bill No. 280, a bill to be entitled "An act to amend article 2469, chapter 3, title 45, of the Revised Civil Statutes of the State of Texas, relating to the commissions of county treasurers, and to repeal all laws and parts of laws in conflict with this act."
(Limits such commissions to $2000 per annum, and allows the further sum of $1000 annually for expenses, including clerk hire.)

Read first time and referred to Committee on State Affairs.

By Mr. Oliver:
House bill No. 281, a bill to be entitled "An act to repeal article 2682, chapter 6, title 52, of the Revised Civil Statutes of the State of Texas." (The object of this bill is to repeal the law requiring tax assessors to compile agricultural statistics.)

Read first time and referred to Committee on Revenue and Taxation.

By Mr. McKamy:
House bill No. 282, a bill to be entitled "An act to amend article 920, title 26, of the Revised Civil Statutes, relating to bonds of county treasurers, and to repeal all laws in conflict therewith."
(Fixes the bond of such county treasurers at an amount not to exceed $75,000, to be fixed and approved by the county commissioners' court.)

Read first time and referred to Committee on State Affairs.

By Mr. Ayers:
House bill No. 283, a bill to be entitled "An act to amend article 976 of the Revised Civil Statutes of 1895, and to provide for the issuance of mandates from the Supreme Court on the filing of an affidavit of inability to pay costs."

Read first time and referred to Judiciary Committee No. 1.

By Mr. Ayers:
House bill No. 284, a bill to be entitled "An act to amend article 1088, chapter 20, title 27, of the Revised Civil Statutes of the State of Texas, and to provide for the issuance of mandates and the certifying of the proceedings from the Courts of Civil Appeals upon the filing of an affidavit of inability to pay costs."

Read first time and referred to Judiciary Committee No. 1.

By Mr. O'Connor (by request):
House bill No. 285, a bill to be entitled "An act to grant to James P. Newcomb a claim of $10,000 for services performed for the State in securing the payment of the frontier defense claims from the United States government, and a like amount to Henry Schwethelm et al. for service performed as minute men."

Read first time and referred to Committee on Claims and Accounts.

By Mr. Smyth:
House bill No. 286, a bill to be entitled "An act to amend article 5152, chapter 3, title 104, of the Revised Civil Statutes of the State of Texas, and to add thereto a new article, to be styled article 5152a, relating to the disposition of taxes collected from non-residents of unorganized counties."
(Provides that when the amount to the credit of any unorganized county reaches the amount of $5000, the Comptroller shall retain said amount until said county shall organize, when he shall pay over the amount to the treasurer of said newly organized county; and that all taxes over and above said $5000, other than taxes collected for payment of pro rata indebtedness to parent county, shall be paid into the treasury of the organized county to which said unorganized county is attached.)

Read first time and referred to Judiciary Committee No. 1.

By Mr. Williams:
House bill No. 287, a bill to be entitled "An act to regulate the taking of the scholastic census and to prevent transferring the names of children from one census roll to another, and to prevent the transferring of any part of the school fund after apportionment, and to permit children of scholastic age to attend the public free schools of the communities or districts in which they live."

Read first time and referred to Committee on Education.

By Mr. Williams:
House bill No. 288, a bill to be entitled "An act to authorize and require the commissioners' court of any county in Texas, upon the petition of fifty freeholders in each precinct of a majority of the justice precincts of said county, to order an election in said county to determine by a vote of the freeholders, qualified voters thereof, whether or not cattle, horses, mules and asses shall be permitted to run at large."

Read first time and referred to Committee on Stock and Stockraising.

By Mr. Ward (by request):
House bill No. 289, a bill to be entitled "An act regulating the rules of evidence in relation to titles of real estate, and presumptions in favor of the same."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Ward (by request):
House joint resolution No. 16, to
"Amend section 2, article 8, of the
Constitution of the State of Texas, so
as to permit the Legislature to exempt
capital invested in manufacturing
from taxation for a period of ten
years."
Read first time and referred to Committee on Constitutional Amendments.

COMMITTEE REPORTS.
By Mr. Ward, Chairman:
Committee Room,
Austin, Texas, Jan. 28, 1897.
Hon. L. T. Dashiell, Speaker of the
House.
Your Judiciary Committee No. 1, to
whom was referred
House bill No. 153, a bill to be
referred to Committee No. 1, to whom was referred
House bill No. 22, a bill to be enti-
tled "An act to provide for the redemption
of real estate when sold for debt,
and to repeal all laws and parts of laws in
conflict with the provisions of this act."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Doyle:
House joint resolution No. 16, to
"Amend section 2, article 8, of the
Constitution of the State of Texas, so
as to permit the Legislature to exempt
capital invested in manufacturing
from taxation for a period of ten
years."

Have had the same under considera-
tion, and I am instructed to report
the same back to the House with the
recommendation that it do not pass.
WARD, Chairman.

MAJORITY REPORT.
Committee Room,
Austin, Texas, Jan. 28, 1897.
Hon. L. T. Dashiell, Speaker of the
House.
Your Judiciary Committee No. 1, to
whom was referred
House bill No. 22, a bill to be enti-
tled "An act to provide for the redemption
of real estate sold for debt."
Have had the same under considera-
tion, and I am instructed to report
the same back to the House with the
recommendation that it do not pass.
WARD, Chairman.

MINORITY REPORT.
Committee Room,
Austin, Texas, Jan. 28, 1897.
Hon. L. T. Dashiell, Speaker of the
House.
We, a minority of your Judiciary
Committee No. 1, to whom was re-
ferred
House bill No. 22, a bill to be enti-
tled "An act to provide for the redemption
of real estate sold for debt."
Do not concur with the majority of
the committee, and beg to report
the same back to the House with the rec-
ommendation that it do not pass.
TRACY,
SLUDER,
McKAMY,
STAPLES,
DIES.

Committee Room,
Austin, Texas, Jan. 28, 1897.
Hon. L. T. Dashiell, Speaker of the
House.
Your Judiciary Committee No. 1, to
whom was referred
House joint resolution No. 7, ratify-
ing and confirming the action of the
attorneys representing the State of Texas in
compromising its claims to its University lands in McLennan
county, Texas.
Have had the same under considera-
tion, and I am instructed to report the
same back to the House with the rec-
ommendation that it be adopted.
WARD, Chairman.

MAJORITY REPORT.
Committee Room,
Austin, Texas, Jan. 28, 1897.
Hon. L. T. Dashiell, Speaker of the
House.
Your Judiciary Committee No. 1, to
whom was referred
Senate bill No. 42, a bill to be enti-
tled "An act to amend chapter 3, title
40, of the Revised Civil Statutes of the
State of Texas, by adding thereto article
2293a, relating to the deposition
of parties."
Have had the same under considera-
tion, and I am instructed by a major-
ity of the committee to report
the same back to the House with the rec-
ommendation that it do pass, with the
following amendments:
Amend by striking out of the bill the
engrossed rider, and also by striking
out all of section 1 of the bill after the
words "article 2293a," and insert in
lieu thereof the following: "Where
either party to any suit is a corpora-
tion, the adverse party shall be enti-
tled to propound ex parte interrogat-
ories, in the same manner as in other
cases, the interrogatories in such
cases to be propounded to either of
the following officers of such corpora-
tion, to-wit: The president, a vice-
president, the secretary, treasurer,
cashier, general manager, or general superintendent, or other officer acting in the capacity of any of the above-named officers. And answers thereto, or the failure or refusal of such officer to answer thereto, shall be governed by the same laws in all respects as if such officer and such corporation were one and the same.'

WARD, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, Jan. 28, 1897.
Hon. L. T. Dashiell, Speaker of the House.

A minority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 42, a bill to be entitled "An act to amend chapter 3 of title 40, of the Revised Civil Statutes of Texas, by adding thereto article 2283a, relating to the deposition of parties."

Beg to report the same back to the House, with the recommendation that it do not pass.

WARD, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, Jan. 27, 1897.
Hon. L. T. Dashiell, Speaker of the House.

We, a minority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 42, a bill to be entitled "An act to amend chapter 3 of title 40, of the Revised Civil Statutes of Texas, by adding thereto article 2283a, relating to the deposition of parties."

Do not concur with the majority, and beg to report the same back to the House with the recommendation that it do pass without amendment.

TRACY, AYERS, NEIGHBORS, SLUDE.

Committee Room,
Austin, Texas, Jan. 28, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred House bill No. 4, a bill to be entitled "An act to prevent election frauds, and provide for official ballots and a method of voting at all elections in this State outside of cities of ten thousand or more inhabitants, and to fix penalties for the violation of the provisions hereof."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass, because another bill covering the same matter has been reported favorably.

WARD, Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 6, a bill to be entitled "An act to prescribe the time when suits for personal injuries and injuries resulting in death shall be instituted, and to fix the period of limitation in such actions."

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, with the following amendment:

Amend by inserting the word "by" in section 1, after the word "enacted."

WARD, Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred House bill No. 176, a bill to be entitled "An act to quiet titles to lands located and surveyed by virtue of land certificates granted under the act of the Legislature of the State of Texas, entitled an act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or of the Confederate States, a certificate for 1280 acres of land, approved April 9, 1881, and to validate patents issued on such locations and surveys."

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.

WARD, Chairman.

Committee Room,
Austin, Texas, Jan. 28, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred House bill No. 161, a bill to be entitled "An act to expedite the closing of the estates of deceased persons, and to repeal all 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 not pass.

WARD, Chairman.

By Mr. Williams, chairman:

Committee Room,
Austin, Texas, Jan. 29, 1897.

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

Your Committee on Internal Improvements, to whom was referred House bill No. 103, a bill to be entitled "An act to amend section 5, article 4574, chapter 13, of an act entitled Railroad Commission of the State of Texas, Revised Statutes, page 917, relating to freight and passenger transportation on railroads."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

WILLIAMS, Chairman.

By Mr. Curry, chairman:

Committee Room,
Austin, Texas, Jan. 27, 1897.

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

Your Committee on Revenue and Taxation, to whom was referred House bill No. 198, a bill to be entitled "An act to provide additional revenue for the compensation of jurors."

Have had the same under consideration and beg leave to refer same to Judiciary Committee No. 1, and said bill is so referred.

CURRY, Chairman.

By Mr. Dies, chairman:

Committee Room,
Austin, Texas, Jan. 29, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared House bill No. 82, a bill to be entitled "An act to amend article 878, title 17, chapter 9, of the Penal Code of the State of Texas, and to make the receiving or concealing of stolen property a criminal offense, and to provide appropriate penalties for said offense, and to repeal all laws and parts of laws in conflict with the provisions of this act."

And find the same correctly engrossed.

DIES, Chairman.

Committee Room,
Austin, Texas, Jan. 27, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared House bill No. 38, a bill to be entitled "An act to amend article 887 of title 10 of the Code of Criminal Procedure of the State of Texas, prescribing the form of a recognizance in appeals of cases of misdemeanor, and repeal all laws and parts of laws in conflict herewith."

And find the same correctly engrossed.

DIES, Chairman.

Committee Room.
Austin, Texas, Jan. 29, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared House bill No. 54, a bill to be entitled "An act to amend article 338 of the Penal Code of the State of Texas, adopted A. D. 1895, so as to fix the penalty for unlawfully carrying arms, at a fine of not less than $25 nor more than $200."

And find the same correctly engrossed.

DIES, Chairman.

MESSAGE FROM THE SENATE.

Senate Chamber.
Austin, Texas, Jan. 29, 1897.

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

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

Senate bill No. 14, a bill to be entitled "An act to amend articles 4978, 4983, 4986, 4987, 4990, 4991, 4992, 4993, and 4996 of title XII, chapter 5, Revised Civil Statutes of Texas, relating to the preventing of the running at large of certain animals in counties and subdivisions thereof."

Senate bill No. 15, a bill to be entitled "An act to amend article 2001, chapter 6, title 51, of the Revised Civil Statutes of the State of Texas, relating to bonds of guardians and sureties thereon."

Senate bill No. 32, a bill to be entitled "An act to amend chapter 4, title 7, of the Code of Criminal Procedure of the State of Texas, by adding thereunto article 524a, providing for the issuance of attachments for witnesses residing in the county of the prosecution when such witness is about to remove therefrom."

Senate bill No. 39, a bill to be entitled "An act to amend article 353, and repeal articles 354, 355, 356, 357, 358,
of title X, chapter 3, of the Penal Code of the State of Texas, in regard to adultery and fornication."

Senate bill No. 16, a bill to be entitled "An act to amend article 1942, chapter 8, title 39, of the Revised Civil Statutes of the State of Texas of 1895, relating to bonds of administrators and executors and sureties thereon."

House bill No. 3, "An act making an appropriation to pay mileage and per diem of presidential electors of Texas," by the following vote: Ayes 26, nays none.

Also, that the following members from the Senate have been appointed on Joint Committee on Judicial Districts: Dibrell, Beall, Yantis, Tillett, Linn of Wharton, Stafford, Terrell.

Respectfully,

WILL LAMBERT, Secretary.

SENATE BILLS ON FIRST READING.

The following bills, received from the Senate, were read first time and referred as follows:

Senate bills Nos. 14, 15 and 16, to Judiciary Committee No. 1.

Senate bills Nos. 32 and 39, to Judiciary Committee No. 2.

On request of Mr. Carpenter, chairman, further time was granted the Committee on State Affairs for consideration of the following bills: House bills Nos. 111, 118, 122.

On motion of Mr. Rogers, House joint resolutions Nos. 2 and 13, reported adversely, were recommitted for further consideration.

TABLED SUBJECT TO CALL.

Mr. McGaughy, by unanimous consent, called up House bill No. 81, which was on yesterday made a special order for to-night, and moved to lay it on the table subject to call.

The motion prevailed.

SPEAKER'S TABLE.

The Speaker laid before the House, on its second reading, the following resolution, which was read first time yesterday, and went over under the rules:

Resolved, That the case of Asberry v. Blackburn, contested election case from the Sixty-third Representative District of Texas, be referred to the Committee on Privileges and Elections, with instructions to investigate the case on the question of the jurisdiction of this House to entertain the same, and if they deem it proper to investigate the merits of the contest.

The resolution was read second time.

(Mr. Fields in the chair.)

After consideration, Mr. Rogers moved the previous question, which was seconded, and the main question was ordered.

Yeas and nays were demanded by Mr. Smith, Mr. Kirk and Mr. Burney.

The resolution was adopted by the following vote:

Yeas—79.

Alexander.
Bailey.
Barrett.
Bennett.
Benson.
Bermtram.
Bird.
Blair.
Boudsons.
Boyd.
Brewster.
Burney.
Burns.
Cartswell.
Childs.
Conoly.
Crawford.
Curry.
Dennis.
Dickinson.
Doyle.
Drew.
Edwards.
Evans of Hunt.
Fields.
Fisher.
Fitz.
Freeman.
Good.
Green.
Harris.
Hensley.
Hill of Gonzales.
Hill of Burnet.
Hill of Collin.
Hingles.
Holt.
Kimbell.
Kirk.
Lillard.
Logan.
Love.

Nays—28.

Barbee.
Bean.
Bell.
Browne.
Callan.
Carpenter.
Collier.
Crowley.
Dean.
Field.
Gibbough.
Hill of Travis.
Holland of Harris.
Humphrey.

(Mr. Fields in the chair.)

After consideration,

Mr. Rogers moved the previous question, which was seconded, and the main question was ordered.

Yeas and nays were demanded by Mr. Smith, Mr. Kirk and Mr. Burney.

The resolution was adopted by the following vote:

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Edwards.
Evans of Hunt.
Fields.
Fisher.
Fitz.
Freeman.
Good.
Green.
Harris.
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Hill of Gonzales.
Hill of Burnet.
Hill of Collin.
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Holt.
Kimbell.
Kirk.
Lillard.
Logan.
Love.

Nays—28.

Barbee.
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Callan.
Carpenter.
Collier.
Crowley.
Dean.
Field.
Gibbough.
Hill of Travis.
Holland of Harris.
Humphrey.

(Mr. Fields in the chair.)

After consideration,

Mr. Rogers moved the previous question, which was seconded, and the main question was ordered.

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The resolution was adopted by the following vote:

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Evans of Hunt.
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Fisher.
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Freeman.
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Green.
Harris.
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Hill of Gonzales.
Hill of Burnet.
Hill of Collin.
Hingles.
Holt.
Kimbell.
Kirk.
Lillard.
Logan.
Love.

Nays—28.

Barbee.
Bean.
Bell.
Browne.
Callan.
Carpenter.
Collier.
Crowley.
Dean.
Field.
Gibbough.
Hill of Travis.
Holland of Harris.
Humphrey.
Absent.
Ayers. Graham.
Beaird. Maxwell.
Cureton. Pfeuffer.
Dies. Staples.
Evans of Grayson. Wood.

Excused.
Bumpass. Manson.
Dorroll. Porter.
Ewing. Reiger.
Garrison. Robbins.
Henderson.

Present and excused (under rule 15) from voting, Mr. Blackburn.

(Speaker in the chair.)

On motion of Mr. Bailey, the regular order was suspended to take up and place on its second reading Substitute House bills Nos. 16 and 192, a bill to be entitled “An act to make it a penal offense for any person in this State to unlawfully sow, scatter or place on any land the seed or roots of Johnson grass or Russian thistle, or sell or give away any hay, straw or oats or grain containing or intermixed with the seeds or roots of Johnson grass or Russian thistle, or to transport same or allow same to mature on his land, providing adequate penalties therefor, and providing a right of action for all damages sustained thereby, and providing for the restraining of said acts by writ of injunction, and repealing all laws or parts of laws in conflict with this act.”

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

On motion of Mr. Maxwell, further consideration of the bill was postponed until next Wednesday.

The Speaker laid before the House, on its third reading and final passage, House bill No. 38, a bill to be entitled “An act to amend article 887 of title 10 of the Code of Criminal Procedure of the State of Texas, prescribing the form of recognition in appeals in misdemeanors, and to repeal all laws and parts of laws in conflict herewith.”

The bill was read third time and was passed.

The Speaker laid before the House, on its second reading by the committee, House bill No. 67, a bill to be entitled “An act to amend article 655, title 20, of the Revised Civil Statutes of the State of Texas.”

The bill was read second time, and was ordered engrossed.

The Speaker laid before the House, on its second reading, House bill No. 68, a bill to be entitled “An act to amend article 636, title 20, of the Revised Civil Statutes of the State of Texas, relating to acknowledgment of a married woman.”

The bill was read second time, and was ordered engrossed.

The Speaker laid before the House, on its third reading and final passage, House bill No. 54, a bill to be entitled “An act to amend article 338 of the Penal Code of the State of Texas, adopted A. D. 1895, so as to fix the penalty for unlawfully carrying arms at a fine of not less than $25 nor more than $200.”

The bill was read third time, and Mr. Thomas offered the following amendment:

Add: “Provided, that upon a subsequent conviction within one year for a violation of the provisions of this act, which former conviction shall be alleged in the indictment and proven on the trial, the punishment may be by imprisonment in the county jail not less than 10 nor more than 30 days.”

Tabled on motion of Mr. Ewing.

The bill was passed.

The Speaker laid before the House, on its third reading and final passage, House bill No. 82, a bill to be entitled “An act to amend article 878 of title 17, chapter 9, of the Penal Code of the State of Texas, and to make the receiving or concealing of stolen property a criminal offense, and to provide appropriate penalties for said offense, and to repeal all laws and parts of laws in conflict with the provisions of this act.”

The bill was read third time, and was passed.

The Speaker laid before the House, on its second reading, House bill No. 75, a bill to be entitled “An act to amend article 851 of the Penal Code of the State of Texas, relating to theft of horses, asses and mules, so as to fix the punishment therefor at confinement in the penitentiary for not less than two nor more than ten years,”

The bill was read second time, and was ordered engrossed.

The Speaker laid before the House, on its second reading, with amendments by the committee, House bill No. 79, a bill to be entitled “An act to prevent immoral publications and to prevent the sale and distribution of such publications, making a violation thereof a felony, prescribing penalty therefor, and declaring an emergency.”

Mr. McGaughey moved to lay the bill on the table subject to call, and the motion was lost.
The bill was then read second time, and the committee report was adopted.

Mr. Randolph offered the following amendment:

"Amend by striking out section 3."

Adopted.

Mr. Wolters offered the following amendment:

Amend by striking out all words in lines 19, 20, 21, in section 1, beginning with "a felony," and substituting therefor the words "a misdemeanor, and shall upon conviction be punished by a fine of not less than $50 nor more than $100."

Lost.

The bill was ordered engrossed.

TABLED SUBJECT TO CALL.

Mr. Beaird, by unanimous consent, called up House concurrent resolution No. 8, which was on yesterday made pursuant to adjournment. House bill No. 87, a bill to be entitled "An act to amend article 4069 of chapter 4, title 87, of the Revised Civil Statutes of the State of Texas, relating to county surveyors, requiring them to give bond," etc.

The bill was read third time, and was passed.

Mr. Raptors offered the following amendment:

"Amend by striking out section 3." Adopted.

Mr. Sluder moved to adjourn until 9 o'clock a.m. to-morrow, and the motion was lost.

The Speaker laid before the House, on its third reading and final passage, House bill No. 110, a bill to be entitled "An act to amend articles 2526, 2531 and 2532, of title 49, of the Revised Civil Statutes of the State of Texas, and to repeal article 2527 of said title, relating to forcible entry and detainer."

Pending which, on motion of Mr. Wolters, the House at 12.15 adjourned until 10 o'clock a.m. to-morrow.

FIFTEENTH DAY.

Hall House of Representatives, Austin, Texas, Saturday, January 30, 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:

Alexander.  Fisher.
Ayers.  Flint.
Bailey.  Freeman.
Barbee.  Gilbough.
Barrett.  Good.
Bennett.  Graham.
Bean.  Green.
Benson.  Harris.
Bertram.  Hensley.
Blackburn.  Hill of Travis.
Blair.  Holland of Harris.
Blaunt.  Humphrey.
Boyd.  Jones.
Browne.  Kimbell.
Burney.  Kirk.
Burns.  Lillard.
Callan.  Logan.
Carpenter.  Lotto.
Childs.  Love.
Collier.  Martin.
Conolly.  Maxwell.
Crawford.  McFarland.
Crowley.  McGaughy.
Crowley.  McKamy.
Cureton.  McKellar.
Curry.  Mende.
Dean.  Selton.
Deans.  Mercer.
Dennis.  Moore, Fort Bend.
Dickinson.  Moore of Lamar.
Died.  Morris.
Dwyer.  Morton.
Edwards.  Mundine.
Field.  O'Connor.
Fields.  Oliver.
Patterson.