February 6, 1897  

HOUSE JOURNAL.  

Logan.  
Love.  
Manson.  
Martin.  
Maxwell.  
McGaughey.  
McKamy.  
McKellar.  
Meade.  
Melton.  
Mercer.  
Moore, Fort Bend.  
Moore of Lamar.  
Oliver.  
Pitts.  
Reiger.  
Reynell.  
Rhea.  
Robbins.  
Rogan.  
Savage.  
Shelburne.  
Shirgahire.  
Sluder.  
Smyth.  
Stapler.  
Strother.  
Thaxton.  
Thomas.  
Tracy.  
Turner.  
Vaughan, Guadalupe.  
Wall.  
Wallace.  
Ward.  
Welch.  
Wilcox.  
Williams.  
Wood.  

Nays—15.  
Bailey.  
Belle.  
Brown.  
Childs.  
Dickinson.  
Dyes.  
Edwards.  

Abs.ent.  
Blair.  
Cireton.  
Dean.  
Ewing.  
Randolph.  
Rogers.  

Excused.  
Alexander.  
Barbee.  
Barbee.  
Burney.  
Conoly.  
Crawford.  
Flint.  

Good.  

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

Whereas, I. M. Bennett, of Grimes county, received from the county judge of said county the certificate of election as Representative of the Fifty-fourth Representative District, and has performed the duties thereof until he was defeated and unseated by a vote of the House; therefore be it  

Resolved, by the Twenty-fifth Legislature, that we be paid his mileage and per diem by the Speaker of the House drawing his draft in the same manner as is provided for the payment of members of the House of Representatives, to be paid out of the appropriation made for the payment of contingent expenses, the payment to include up to and including the 4th day of February, 1897.  

Read second time and unanimously adopted.  

Mr. Robbins moved that House bill No. 13, a bill to be entitled "An act to validate certain illegal sales of public school, university and asylum lands, sold under section 22, chapter 90, of the acts of 1887, and the amendments thereto, sold as isolated and detached lands, which were not in fact isolated and detached," be made a special order for next Monday at 10 o'clock a. m.  

Mr. Blair moved as a substitute to postpone further consideration of the bill until the 1st day of May, 1897.  

Tabled on motion of Mr. Robbins.  
Mr. Reiger moved to adjourn until to-morrow at 10 o'clock a. m., and the motion was lost.  

The motion of Mr. Robbins prevailed, and House bill No. 13 was made a special order for next Monday at 10 o'clock a. m.  

On motion of Mr. Thomas, the House adjourned until 10 o'clock a. m. to-morrow.  

I vote "yea" on this bill because the law recognizes the sale of whisky and beer as a legitimate business and annually collects and receives from liquor dealers the sum of $550,000, and from beer dealers the sum of $90,000, in round numbers, which entitles those engaged in either avocation to the fullest protection under the law against the competition of "blind tigers," "cold storage" joints or any other like evasion of the local option or occupation tax law.  

Mr. Williams moved to reconsider the vote by which House bill No. 107 was passed, and to table the motion to reconsider.  

The motion to table prevailed.  

Mr. Thomas, the House adjourned until 10 o'clock a. m. to-morrow.  

TWENTY-FIRST DAY.  

Hall House of Representatives,  
Austin, Texas,  
Saturday, February 6, 1897.  

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

In the absence of Speaker Dashiel and Speaker pro tem. Patterson, Chief Clerk Lee J. Rountree called the House to order.  

Roll called, and the following members present:  

Ayers.  
Bailey.  
Barrett.  
Beadrd.  
Bell.  
Benson.  

...
A quorum was announced present:

Prayer by Rev. F. S. Jackson, Chaplain of the Senate.

ELECTION OF SPEAKER PRO TEM.

Mr. Carpenter nominated Hon. R. H. Ward of Travis county.
Mr. Wood seconded the nomination of Mr. Ward.
Mr. Staples nominated Hon. R. F. Blair of Bexar county.
Mr. McGaughey seconded the nomination of Mr. Blair.
The following were appointed tellers:
To take up the ballots: Messrs. Bell, Cureton, Siuropshire and Smyth.
To count the ballots: Messrs. Welch, Evans of Hunt, Drew and Evans of Grayson.
The ballot resulted as follows:
Mr. Ward received 40 votes.
Mr. Blair received 47 votes.
Mr. Wolters received 1 vote.
Mr. Blair having received a majority of all the votes cast, he was declared legally and constitutionally elected Speaker pro tem.
Messrs. Carpenter, Bailey and Fields were appointed to escort the Speaker pro tem-elect to the Chair.
The oath of office was administered by the Chief Clerk to the Speaker pro tem-elect.
Mr. Bailey of the committee then introduced Mr. Blair to the House as the Speaker pro tem-elect.
The Chief Clerk handed the gavel to the Speaker pro tem-elect as his emblem of authority.
Speaker pro tem. Blair then thanked the House in a few appropriate remarks for the honor conferred, and declared the House ready for business.
Pending the reading of the Journal of yesterday,

GRANTED LEAVE OF ABSENCE.

On account of sickness:
Mr. Green indefinitely, on motion of Mr. Dorroh.
Mr. Stokes for to-day, on motion of Mr. Cureton.
Mr. Boyd until Tuesday, on motion of Mr. Bounds.

On account of important business:
Mr. Ewing and Mr. Reubell until Monday, on motion Mr. Williams.
Mr. Crowley, Mr. Edwards and Mr. Dies for to-day, on motion of Mr. Collier.
Mr. Dean until Monday, on motion of Mr. Brown.
Mr. Good until Monday, on motion of Mr. Henderson.
Mr. Patterson until Tuesday, on motion of Mr. Benson.
Mr. Boyd for to-day, on motion of Mr. Bertram.

Mr. Vaughan of Collin until Tuesday, on motion of Mr. Wilcox.

Mr. Kimbell and Mr. Reiger until Monday, on motion of Mr. Wood.

Mr. Strother indefinitely, on motion of Mr. McKamy.

Mr. Rogan until Monday, on motion of Mr. McGaughey.

Mr. Love for to-day, on motion of Mr. Carpenter.

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

House bill No. 272, a bill to be entitled "An act to amend an act entitled 'An act to incorporate the city of Austin, to grant it a new charter and to extend its boundaries, passed by the Twenty-second Legislature, April, 1891, and presented to the Governor on the 3d day of April, 1891, by adding thereto sections 99a, 99n, inclusive, said sections providing for the creation of a board to be known as the "water, light and power commission of the city of Austin," for the election of said commission by the people of Austin, defining the powers and duties of said board, including the right of eminent domain, and providing for the protection of the water and other property and apparatus of the water, light and power system of the said city of Austin, and prescribing penalties to better secure such protection, and repeal all laws and parts of laws in conflict with the provisions of this amendment."

Bill laid before the House, read third time and passed, by the following vote:

Yeas—90.

Ayers.

Bailey.

Barrett.

Beard.

Bell.

Benson.

Bertram.

Bird.

Blackburn.

Biards.

Brewster.

Brigance.

Browne.

Bumpass.

Burns.

Carpenter.

Carvel.

Childs.

Cureton.

Curry.

Dennis.

Dilllard.

Logan.

Lotto.

Manson.

Martin.

Maxwell.

McFarland.

McGaughy.

McKamy.

McKellar.

Meade.

Melton.

Mercer.

Meyer.

Moore, Fort Bend.

Moore of Lamar.

Morton.

Mundine.

Oliver.

Pfeiffer.

Pitts.

Rhea.

Robbins.

Rogers.

Skillern.

Stokes.

Vaughan, Guad'lup.

Ward.

Welch.

Wolters.

Wood.

Nays—none.

Absent.

Callan.

Collier.

Excused.

Alexander.

Barbee.

Bean.

Boyd.

Burney.

Conoly.

Crawford.

Crowley.

Dean.

Dies.

Edwards.

Ewing.

Flinl.

Good.

Green.

Hill of Gonzales.

Kimbell.

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

Whereas, many demands have been made upon members of this House by Senators and constituents for copies of House bill No. 221, known as the "game bill"; and

Whereas, the legislation contemplated in the provisions of said bill is of great importance to every citizen of the State, of and concerning which the people are entitled to be informed; therefore be it

Resolved, that 650 copies of committee substitute for House bill No. 221 be printed for the use of the members of this House and the Senate; five copies to be placed upon the desk of each member of the House and one copy upon the desk of each Senator.

Read second time, and
Mr. Bertram moved to lay it on the table.

The motion to table was lost, and the resolution was adopted.

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

Resolved, that the Sergeant-at-Arms be instructed to purchase four carpet sweepers or brooms, and that said brooms be ordered at once; and be it further resolved, that the Sergeant-at-Arms be authorized to place the porter force to cleaning and sweeping the hall and galleries at 5 p.m. of each day except only when House be in session.

Read second time and adopted.

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

Resolved, that Hon. A. F. Brigance, Representative from the county of Grimes, be added to the Committees on Penitentiaries and Judiciary No. 2.

Read second time and adopted.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following bill:

House bill No. 38, "An act to amend article 887, 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 to repeal all laws and parts of laws in conflict herewith."

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

House bill No. 254, a bill to be entitled "An act to amend sections 4 and 18 and 19 of an act entitled 'An act to incorporate the city of Waco, and to define its boundaries,' approved on the 10th day of February, 1889."

Bill laid before the House and read third time.

Pending consideration.

On motion of Mr. Bailey, further consideration was postponed until next Saturday, February 16, at 11 o'clock a.m.

On motion of Mr. Shelburne, the regular order was suspended to take up House joint resolution No. 10, relating to suffrage, and make it a special order for next Tuesday at 10 o'clock a.m.

Adopted.

PETITIONS AND MEMORIALS.

By Mr. Smyth:

A petition from 100 citizens of Don-ley county, asking for passage of game law bill.

Read and referred to Judiciary Committee No. 2.

By Mr. Smith:

Petition from the trustees of St. Hume's Temple, No. 14, of Austin, Texas, asking for relief from taxation.

Read and referred to Committee on Revenue and Taxation.

By Mr. Shropshire:

A petition from 32 citizens of Parker county, asking for the passage of a law to prohibit the keeping and running of disreputable resorts in local option districts, commonly called "cold storages."

Read and referred to Judiciary Committee No. 2.

BILLS AND Resolutions.

By Mr. Turner:

House joint resolution No. 24:

To amend section 10 of article 1 of the Constitution of the State of Texas, relating to criminal prosecutions.

Read first time and referred to Committee on Constitutional Amendments.

By Mr. Turner:

House concurrent resolution No. 8, requesting Senators and Representatives in the Congress of the United States from Texas to support such legislation as will insure the construction of the Nicaraguan canal, and its unquestioned control by the United States.

Whereas, the importance to the whole world's commerce of a ship canal across the American Isthmus is universally recognized; and

Whereas, the construction of such a waterway would enormously lessen the cost of transporting the products of all the States east of the Rocky Mountains to China and Japan, whose people are customers of growing importance for many of the staple articles of the United States, notably cotton; and

Whereas, the absolute and unquestioned control of such canal is of great commercial and strategic value to the United States; therefore

Be it resolved by the House of Representatives of the State of Texas (the Senate concurring), that Senators and Representatives in the Congress of the United States from the State of Texas are requested to support such legislation as will insure the construction of the Nicaraguan canal and its unquestioned control by the United States.

Read first time and referred to Committee on Federal Relations.
By Mr. Harris:
House bill No. 351, a bill to be entitled "An act to amend an act to provide for the construction and maintenance of drains, ditches and watercourses, and for the improvement and enlargement of natural drainage of the several counties within the State of Texas, and to repeal all laws in conflict with this act."
Read first time and referred to Committee on Irrigation.

By Messrs. Wood and Carpenter (by request):
House bill No. 352, a bill to be entitled "An act to establish an orphan asylum for the care and training of colored children whose parents or guardians are dead, or whose legal custodians are unable to afford them a shelter or maintenance."
Read first time and referred to Committee on State Affairs.

By Mr. Welch:
House bill No. 353, a bill to be entitled "An act to amend article 3978, chapter 13, title 86, of the Revised Civil Statutes of the State of Texas, relating to permanent school certificates."
(Provides that a teacher holding a Texas Summer Normal certificate may teach anywhere in the State for five years without further examination.)
Read first time and referred to Committee on Education.

By Mr. McGaughey:
House bill No. 354, a bill to be entitled "An act to amend article 2402, chapter 1, title 42, of the Revised Statutes of the State of Texas, relating to exemptions not to override claims for rent."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Humphrey:
House bill No. 355, a bill to be entitled "An act to amend title 52, chapter 2, article 2831, of the Revised Civil Statutes of the State of Texas, relating to the purposes for which warrants may be drawn by the Comptroller."
(Provides that no warrants shall be issued to any person indebted to the State for delinquent taxes, occupation, State or school, overdue interest on school or other lands purchased from the State, county bonds held by the State, or for leases of land belonging to the State University or other State institutions, or for any other purpose on account of any fund held by the State, until such debt be paid.)
Read first time and referred to Committee on Revenue and Taxation.

By Mr. Field:
House bill No. 356, a bill to be entitled "An act to prevent discrimination against any lawful money of the United States."
Read first time and referred to Committee on Finance.

By Mr. Carpenter:
House bill No. 357, a bill to be entitled "An act declaring both gold and silver coins of the United States of America to be full legal tender at their face value in the payment of all debts hereafter made in the State of Texas."
Read first time and referred to Committee on Finance.

By Mr. Bertram:
House bill No. 358, a bill to be entitled "An act to amend articles 4818, 4822, 4824, 4826, 4827, 4828, 4829 and 4834, title 98, chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the salaries of State officers."
(Provides in article 4818 that on the failure of the Governor to preside, an amount shall be deducted out of his salary sufficient to pay the Acting Governor. Fixes the Attorney-General's salary at $2000 and limits his fees to $1000 annually. Fixes the salaries of superintendents of the asylums at $2000, less $10 per month for board for each person boarded. Makes same provisions for superintendents of other institutions, and fixes the salaries of the Railroad Commissioners at $2500, and of the Adjutant-General at $1500.)
Read first time and referred to Committee on State Affairs.

By Mr. McGaughey:
House bill No. 359, a bill to be entitled "An act to confirm title to lands patented by the State of Texas."
(Provides for the confirmation of all patents heretofore issued in due form of law and not vitiated by actual fraud.)
Read first time and referred to Committee on Public Lands and Land Office.

By Mr. McFarland:
House bill No. 360, a bill to be entitled "An act to provide for the payment of salaries to county attorneys."
(Provides a salary of $45 per month where said county attorney's fees fall below $45.)
Read first time and referred to Committee on State Affairs.

By Mr. Fisher:
House bill No. 361, a bill to be entitled "An act to enable the State of Texas to comply with the terms of its contract for the building of a new
State capitol in issuing patents to the contractor and to refund certain monies to the contractor which he has paid out for patents to the Commissioner of the General Land Office.

By Mr. Bertran:
House bill No. 362, a bill to be entitled "An act to amend articles 4835, 4836, 4838 and 4839, title 98, chapter 2, of the Revised Civil Statutes of the State of Texas, relating to fees of judicial officers."
(The object of the bill is to reduce the salaries of such officials.)
Read first time and referred to Committee on Claims and Accounts.

By Mr. Harris:
House bill No. 363, a bill to be entitled "An act to regulate the estraying of livestock and to provide for advertising of same for the better protection of owners."
(Provides that a description of estrayed stock shall be furnished Texas Farm and Ranch, a weekly agricultural and stock journal, published at the city of Dallas, Texas, and designates said paper as the State official journal for advertisements of this character.)
Read first time and referred to Committee on Stock and Stockraising.

By Mr. Pitts:
House bill No. 364, a bill to be entitled "An act to provide separate waiting rooms for white and negro passengers at railway depots, providing for penalties for failure to provide such rooms and for violations of this act."
Read first time and referred to Judicial Committee No. 2.

By Mr. Maxwell:
House bill No. 365, a bill to be entitled "An act to amend article 3933, chapter 9, title 86, of the Revised Civil Statutes of the State of Texas, relating to public education and the compensation of county judges who are ex officio superintendents of public instruction."
(Allows an additional amount out of the available school fund, such as may be agreed upon by the commissioners' court, not to exceed $500 annually for such services.)
Read first time and referred to Committee on Education.

By Mr. Harris:
House bill No. 366, a bill to be entitled "An act to define and punish the offense of cruelty to animals, and to provide the rights, duties and powers of all legally incorporated societies for the prevention of cruelty to animals in this State and the officers and agents thereof."
Read first time and referred to Judicial Committee No. 2.

By Mr. Shropshire:
House bill No. 367, a bill to be entitled "An act to provide for the disorganization of the county of Loving in the State of Texas, and to attach said county to the county of Reeves for judicial and other purposes, and to provide for the assessment and collection of taxes in said county, and for the payment of the outstanding indebtedness of said county."
Read first time and referred to Committee on County Government and County Finance.

By Mr. Henderson:
House bill No. 368, a bill to be entitled "An act to amend article 3881, chapter 4, title 86, of the Revised Civil Statutes of the State of Texas, relating to graduates of the Sam Houston Normal School, providing for an examination of said graduates."
Read first time and referred to Committee on Education.

By Mr. Brewster and Mr. Savage:
House bill No. 369, a bill to be entitled "An act to amend article 3929 of the Revised Civil Statutes of the State of Texas, creating the office of county superintendent, providing for election of county superintendents and prescribing their qualifications."
(Makes it the duty of the commissioners' court of any county, upon a petition of a majority of the voters of a county, to provide for the election of a county superintendent of public instruction.)
Read first time and referred to Committee on Education.

By Mr. Rhea:
House bill No. 370, a bill to be entitled "An act to restore and confer upon the county court of Titus county the civil jurisdiction heretofore belonging to said county under the Constitution and general laws of this State, and to conform the jurisdiction of the district court of said county to said change."
Read first time and referred to Judicial Committee No. 2.

By Mr. Rhea:
House bill No. 371, a bill to be entitled "An act to authorize commissioners' courts to purchase bloodhounds for use of sheriffs."
Read first time and referred to Judicial Committee No. 2.

By Mr. Ward:
House bill No. 372, a bill to be entitled "An act to amend title 39, arti-
Resolved, that whereas two of the pages of the House are now seriously ill, and will probably not be able to perform their duties for several days, the Speaker be and is hereby authorized to appoint two pages to temporarily fill the positions of said sick pages.

Read second time and adopted.

The Speaker pro tem., in accordance with the above resolution, made the following appointments: Mat Glover, Bobbee Burney.

On motion of Mr. Robbins, the regular order was suspended to take up Senate bill No. 18, relating to cities and towns, and to make it a special order for next Monday at 11 o'clock a.m. Adopted.

On motion of Mr. Henderson, the regular order was suspended to take up House bill No. 15, relating to the diseased animal law, and make it a special order for next Saturday at 11 o'clock a.m. Adopted.

COMMITTEE REPORTS.

By Mr. Ward, Chairman:

Committee Room, Austin, Texas, Feb. 5, 1897.

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

Your Judiciary Committee No. 1, to whom was referred

A petition signed by 77 citizens of Ellis county, requesting that the age of consent be raised from 15 to 18 years,

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be referred to Judiciary Committee No. 2.

WARD, Chairman.

Committee Room, Austin, Texas, Feb. 5, 1897.

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

Your Judiciary Committee No. 1, to whom was referred

House bill No. 306, a bill to be entitled "An act to amend articles 2514, 2516, 2517, 2518, 2518a, 2518d, 2518f, 2518r, 2518u, and 2518w, of title 48, of the Revised Civil Statutes of Texas, and repeal article 2518c of said title 48 of said Revised Civil Statutes, and to add articles 2517a, 2517b, 2518q, 2518r, to said title 48 of said Revised Civil Statutes, relating to fish, oysters, etc., and 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 pass.
WARD, Chairman.

Committee Room,
Austin, Texas, Feb. 5, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 1, to whom was referred
House bill No. 130, a bill to be entitled "An act to provide against unfair preferences by debtors in making conveyances and assignments."

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, Feb. 5, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 1, to whom was referred
Senate bill No. 82, a bill to be entitled "An act to amend article 256, of the Revised Civil Statutes of Texas, relating to applications for license to practice law."

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.

Committee Room,
Austin, Texas, Feb. 5, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 1, to whom was referred
House bill No. 240, a bill to be entitled "An act to amend article 3089, chapter 3, title 58, of the Revised Civil Statutes of the State of Texas, in relation to fraudulent overvaluation of insur ed property."

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.

Committee Room,
Austin, Texas, Feb. 5, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 1, to whom was referred
House bill No. 284, a bill to be entitled "An act to amend article 1038, 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."

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, Feb. 5, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 1, to whom was referred
House bill No. 223, a bill to be entitled "An act to amend title 8 of the Revised Civil Statutes of the State of Texas, in regard to assignment for creditors by adding thereto articles 86a, 86b and 86c."

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.

Committee Room,
Austin, Texas, Feb. 5, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 1, to whom was referred
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."

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, Feb. 5, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 1, to whom was referred
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."

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.
MAJORITY REPORT.

Committee Room,
Austin, Texas, Feb. 5, 1897.

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

Your Judiciary Committee No. 1, to whom was referred
House bill No. 257, a bill to be entitled "An act to amend chapter 2, title 66, relating to mechanics', contractors', builders' and material men's liens."

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

WARD, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, Feb. 5, 1897.

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

We, a minority of your Judiciary Committee No. 1, to whom was referred
House bill No. 257, a bill to be entitled "An act to amend chapter 2, title 66, relating to mechanics', contractors', builders' and material men's liens."

Do not concur with the majority, and beg leave to report the same back to the House with the recommendation that it do pass.

SLUDER,
MOORE of Lamar,
WILLIAMS,
McKAMY,
STAPLES.

MAJORITY REPORT.

Committee Room,
Austin, Texas, Feb. 5, 1897.

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

Your Judiciary Committee No. 1, to whom was referred
House bill No. 167, a bill to be entitled "An act to amend chapter 18, title 27, of the Revised Civil Statutes of the State of Texas, relating to judgments of the Courts of Civil Appeals, by adding article 1027a."

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

WARD, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, Feb. 5, 1897.

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

We, a minority of your Judiciary Committee No. 1, to whom was referred
House bill No. 167, a bill to be entitled "An act to amend chapter 18, title 27, of the Revised Civil Statutes of the State of Texas, relating to judgments of the Courts of Civil Appeals, by adding article 1027a."

Do not concur with the majority, and beg to report the same back to the House with the recommendation that it do pass.

FISHER,
WILLIAMS,
BARRETT,
McKAMY.

MAJORITY REPORT.

Committee Room,
Austin, Texas, Feb. 5, 1897.

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

Your Judiciary Committee No. 1, to whom was referred
House bill No. 323, a bill to be entitled "An act to amend article 3328, title 66, chapter 4 of the Revised Civil Statutes of the State of Texas, relating to chattel mortgages and other chattel liens."

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.

MINORITY REPORT.

Committee Room,
Austin, Texas, Feb. 5, 1897.

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

We, a minority of your Judiciary Committee No. 1, to whom was referred
House bill No. 323, a bill to be entitled "An act to amend article 3328, title LXVI, chapter 4, of the Revised Civil Statutes of the State of Texas, relating to chattel mortgages and other chattel liens."

Do not concur with a majority, and beg to report the same back to the House with the recommendation that it do not pass.

AYERS,
BELL,
MOORE of Lamar.
MAJORITY REPORT.

Committee Room, Austin, Texas, Feb. 5, 1897.

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

Your Judiciary Committee No. 1, to whom was referred

House bill No. 291, a bill to be entitled "An act to amend article 4930, title 102, chapter 1, of the Revised Civil Statutes of Texas, 1895, relating to stock laws."

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.

MINORITY REPORT.

Committee Room, Austin, Texas, Feb. 5, 1897.

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

We, a minority of your Judiciary Committee No. 1, to whom was referred

House bill No. 291, a bill to be entitled "An act to amend article 4930, title 102, chapter 1, of the Revised Civil Statutes of Texas, 1895, relating to stock laws."

Do not concur with the majority, and beg to report the same back to the House with the recommendation that it do not pass.

FISHER, BARRETT.

Committee Room, Austin, Texas, Feb. 5, 1897.

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

Your Judiciary Committee No. 1, to whom was referred

House bill No. 290, a bill to be entitled "An act for the better security for payment of certain labor by giving to said labor a prior lien on the products of said labor, the said lien to have the preference and be held superior to any and all claims or other liens upon or over the products of said labor, and to regulate the payment of said labor, providing that nothing shall be a legal tender in payment for such labor but current money of the United States, or its equivalent in cash value, and that certain days shall be designated as legal pay days on which all claims as designated in this bill shall become due and payable."

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. Bailey, Chairman:

Committee Room, Austin, Texas, Feb. 5, 1897.

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

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 50, a bill to be entitled "An act to amend article 878 of title XVII, chapter 9, of the Penal Code of the State of Texas, in regard to receiving stolen property."

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 be considered with House bill No. 82 on the same subject.

BAILEY, Chairman.

Committee Room, Austin, Texas, Feb. 5, 1897.

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

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 44, a bill to be entitled "An act to amend article 881, title XVII, chapter 11, of the Penal Code of the State of Texas of 1895, relating to the theft of horses, asses and mules."

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 be considered with House bill No. 75 on the same subject.

BAILEY, Chairman.

Committee Room, Austin, Texas, Feb. 5, 1897.

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

Your Judiciary Committee No. 2, to whom was referred

House bill No. 338, a bill to be entitled "An act to prohibit the catching of fish, green turtle, loggerhead terrapins, or shrimp with seine, drag nets, spikes, set nets, gill nets, trammel nets, traps, dams, or weir in any of the bays or navigable waters of this State within the corporate limits of any incorporated town or city, or within one mile of the corporate limits of such city or town, and to provide a penalty therefor."

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.

BAILEY, Chairman.
Committee Room,  
Austin, Texas, Feb. 5, 1897.  
Hon. L. T. Dashiell, Speaker of the  
House.  
Your Judiciary Committee No. 2, to  
whom was referred  
Senate bill No. 32, a bill to be enti- 
tled "An act to amend chapter 4, title  
7, of the Code of Criminal Procedure  
of the State of Texas, by adding there- 
to article 524a, providing for the issu- 
ance of attachments for witnesses re- 
siding in the county of the prosecution, 
when such witness is about to remove 
therefrom,"

Have had the same under considera- 
tion, and I am instructed to report the  
same back to the House with the rec- 
mendation that it do pass.  
BAILEY, Chairman.  

MAJORITY REPORT.  

Committee Room,  
Austin, Texas, Feb. 5, 1897.  
Hon. L. T. Dashiell, Speaker of the  
House.  
Your Judiciary Committee No. 2, to  
whom was referred  
Senate bill No. 36, a bill to be enti- 
tled "An act to amend article 723, title 
VIII, chapter 5, of the Code of Crim- 
inal Procedure of the State of Texas,  
relating to the reversal of cases by  
the Court of Criminal Appeals."

Have had the same under considera- 
tion, and I am instructed to report the  
same back to the House with the rec- 
mendation that it do pass.  
BAILEY, Chairman.  

MINORITY REPORT.  

Committee Room,  
Austin, Texas, Feb. 5, 1897.  
Hon. L. T. Dashiell, Speaker of the  
House.  
Now comes a minority of your Judi- 
cracy Committee No. 2, having under  
consideration,  
Senate bill No. 36, a bill to be enti- 
tled "An act to amend article 723 of 
the Code of Criminal Procedure in  
the State of Texas."

And recommend that it do not pass,  
for the following reasons:  
1st. Because, after full discussion  
and mature deliberation, this commit- 
tee reported House bill No. 29, by  
Evans of Grayson, back to the House  
with the recommendation that it do  
not pass, said bill being identical in  
terms and effect as Senate bill No. 36.  
2nd. Because we do not believe that  
the trial court should be permitted to  
ignore the requirements of articles 715  
to 723 with impunity.

3rd. Because we do not believe that  
the Court of Criminal Appeals can in- 
telligently pass upon the question of  
injury or not, from a failure to com- 
ply with the requirements of said arti- 
cles on the part of the trial court.  
4th. Because we believe that an ob- 
servance of the rules of procedure is  
absolutely essential in criminal prose- 
cutions to the end that parties accused  
of crime shall not be entirely at the  
mercy of the judge trying the case.  
All of which is respectfully sub- 
mitted.  

TURNER,  
DENNIS,  
By Mr. McGaughey, chairman:  
Committee Room,  
Austin, Texas, Feb. 6, 1897.  
Hon. L. T. Dashiell, Speaker of the  
House:  
Your Committee on Education, to  
whom was referred  
House bill No. 346, a bill to be enti- 
tled "An act to transfer Red River  
county from the district school system  
to the community school system, and  
to authorize and empower the said  
county to organize and conduct all of  
its public free schools under the com- 
munity system, as provided by the  
laws now in force,"

Have had the same under considera- 
tion, and I am instructed to report the  
same back to the House with the rec- 
mendation that it do pass.  
McGAUGHEY, Chairman.  

By Mr. Curry, chairman:  
Committee Room,  
Austin, Texas, Feb. 4, 1897.  
Hon. L. T. Dashiell, Speaker of the  
House.  
Your Committee on Revenue and  
Taxation, to whom was referred  
House bill No. 250, a bill to be enti- 
tled "An act to amend article 5060a, of  
the Revised Civil Statutes of the State  
of Texas, providing for a tax levied  
upon liquor dealers, etc."

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

Committee Room,  
Austin, Texas, Feb. 4, 1897.  
Hon. L. T. Dashiell, Speaker of the  
House.  
Your Committee on Revenue and  
Taxation, to whom was referred  
House bill No. 274, a bill to be enti- 
tled "An act to repeal articles 5058,  
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."

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.

CURRY, Chairman.

Committee Room,
Austin, Texas, Feb. 4, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Revenue and Taxation, to whom was referred
House bill No. 281, a bill to be entitled "An act to repeal article 2923, chapter 6, title 52, of the Revised Civil Statutes of the State of Texas."

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

CURRY, Chairman.

By Mr. Humphrey, chairman:

Committee Room,
Austin, Texas, Feb. 5, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Labor, to whom was referred
House bill No. 110, a bill to be entitled "An act to provide for the creation of a board of examiners of railroad telegraphers, and defining their duties."

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.

HUMPHREY, Chairman.

MAJORITY REPORT.

Committee Room,
Austin, Texas, Feb. 5, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Labor, to whom was referred
House bill No. 225, a bill to be entitled "An act to establish and maintain a Bureau of Labor and for the appointment of a Commissioner of Labor for the State of Texas, and making appropriation therefor."

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 following amendments:

Strike out the word agriculture wherever it occurs in the bill. Insert in section 10, as salary of Commissioner, $2000, and as salary of chief dep-uty $1500, and $750 for assistants. Insert in section 11, "the sum of $15,000."

HUMPHREY, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, Feb. 5, 1897.
Hon. L. T. Dashiell, Speaker of the House.

We, a minority of your Committee on Labor, believing that the provisions of House bill No. 225, creating a bureau of labor and appropriating money for maintenance of same, would be a useless and unnecessary expense to the State, and that the work set forth in said bill may be accomplished by the Bureau of Agriculture, thus saving the additional expense of several thousand dollars, beg leave to differ from the majority of said committee, and recommend that said bill do not pass.

BOYD,
SAVAGE,
CURETON.

By Mr. Kirk, Chairman:

MINORITY REPORT.

Committee Room,
Austin, Texas, Feb. 6, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Stock and Stock-raising, to whom was referred
Senate bill No. 14, a bill to be entitled "An act to amend articles 4978, 4983, 4986, 4987, 4990, 4992, 4993 and 4996 of title 21, chapter 5, Revised Civil Statutes of Texas."

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

KIRK, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, Feb. 6, 1897.
Hon. L. T. Dashiell, Speaker of the House of Representatives.

Your Committee on Stock and Stock-raising, to whom was referred
Senate bill No. 14, have had the same under consideration, and I beg leave to submit the following minority report:

Add to the exemptions the counties of Runnels, Kendall, Bandera, Kerr, Concho, McCulloch, San Saba, Mills, Gonzales, Llano.

Amend by adding to article 4768: "That all subdivisions created under the provisions of this chapter shall conform in extent and boundaries to
one or more of the justices of the peace precincts of the counties adopting the same."

Amend by striking out all of article 4996 in the bill, and inserting in lieu thereof the following:

"Article 4996. In all counties or subdivisions of a county adopting the stock law, three barbed wires stretched on posts not more than 20 feet apart, with one stay on each panel, and top wire 4½ feet from the ground, shall be deemed a lawful fence, and no person shall be permitted to impound stock or collect damages under the provisions of this act, unless such person shall maintain such fence."

And with the following amendments

I recommend that the bill do pass.

KIRK.

By Mr. Evans of Grayson, chairman:

Committee Room,
Austin, Texas, Feb. 5, 1897.
Hon. L. T. Dashiell, Speaker of the House:

Your Committee on Insurance, Statistics and History, to whom was referred
House bill No. 28, a bill to be entitled "An act to amend chapter 3, title 58, of the Revised Civil Statutes of the State of Texas, relating to insurance, and to add thereto article 3094a."

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.

EVANS of Grayson, Chairman.

By Mr. Fields, acting chairman:

Committee Room,
Austin, Texas, Feb. 6, 1897.
Hon. L. T. Dashiell, Speaker of the House:

Your Committee on Engrossed Bills have carefully examined and compared
House bill No. 25, a bill to be entitled "An act to create a more efficient court system in the Eleventh 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 engrossed.

FIELDS, Acting Chairman.

By Mr. Welch, acting chairman:

Committee Room,
Austin, Texas, Feb. 6, 1897.
Hon. L. T. Dashiell, Speaker of the House:

Your Committee on Engrossed Bills have carefully examined and compared
House bill No. 83, a bill to be entitled "An act to create a more efficient road system for Rains county, Texas; making provision for the appointment by the commissioners' court of said county of a county road commissioner for said county, prescribing his duties and compensation; providing for the appointment of road overseers, defining their duties and liabilities; providing for working of county convicts and delinquent poll tax payers upon the public roads of said county, and regulating the same; providing for officers' fees and rewards in convicting convicts and recapturing escaped convicts; for the summoning of teams and tools for road work, and compensation for same; and providing penalties for the violation of this act, and repeal all laws in conflict with this act; and providing for county commissioners to act as road commissioners."

And find the same correctly engrossed.

WELCH, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1897.
Hon. L. T. Dashiell, Speaker of the House:

Your Committee on Engrossed Bills have carefully examined and compared
House bill No. 124, a bill to be entitled "An act to create a more efficient road system 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 engrossed.

WELCH, Acting Chairman.

On motion of Mr. Bell, the regular order was suspended to take up and make a special order for next Wednesday at 10 o'clock House bill No. 124, relating to the university for the colored people.

Adopted.

On motion of Mr. Hill of Travis, the regular order was suspended to take up and place on its second reading,
House bill No. 268, a bill to be entitled "An act to create a more efficient
road system for Travis county, in the State of Texas.”
Laid before the House, read second time, and ordered engrossed.
On motion of Mr. Humphrey, the regular order was suspended to take up and place on its third reading and final passage,
House bill No. 83, a bill to be entitled “An act to create a more efficient road system for Rains county, Texas,” etc.
Laid before the House, read second time, and ordered engrossed.
On motion of Mr. Humphrey, the regular order was suspended to take up and place on its third reading and final passage,
House bill No. 180, a bill to be entitled “An act to amend article 5043, of the Revised Statutes of 1895, so as to exempt Maverick county from the provisions of title en, chapter 6, relating to the inspection of hides and animals.”
Read third time, and the following amendments adopted:
By Mr. Welch:
Amend by inserting “El Paso” after the word “Ellis,” in line 15.
By Mr. Melton:
Amend by exempting Concho and Titus counties.
The bill was passed.
On motion of Mr. Carpenter, the House, at 12:30 p.m., adjourned until 10 o’clock a.m. next Monday.

TWENTY-SECOND DAY.

Hall House of Representatives,
Austin, Texas,
Monday, February 8, 1897.
The House met at 10 o’clock a.m., pursuant to adjournment.
Speaker Dashiell in the chair.
Roll called, and the following members present:
Ayers.
Bailey.
Barbee.
Barrett.
Beard.
Bean.
Bell.
Benson.
Bertram.
Bird.
Blackburn.
Blair.
Bounds.
Browner.
Bumpass.
Burns.
Callan.
Carpenter.
Carswell.
Childs.
Conoly.
Crowley.
Curry.
Dean.
Dennis.
Dics.
Dorrobi.
Doyle.
Drew.
Edwards.
Evans of Hunt.
Evans of Grayson, Schlick.
Ewing.
Feld.
Fields.
Fisher.
Flint.
Freeman.
Garrison.
Graham.
Harris.
Henderson.
Hensley.
Hill of Gonzales.
Hollon of Burnet.
Holland of Harris.
Humphrey.
Jones.
Kirk.
Lillard.
Logan.
Lotto.
Love.
Manson.
Thompson.
Tracy.
Vaughan, Guadalupe.
Vaughan of Collin.
☑️ Excused.

Alexander.
Boyd.
Burney.
Crawford.
Gibbons.
Good.
Green.
Kimbell.
Martín.
McArdle.
McGuey.
McKamy.
McKellar.
Meade.
Melton.
Mercer.
Moore, Fort Bend.
Moore of Lamar.
Morris.
Morton.
Mundine.
Oliver.
Pfeiffer.
Pitts.
Randolph.
Rhea.
Robbins.
Rogan.
Rogers.
Rudd.
Savage.
Sciblick.
Seabury.
Shelburne.
Sherburne.
Skillern.
Sluder.
Smith.
Smyth.
Stamp.
Staples.
Stokes.
Strother.
Thaxton.
Thomas.
Wall.
Wallace.
Ward.
Welch.
Wilcox.
Williams.
Wolters.
Wood.

A quorum was announced present.
Prayer by Dr. J. A. Jackson, Chaplain.