TWENTY-THIRD DAY.

Hall House of Representatives, Austin, Texas, Tuesday, February 9, 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:


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

Pending the reading of the Journal of yesterday, On motion of Mr. Wallace, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Crawford for to-day, on motion of Mr. Barrett.
Mr. Cureton for yesterday and indefinitely, on motion of Mr. Fields.
Mr. Beaird moved to reconsider the vote by which House bill No. 262 was on yesterday ordered engrossed, and asked to have that motion spread upon the Journal.

Mr. Seabury called up the motion to reconsider, and moved to lay it on the table, upon which motion to table yeas and nays were demanded by Mr. Beaird, Mr. Logan, and Mr. Williams. Tabled by the following vote:

Yeas—63.


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February 9, 1897

HOSUE JOURNAL.

Wall. Wilcox.
Welch. Wolters.
Nays—49

Barrett. Jones.
Beaird. Logan.
Benn. McKamy.
Blackburn. Meade.
Brigance. Melton.
Browne. Moore of Lamar.
Burney. Morris.
Conoly. Reubell.
Crowley. Rhea.
Dickinson. Rudd.
Doroh. Savage.
Doyle. Shelburne.
Drew. Shropshire.
Evans of Grayson. Smyth.
Ewing. Stamper.
Fields. Thaxton.
Fisher. Tracy.
Garrison. Vaughan, Guale.
Graham. Wallace.
Hill of Gonzales. Ward.
Hill of Travis. Williams.
Holland of Burnet Wood.
Humphrey. Absent.

Bailey. Green.
Reil. Robbins.
Blair. Staples.
Collier. Thompson.

Excused.
Alexander. O'Connor.
Crawford. Porter.
Cureton. Skillern.
Neighbors. Tucker.

I vote "no" on this motion, because as the bill stands it will allow fraudulent teachers to obtain permanent certificates; I favor the bill amended so as to allow teachers who have taught successfully five years in the county to obtain permanent certificates, provided "board of examiners" recommend, instead of trustees.

SAVAGE.

SENATE MESSAGE.

Senior Chamber, Austin, Texas, Feb. 9, 1897.

Hon. L. T. Dashell, 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. 94, a bill to be entitled "An act to amend article 1036 of chapter 20, title 27, of the Revised Civil Statutes of the State of Texas, relating to payment of costs and returning mandates in the Courts of Civil Appeals."

By the following vote: Yeas 21, nays 0.

Senate bill No. 75, a bill to be entitled "An act to validate all office forfeitures of land heretofore made by the Commissioner of the General Land Office for the non-payment of any part of the interest due thereon, which land has been heretofore sold by the State through any of its authorized agencies, and without reference to the date when or the acts of the Legislature under which said sales were made."

By the following vote: Yeas 21, nays 0.

Senate bill No. 28, a bill to be entitled "An act to further define the duties of the Railroad Commission of Texas to make and enforce rules."

By the following vote: Yeas 22, nays 1.

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 bill No. 94, to Judiciary Committee No. 2.
Senate bill No. 28, to the Committee on Internal Improvements.
Senate bill No. 75 to the Committee on Public Lands and Land Office.

MESSAGE FROM THE GOVERNOR.

The following message, received from the Governor, was laid before the House and read:

Executive Office, State of Texas,
Austin, February 9, 1897.

To the Senate and House of Representatives.

At the request of the Governor of Kansas, the attached copy of concurrent resolution adopted by the Legislature of the State of Kansas is respectfully submitted for such action as you may deem proper to take.

C. A. CULBERSON.

Senate Chamber, Feb. 4, 1897.

To His Excellency, John W. Leedy,
Governor of Kansas.

I have the honor to report to you that the Senate and House of Representatives have adopted Senate concurrent resolution No. 14; a copy of the same is transmitted herewith, and is as follows:

Senate concurrent resolution No. 14, by the Committee on State Affairs:

Whereas, the citizens of Kansas, Oklahoma and Texas have for many years endeavored to secure cheaper
transportation of their products to the seacoast, and for that purpose have voted large subsidies to aid in the construction of north and south lines of railroad; and

Whereas, the government of the United States has expended six millions of dollars to establish a deep water harbor at the city of Galveston; and

Whereas, the influences of Eastern corporations seem to have dominated in fixing rates to the Southern seacoast, 500 miles away, and making them practically the same as those to the Atlantic seacoast, 2000 miles away; and

Whereas, the Governor of Kansas, in his message to the Legislature of Kansas, suggests as a remedy for this discrimination the consideration of an interstate railroad to tidewater in the South; now, therefore, be it

Resolved, by the Senate of the State of Kansas, the House of Representaives concurring therein, that the Legislature of Kansas immediately request the Legislatures of the State of Texas and the Territory of Oklahoma to join with us in the appointment of a committee of conference, to be composed of citizens of said State and Territory, whose duty it shall be to devise ways and means to obtain relief for the exorbitant freight rates now in effect to the seacoard on the south.

Resolved, that it shall be the duty of this committee to ask the assistance of the Interstate Commerce Commission and Board of Railroad Commissioners of said States and Territory, in procuring for the citizens of said States and Territory just and equitable freight rates, and if necessary, as a last resort, to consider the propriety of building an interstate railroad to the Gulf of Mexico.

Resolved, that the Governor of the State be requested to transmit immediately, under the seal of the State of Kansas, certified copies of these resolutions to the Governors of the State of Texas and Territory of Oklahoma, with the request that the same be transmitted to their respective Legislatures for consideration.

Respectfully,

M. WATSON,
Secretary of the Senate.

On motion of Mr. Carpenter, the above message from the Governor, with the accompanying documents, was referred to the Committee on State Affairs.

SPECIAL ORDER.

The Speaker laid before the House, on its second reading, as special order for this hour,

House bill No. 81, a bill to be entitled "An act to make the living together and having carnal intercourse with each other, or the habitual carnal intercourse with each other without living together, of a man and woman within the State of Texas when not legally married together a criminal offense, and to provide an appropriate penalty for said offense, and to repeal articles 353, 354, 355, 356, 357, and 358 of title 10, chapter 3 of the Penal Code of the State of Texas and all other laws and parts of laws in conflict with the provisions of this act."

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

Amend by striking out the word "habitual," in line 15.

Lost.

Mr. Dies offered the following amendment:

Amend by striking out section 3.

Lost.

Mr. Bertram offered the following amendment:

Amend by striking out "50" and "500," in line 19, and insert in lieu thereof "25" and "200."

Lost.

Mr. Walters offered the following amendment:

"Strike out the enacting clause."

Yeas and nays were demanded by Mr. Henderson, Mr. Dies and Mr. Evans of Grayson.

Lost by the following vote:

Yeas—47.

Ayers. Ayer.
Beil. Beard.
Bertram. Bird.
Bird. Blair.
Blair. Bounds.
Brewster. Browne.
Bumpass. Burney.
Burney. Carpenter.
Bumpass. Carpenter.
Burney. Carpenter.
Childs. Childs.
Conoly. Conolly.
Curry. Dean.
Dean. Dennis.
Dennis. Dies.
Dies. Doyle.
Doyle. Gilbough.
Gilbough. Hill of Gonzales.
Hill of Gonzales. Hill.
Holland of Burnet. Wolters.
Wolters. Wall.
Nays—68.

Barbee. Logan.
Barrett. Love.
Beaird. Martin.
Bean. McFarland.
Benson. McGaughey.
Blackburn. McKamy.
Brigance. McKellar.
Burns. Melton.
Callan. Moore, Fort Bend.
Carswell. Norris.
Crowley. Morton.
Dickinson. Oliver.
Dorroh. Patterson.
Drew. Peery.
Evans of Grayson. Reubell.
Ewing. Rhea.
Felld. Rigan.
Fields. Rogers.
Fisher. Rudd.
Flint. Savage.
Freeman. Seabury.
Garrison. Shelbyburne.
Good. Stokes.
Graham. Strother.
Harris. Thomas.
Henderson. Tracy.
Hensley. Turner.
Hill of Travis. Vaughan of Collin.
Holland of Harris. Wall.
Humphrey. Ward.
Jones. Wilcox.
Kimbell. Williams.
Lillard. Wood.

Absent.

Bailey. Meade.
Collier. Thaxton.
Green.

Excused.

Alexander. O'Connor.
Crawford. Porter.
Cureton. Skillern.
Neighbors. Tucker.

I vote "aye" for the following reasons: The bill in effect repeals certain sections of the Revised Statutes whose retention is an absolute necessity for conviction. The passage of the bill will therefore enable married persons who commit offenses against social purity to be released because of a defect in the law. The present law is in my opinion better than the one proposed, and therefore gives the State better protection from this form of lewdness.

SMITH.

I desire to have spread upon the Journal my reasons for voting in favor of striking out the enacting clause in House bill No. 81, relating to adultery, which are these: The bill now under consideration seeks to do away with the distinction between adultery and fornication, and to reduce the punishment for adultery one-half and fornication on an equality with fornication, which I consider to be a greater offense than fornication. I consider the present law punishing persons for adultery not less than $100 nor more than $1,000, and persons for fornication not less than $50 nor more than $500 a more just and efficient law. The bill is in the interest of married men, and I am opposed to it.

HILL of Gonzales.

Mr. Rogan offered the following amendment to House bill No. 81:

Amend by transferring the words "who are not legally married together" from their present position in lines 16 and 17, and insert the same after the word "woman" in line 14.

Adopted.

The bill was ordered engrossed.

The Speaker laid before the House as special order for this hour.

House joint resolution No. 10, to amend section 2, article 6, of the Constitution of the State of Texas, relating to suffrage; providing that citizenship shall have been acquired under the Federal law before being entitled to vote, and that in unorganized counties the voter shall vote in the voting precinct nearest his place of residence, in the organized county to which his county is attached for judicial purposes.

The resolution was read second time.

(Mr. Bailey in the chair.)

After consideration,

Mr. Bertra moved the previous question, and it was not seconded.

Mr. Jones offered the following amendment:

Amend by striking out all of section 2 after the word "who," in line 16, and insert, "six months before an election at which he shall offer to vote shall have declared his intention of becoming a citizen of the United States and shall have resided in the State one year preceding the election, and at least six months in the county in which he offers to vote, shall also be deemed a qualified elector; provided, that if after the expiration of one year after the expiration of the time necessary for him to become a naturalized citizen of the United States he shall have failed to perfect his citizenship he shall not be entitled to the right to vote; and all electors shall vote in the election precinct of their
PENDING CONSIDERATION OF HOUSE JOINT RESOLUTION NO. 10, BY UNANIMOUS CONSENT, THE FOLLOWING WERE SENT UP:

PETITIONS AND MEMORIALS.

By Mr. Morton:
A petition from 200 citizens of Erath county against the creation of any new county out of any part of Erath county.
Referred to Committee on Counties and County Boundaries.

By Mr. Smyth:
A petition from W. B. Jackson and 75 other citizens of Roberts, Hemphill, Gray, Wheeler and Hutchinson counties, asking for legislation to enable counties unable to maintain a county superintendent of public instruction to unite with one or more adjacent counties to form a district in which such superintendent may be maintained.
Read and referred to Committee on Education.

By Mr. Fisher (by request):
A petition from 500 citizens of Waco, protesting against House bill No. 254, amending the city charter of Waco.
Referred to Committee on Towns and City Corporations.

By Mr. Barrett:
A memorial from 212 citizens of Clay county asking for the passage of a law for the better protection of game.
Referred to Judiciary Committee No. 2.

By Mr. Gilbough:
A petition from the printers, pressmen and bookbinders of Galveston, protesting against any legislation that would require all printing for the various counties of the State done within the counties.
Referred to Committee on Printing.

BILLS AND RESOLUTIONS.

By Mr. Beaird:
House bill No. 390, a bill to be entitled "An act to amend chapter 16, title 17, of the Penal Code of the State of Texas, by adding to the said chapter article 942a, relating to the deposit of State, county or municipal funds with banks and banking corporations, and to prohibit the use of such funds for private purposes."

(The object of the bill is to better protect such funds.)
Read first time and referred to Committee on County Government and County Finance.

By Mr. Gilbough:
House bill No. 391, a bill to be entitled "An act to relinquish the title and confirm the patents to certain lands therein named."

(Confirms patents Nos. 358, 583 and 584, volume No. 4, issued to H. M. Trueheart and Thomas M. Joseph for lands in Galveston county on the 20th day of December, 1859.)
Read first time and referred to Committee on Public Lands and Land Office.

By Mr. Fields:
House bill No. 392, a bill to be entitled "An act to amend article 453 of the Code of Criminal Procedure of the State of Texas, and to further define the mode of prosecuting the offense of perjury in certain cases."
Read first time and referred to Judiciary Committee No. 2.

By Mr. Moore of Lamar:
House bill No. 393, a bill to be entitled "An act to amend articles 2967 and 2908, title 55, chapter 3, of the Revised Civil Statutes of the State of Texas, relating to the separate property of the husband and wife and the common property of both husband and wife."

(Provides that all rents, revenues, etc., accruing to such separate or common property shall be considered a part of such property.)
Read first time and referred to Judiciary Committee No. 1.

By Mr. Beaird:
House bill No. 394, a bill to be entitled "An act to amend article 867, chapter 1, title 25, of the Revised Civil Statutes of the State of Texas, relating to county finances."

(Provides for the actual count by the commissioners court at each quarterly term of all county funds, and fixes a penalty for failure so to do.)
Read first time and referred to Committee on County Government and County Finance.

By Mr. McGaughey:
House bill No. 395, a bill to be entitled "An act to prescribe the powers, duties and compensation of the State Board of Examiners, and to regulate the issuance of State certificates."
Read first time and referred to Committee on Education.

By Mr. Lillard:
House bill No. 396, a bill to be enti-
Resolved, by the House of Representatives, the Senate concurring, that we hereby urge upon the Senators and Representatives in the Congress of the United States representing the State of Texas, the necessity of immediate legislation looking to the removal of the said raft in the Colorado river, and the appointment at this session of Congress of a board of competent engineers, who shall at once proceed to make the necessary survey and make a full report of same, together with an estimate of the cost of removing said raft and other obstructions from the said Colorado river, from its mouth to the city of Wharton, in Wharton county, Texas.

The fact that the Congress of the United States is now in session, and will shortly adjourn, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule that bills be read on three several days and that this resolution take effect and be in force from and after its passage, and it is so enacted.

Referred to the Committee on Federal Relations.

**BILLS RECOMMENDED.**

House bills Nos. 21 and 23, on motion of Mr. Turner.

**BILLS WITHDRAWN.**

House bill No. 367, on request of Mr. Shropshire.

House joint resolution No. 22, for perfection, on request of Mr. Hensley.

House bill No. 318, on request of Mr. McKamy.

**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:

Senate bill No. 18, "An act to amend article 386c, chapter 1, of the Revised Civil Statutes of Texas, relating to cities and towns."

**COMMITTEE REPORTS.**

By Mr. Ward, chairman:

Committee Room,
Austin, Texas, Feb. 8, 1897.

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

Your Judicial Committee No. 1, to whom was referred

House bill No. 324, a bill to be entitled "An act to amend title 35, article 1690 (1647) of the Revised Civil Statutes of the State of Texas, relating to
the descent of the property of a decedent."

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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 339, a bill to be entitled "An act to amend article 2236, chapter 2, title 40, of the Revised Civil Statutes of the State of Texas, relating to the manner of the return of depositions."

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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 345, a bill to be entitled "An act to amend chapter 1, title 28 of the Revised Civil Statutes, and to add article 1068a thereto, requiring district judges to exchange districts in certain cases."

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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 347, a bill to be entitled "An act to amend articles 2245 and 2246, chapter 30, title 37 of the Revised Civil Statutes of Texas, relating to the commissions allowed executors and administrators."

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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 344, a bill to be entitled "An act to amend article 2767, title 55, chapter 3 of the Revised Civil Statutes of the State of Texas, so as to give the wife protection in her separate 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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 341, a bill to be entitled "An act to amend article 2063, chapter 19, title 39, of the Revised Civil Statutes of the State of Texas, relating to the notice of issuance of letters of administration or letters testamentary in the estates of decedents."

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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 342, a bill to be entitled "An act to amend article 1490, chapter 21, title 30, of the Revised Civil Statutes of the State of Texas of 1895, and to create a preference lien on corporate property for claims for labor and material prior to the lien of mortgaged indebtedness."

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.

MAJORITY REPORT.

Committee Room,
Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 349, a bill to be entitled "An act to amend chapter 2, title 32, of the Revised Civil Statutes of the State of Texas, relating to the powers and duties of commissioners' courts, by adding articles 1551a and 1551b."
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.

MINORITY REPORT.

Committee Room, Austin, Texas, Feb. 8, 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. 349, a bill to be entitled "An act to amend chapter 2, title 32, of the Revised Civil Statutes of the State of Texas, relating to the powers and duties of commissioners' courts, by adding articles 1551a and 1551b."

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

WOLTERS, SEABURY, DIES.

Committee Room, Austin, Texas, Feb. 8, 1897.

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

Your Judiciary Committee No. 1, to whom was referred House bill No. 354, a bill to be entitled "An act to amend article 2402, chapter 1, title 42, of the Revised Civil Statutes, relating to exemptions not to override claims for rent."

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.

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. 9, a bill to be entitled "An act to regulate assignments for the benefit of creditors; to declare what acts shall operate as such assignments, and to prescribe rules for administering the same, and to provide penalties for the violation of this act, and to repeal an act entitled 'An act in relation to assignments for the benefit of creditors; to regulate the same and proceedings thereunder,' approved March 24, 1879, and to repeal an act entitled 'An act to amend sections 3, 6 and 10 of an act in relation to assignments for the benefit of creditors; to regulate the same and proceedings thereunder,' approved March 24, 1879, and to repeal sections 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85 and 86 of the Revised Civil Statutes of Texas; also all laws and parts of laws in conflict herewith."

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

WARD, Chairman.

MINORITY 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. 3, a bill to be entitled "An act to amend article 2402, chapter 1, title 42, of the Revised Civil Statutes, relating to exemptions not to override claims for rent."

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.

AYERS, BELL, MOORE of Lamar, McKAMY.
Committee Room, Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
A petition in favor of a scalp law, and
A petition relating to a general stock law.

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that they be referred to the Committee on Roads and Bridges.
WARD, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 234, a bill to be entitled "An act to amend title 63, of the Civil Statutes of the State of Texas, in relation to landlords and tenants, by adding thereto article 3252a, to prohibit tenants from selling agricultural products or other property on which the landlord has a valid lien, 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 be referred to the Judiciary Committee No. 2.
WARD, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 296, a bill to be entitled "An act to amend article 2960, chapter 8, of the Revised Statutes of the State of Texas, relating to Arbor Day."

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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 294, a bill to be entitled "An act to amend article 4739, chapter 3, title 97, of the Revised Civil Statutes of the State of Texas adopted in 1895, relating to persons liable to work on roads and their rights and duties, and to repeal article 4730a of the same statute, and repeal all laws and parts of laws in conflict with the same."

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 the Committee on Roads and Bridges.
WARD, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 311, a bill to be entitled "An act providing for the time within which action for the recovery of vendor's lien, must be instituted."

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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 312, a bill to be entitled "An act to amend article 2105, chapter 20, title 39, of the Revised Civil Statutes of the State of Texas, relating to the liability of executors and administrators for the failure to pay over money."

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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred
House bill No. 318, a bill to be entitled "An act to amend title 66, chapter 4, of the Revised Civil Statutes of Texas, by adding article 3332a, authorizing county clerks to destroy chattel mortgages that have been on file four years or more."

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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 319, a bill to be entitled “An act creating the office of county auditor of Dallas county, Texas, defining his duties, fixing his compensation, and providing how such officer shall be appointed.”

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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 322, a bill to be entitled “An act to amend article 1407 of the Revised Statutes of the State of Texas, and providing that neither the State of Texas nor the Railroad Commission of Texas shall be required to give bond on any appeal or writ of error taken by it, or either of them, in any civil case.”

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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 298, a bill to be entitled “An act to amend article 379 of the Revised Civil Statutes of the State of Texas, relating to the institution of suits on holidays and on Sundays.”

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 striking out all words after the word “proceeding” in line 22.

WARD, Chairman.

By Mr. Bailey, chairman:

Committee Room, 
Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 60, a bill to be entitled “An act to amend article 1180, title XXX, chapter 1 of the Revised Civil Statutes of the State of Texas, relating to the institution of suits on holidays and on Sundays.”

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.

MAJORITY REPORT.

Committee Room, 
Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 67, a bill to be entitled “An act to amend article 589, chapter 4, title 8, of the Code of Criminal Procedure of the State of Texas, relative to the number of peremptory challenges to jurors allowed to the State and defendant in felony cases not capital.”

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.

ROGAN, Acting Chairman.

MINORITY REPORT.

Committee Room, 
Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House:

We, a minority of your Judiciary Committee No. 2, to whom was referred

House bill No. 298, a bill to be entitled “An act to amend article 379 of the Revised Civil Statutes of the State of Texas, relating to the institution of suits on holidays and on Sundays.”

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 striking out all words after the word “proceeding” in line 22.

WARD, Chairman.

By Mr. Bailey, chairman:
the Penal Code, chapter 3, title 11, so as to prevent card playing in any place not a private residence, and to provide a penalty for same."

Beg leave to differ with the majority of said committee, and respectfully ask that the same do not pass.

All of which is respectfully submitted.

BAILEY, EVANS of Hunt, GOOD.

Committee Room, Austin, Texas, Feb. 8, 1897.

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

Your Judiciary Committee No. 2, to whom was referred

House bill No. 374, a bill to be entitled "An act to amend article 91, chapter 4, title 3, of the Penal Code of the State of Texas, granting principals, accomplices, and accessories the right to testify for one another."

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.

BAILEY, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1897.

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

Your Judiciary Committee No. 2, to whom was referred

House bill No. 366, a bill to be entitled "An act to define and punish the offense of cruelty to animals and to prescribe 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."

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.

BAILEY, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1897.

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

Your Judiciary Committee No. 2, to whom was referred

House bill No. 21, a bill to be entitled "An act to amend chapter 1, title 6, of the Penal Code of the State of Texas, relating to offenses affecting the right of suffrage by adding thereto articles 157, 158, 159 and 160."

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.

BAILEY, Chairman.
tion, 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. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 2, to whom was referred
House bill No. 371, a bill to be entitled "An act to authorize commissioners courts to purchase blood hounds for the use of sheriffs,"

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.

Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Education, to whom was referred
House bill No. 381, a bill to be entitled "An act to amend article 3973, chapter 13, of the Revised Civil Statutes of the State of Texas, providing for the reduction of the examination fees of school teachers,"

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.

McGAUGHEY, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Education, to whom was referred
House bill No. 351, a bill to be entitled "An act to amend article 3973, chapter 13, of the Revised Civil Statutes of the State of Texas, providing for the reduction of the examination fees of school teachers,"

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.

McGAUGHEY, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Education, to whom was referred
House bill No. 385, a bill to be entitled "An act to amend article 4018, chapter 16, title 86, of the Revised Civil Statutes, prescribing the manner in which boards of trustees of public schools in cities and towns of 1000 inhabitants or more, incorporated under the general laws shall be appointed, and to add to said chapter 16, title 86, an article to be known as article 4018a,"

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.

McGAUGHEY, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Education, to whom was referred
House bill No. 376, a bill to be entitled "An act to amend article 3929 of the Revised Civil Statutes of 1895, creating the office of county superintendent, providing for the election of county superintendent, and prescribing their qualifications,"

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.

McGAUGHEY, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Education, to whom was referred
House bill No. 353, a bill to be entitled "An act to amend article 3993b of the Revised Civil Statutes of Texas, relating to public schools,"

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.

McGAUGHEY, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Education, to whom was referred
House bill No. 327, a bill to be entitled "An act to amend article 3886 of chapter 5, title 86, of the Revised Civil Statutes of the State of Texas, relating to the admission of students in the Prairie View Normal School,"

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.

McGAUGHEY, Chairman.
Committee Room, Austin, Texas, Feb. 8, 1897.

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

Your Committee on Education, to whom was referred
House bill No. 308, a bill to be entitled "An act to amend subdivision 2 of article 3977, chapter 13, title 86, of the Revised Civil Statutes of 1895 of the State of Texas, and to empower presidents of boards of school trustees to administer certain oaths."

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.

McGAUGHEY, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1897.

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

Your Committee on Education, to whom was referred
House bill No. 307, a bill to be entitled "An act to amend article 3962, chapter 11, title 86, of the Revised Civil Statutes of the State of Texas, and to authorize the presidents of boards of school trustees to administer certain oaths to school trustees."

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.

McGAUGHEY, Chairman.

By Mr. Robbins, chairman:

Committee Room, Austin, Texas, Feb. 8, 1897.

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

Your Committee on Public Lands and Land Office, to whom was referred
House bill No. 235, a bill to be entitled "An act granting to the State Orphan Home, situated at Corsicana, Texas, 50,000 acres of land out of the unappropriated public domain of the State of Texas, and to provide for the carrying out of the provisions of this act."

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 amendments:

Strike out survey in line ..., and insert "designate same by recognition of field notes now on file in the General Land Office."

ROBBINS, Chairman.

Committee Room, Austin, Texas, Feb. 8, 1897.

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

Your Committee on Public Lands and Land Office, to whom was referred
House bill No. 309, a bill to be entitled "An act to provide for the purchase of public lands in quantities of twenty acres or less, situated on islands, by actual settlers, who have settled on and placed valuable improvements thereon in good faith, or to their vendees, prior to the 1st day of January, 1895, and prescribing the price, terms, manner and time of such purchase."

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.

ROBBINS, Chairman.

By Mr. Lillard, chairman:

Committee Room, Austin, Texas, Feb. 9, 1897.

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

Your Committee on Enrolled Bills have carefully examined and compared
House bill No. 38, "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 to repeal all laws and parts of laws in conflict herewith."

And find the same correctly enrolled, and I have this day, at 11.50 o'clock a.m., presented the same to the Governor for his approval.

LILLARD, Chairman.

By Mr. Garrison, chairman:

Committee Room, Austin, Texas, Feb. 6, 1897.

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

Your Committee on Finance, to whom was referred
House bill No. 7, a bill to be entitled "An act to prevent the payment of any deficiency that may arise in any department of the State government or institutions of the State, unless an estimate of the same shall have been made out, sworn to and presented to and approved by the Governor, and filed with the Comptroller at least 30 days before such deficiency occurs."

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.

GARRISON, Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1897.

Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Finance, to whom was referred Senate bill No. 57, a bill to be entitled "An act making an appropriation to pay for publishing the constitutional amendments proposed by the Twenty-fourth Legislature."

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.

GARRISON, Chairman.

By Mr. Bumpass, Chairman:
Committee Room,
Austin, Texas, Feb. 8, 1897.

Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Agricultural Affairs, to whom was referred House bill No. 317, a bill to be entitled "An act to amend article 4908, of the Revised Civil Statutes of Texas, as adopted by the Twenty-fourth Legislature of Texas, defining a lawful fence."

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 substituting three barbed wires instead of four.

BUMPASS, Chairman.

Committee Room,
Austin, Texas, Feb. 8, 1897.

Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Agricultural Affairs, to whom was referred House bill No. 220, a bill to be entitled "An act to amend chapter 6, title Bertram, of the Revised Civil Statutes of the State of Texas, by adding thereto articles 2923a, 2923b, 2923c and 2923d."

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.

BUMPASS, Chairman.

INVITATION.

Messrs. Gilbough and Harris, by unanimous consent, sent up to the Clerk's desk, and had read, the following invitation:

---House.

Galveston Chamber of Commerce,
Galveston, Tex., Feb. 6, 1897.

To the Honorable the House of Representatives, Austin, Texas.

Gentlemen: The presentation of the silver service to the United States battle-ships Texas by the citizens of our State will take place in the city of Galveston on February 19, 1897. The pleasure of the presence of your honorable body is very cordially requested. With the highest consideration, we have the honor to be, yours sincerely,

J. H. HAWLEY, Chairman.
GEORGE SEALY,
M. LASKER,
L. J. POLK,
M. F. MOTT,
Committee on Invitation.

On motion of Mr. Evans of Hunt, the above invitation was accepted by a rising vote.

Mr. Carpenter moved to adjourn until 10 o'clock a.m. to-morrow; Mr. Burns until 3 o'clock p.m. to-day.

The motion of Mr. Carpenter prevailed, and the House adjourned accordingly.

TWENTY-FOURTH DAY.

Hall House of Representatives,
Austin, Texas,
Wednesday, February 10, 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. Collier.
Bailey. Conoly.
Barbee. Crawford.
Barrett. Crowley.
Beard. Curry.
Bean. Dean.
Bell. Dennis.
Benson. Dickinson.
Bertram. Dies.
Bird. Dorroh.
Blackburn. Doyle.
Blair. Drew.
Boyd. Evans of Hunt.
Brewster. Evans of Grayson.
Briage. Ewing.
Browne. Field of Grayson
Bumpass. Fields of Hill.
Burney. Fisher.
Burns. Flint.
Callan. Freeman.
Carpenter. Garrison.
Carswell. Gilbough.
Childs. Graham.