THIRTY-SECOND DAY.

Hall House of Representatives, Austin, Texas,
Tuesday, February 23, 1897.

The House met at 9 o'clock a. m., pursuant to adjournment.
Speaker Dashiell in the chair.

Roll called, and the following members present:

Barbee. Holland of Harris.
Barrett. Humphry.
Beard. Kimbell.
Bean. Lillard.
Benson. Logan.
Bertram. Love.
Bird. Manso.
Blackburn. Martin.
Blair. Maxwell.
Brewster. McGAughey.
Brigance. McKamy.
Bumpass. McKeller.
Burney. Meade.
Burns. Melton.
Callan. Mercer.
Carpenter. Moore, Fort Bend.
Carswell. Moore of Lamar.
Conoly. Morris.
Crawford. Morton.
Cureton. Mundine.
Curry. O'Connor.
Dean. Oliver.
Dennis. Patterson.
Dickinson. Peery.
Dies. Pfeuffer.
Dorroh. Pitts.
Doyle. Porter.
Drw. Randolph.
Edwards. Relger.
Evans of Hunt. Reubell.
Evans of Grayson. Rhe.
Ewing. Robbins.
Feild. Rogan.
Fields. Rogers.
Fisher. Rudd.
Freeman. Savage.
Garrison. Schlick.
Gilbough. Seabury.
Good. Shelburne.
Graham. Shropshire.
Green. Skillern.
Harris. Sluder.
Henderson. Smyth.
Hensley. Stamper.
Hill of Gonzales. Staples.
Hill of Travis. Stokes.
Holland of Burnet. Strother.

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following bills:

Substitute House bill No. 103, "An act to amend subdivision 18, of article 24 of the Revised Civil Statutes of Texas, and to fix the times for holding courts in the Eighteenth judicial district."

House bill No. 434, "An act to validate and confirm an ordinance passed by the city council of the city of Galveston, ceding to the United States of
America certain streets intersecting land purchased and to be purchased by the United States of America for the purpose of erecting fortifications thereon, and to authorize the commissioners' court of Galveston county to cede to the United States of America such portions of public highways in Galveston county for the purpose of establishing fortifications situated outside the limits of the city of Galveston.

PETITIONS AND MEMORIALS.

By Mr. Morton:
A protest from 11 members of the Stephenville, Erath county, bar against the change of that county from the Second to the Austin Supreme judicial district.
Referred to the Committee on Judicial Districts.

By Mr. Welch:
A petition from 45 citizens of El Paso county, asking for additional appropriation for ranger service.
Also, a petition from 65 citizens of Presidio county, same as above.
Referred to the Committee on Finance.

By Mr. Callan:
A petition from 75 citizens of Sterling county, asking for a change in county lines of said county.
Referred to the Committee on Counties and County Boundaries.

BILLS AND RESOLUTIONS.

By Mr. Tracy:
House bill No. 470, a bill to be entitled "An act to regulate chattel mortgages and trust deeds executed by an insolvent debtor for the purpose of securing preferred creditors, and to punish fraudulent debtors and fraudulent preferred creditors."
(Section 1 prohibits preferred creditors unless certain conditions are complied with; 2d, provides that preferred creditors shall comply with certain conditions before his claim can be collected; 3d, gives creditor or assignor thirty days from date of execution to ascertain if the claim of any preferred creditor is fraudulent; 4th, trustee shall within five days from execution of deed of trust have an inventory taken, and shall execute bond with two or more sufficient securities, to be approved by the county judge.)

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

By Mr. Fisher:
House bill No. 471, a bill to be entitled "An act to amend article 1544, chapter 2, title 32, of the Revised Civil Statutes of the State of Texas of 1895, providing for the appointment of boards of health for unincorporated towns and villages."
(The only change made is to substitute the word "unincorporated" for "incorporated," in article 1544.)

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

By Mr. Holland of Harris:
House bill No. 472, a bill to be entitled "An act to regulate the trial of civil actions for damages for libel and the damages that may be allowed in such cases."
(Section 1 provides that if the matter complained of was false, defamatory and injurious, and published with such knowledge, judgment may be recovered for both actual and exemplary damages; 2d, provides that defendant may give in evidence any mitigating circumstances; 3d, provides that if defendant proves publication was made innocently, etc., without intent to injure plaintiff, only actual damages may be recovered.)

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

By Mr. Randolph:
House bill No. 473, a bill to be entitled "An act to restore to and confer upon the county court of Leon county the civil and criminal jurisdiction heretofore belonging to said county court under the Constitution and General Statutes of the State, and to conform the jurisdiction of the district court of said county to said change."

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

By Mr. Oliver:
House joint resolution No. 33, to amend section 4, article 7, of the Constitution of the State of Texas, relating to the sale of public free school lands, and providing for the investment of the proceeds thereof in county bonds, or in such other securities as may be prescribed by law."

Read first time, and referred to Committee on Constitutional Amendments.
By Mr. Pitts:

Whereas, during the excursion to San Antonio, San Jacinto and Galves ton, J. S. Boggs, the Sergeant-at-Arms of the House, was unerring in his efforts to promote the comfort and convenience of the members of the House; therefore, be it

Resolved, that we, the members of the House of Representatives of the Twenty-fifth Legislature, extend to him our sincere thanks for efficient services in our behalf, and that this resolution be spread upon the Journal. Read second time and adopted.

By Mr. Lotto:

Whereas, the Island City has entertained us, the Legislature, and our guests with a hospitality as boundless as the sea that lines her shores, as unceasing as the waves that beat the beach, as genial as the smiles of our fair lady guests; therefore, be it

Resolved, that we, the House of Representatives, express to the city of Galveston our deep-felt appreciation for her hospitality, and assure her that the courtesies shown to us and our lady guests will remain indelibly engraven on a grateful memory. Read second time and adopted.

By Mr. Blair:

Resolved, that the members of the Twenty-fifth Legislature—thier friends and their wives and sweethearts—holding in grateful esteem the conspicuous courtesy which enabled them, with comfort and economy, to visit the naval port of the most splendid republic of modern history, and to see the great battleship which has done the nation honor in appropriating the name of our incomparable State, extend their thanks with generous hand to Major George A. Quinlan, general manager of the Houston and Texas Central Railway, and to Colonel L. J. Polk, general manager of the Gulf, Colorado and Santa Fe Railway,

(Signed — Blair. Wolters, Gilbough, Harris.)

Read second time and adopted.

COMMITTEE REPORTS.

By Mr. Garrison, chairman:

Committee Room.

Austin, Texas, Feb. 22, 1897.

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

Your Committee on Finance, to whom was referred

House bill No. 455, a bill to be entitled “An act to provide for the reprinting and publishing of such of the Supreme Court Reports as are now out of print, and to make an 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.

GARRISON, Chairman.

Committee Room,

Austin, Texas, Feb. 21, 1897.

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

Your Committee on Finance, to whom was referred

House bill No. 460, a bill to be entitled “An act to make gold and silver coin a legal tender in the payment of all debts, and to render void any provision in any contract providing that such contract shall be paid in either of said coins to the exclusion of the other, and to provide a penalty for its violation.”

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.

GARRISON, Chairman.

By Mr. Carpenter chairman:

MAJORITY REPORT.

Committee Room,

Austin, Texas, Feb. 16, 1897.

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

Your Committee on State Affairs, to whom was referred

House bill No. 158, a bill to be entitled “An act granting a pension of one hundred and fifty dollars per annum to Denisa Matthews, widow of W. H. Mattews, deceased, a Texas veteran, from and after the passage 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 not pass.

CARPENTER, Chairman.

MINORITY REPORT.

Committee Room,

Austin, Texas, Feb. 16, 1897.

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

The following members of your
Committe on State Affairs, to whom was referred
House bill No. 158, a bill to be enti-
tled "An act granting a pension of $150 per annum to Dennis Matthews, widow of W. H. Matthews, deceased, a Texas veteran, from and after the passage of this act,"

Have had the same under consideration, and dissenting from the majority of the committee, report the same back to the House with the recommendation that it do pass, for the following good and sufficient reasons:

1st. The facts stated in the preamble of the bill are true and correct, and Mrs. Matthews is the person she represents herself to be; no fact of which is disputed, but all admitted. And because of its great merit the bill should be passed and the question of its constitutionality, if indeed there be any, submitted to the courts for adjudication by those who see proper to do so.

2d. The bill is not unconstitutional in this, that Mrs. Mathews does not come within the meaning of that class of persons to whom the constitutional prohibition applies, in that she married the first time a Texas veteran, W. H. Mathews, and that her second and last marriage was to J. W. McHorse, also a Texas veteran, and she has been divorced from her second husband, J. W. McHorse, who, since the introduction of this bill, has also died, leaving her, in our judgment, first, the surviving widow of W. H. Mathews, deceased; second, the divorced wife of J. W. McHorse, deceased; and third, now an unmarried woman, in indigent circumstances, once the wife of two Texas veterans, both deceased, and the object of the Constitution being to authorize the Legislature to confer this benefit upon worthy cases, we doubt if one stronger equitably, if not to say legally, can be found.

3d. The Constitution says a pension may be granted to the surviving widows continuing unmarried of such soldiers and signers." Mrs. Mathews is now unmarried. She never married except to a Texas veteran, and the law, by her decree of divorce, absolved her from this last marriage, and she is the same as if she had have continued unmarried, being by law restored to her original rights, so far as her legal status as an unmarried woman can be done.

4th. There is grave doubt as to the proper construction to be put on the words "continuing unmarried," as stated in the Constitution. Sh公正 it be that it means those widows who have remained unmarried up to the date of the passage of the pension act by the Legislature, and their qualification in accordance with its provisions, or does it mean those who shall always remain unmarried after the death of their first husband, being a Texas veteran or signer of the Declaration of Independence, as proclaimed in the constitutional clause? It certainly was never the intention of the people of Texas either in a constitutional convention or by legislative enactments to pass and enact constitutional provisions and laws in restraint of honorable marriage, that are against public policy and void, and if this latter construction of the Constitution is given it arrives at that; and the Legislature may not be bound by it.

5th. That Mrs. Mathews was once adjudged a pension under the law as it now stands, as the surviving widow of W. H. Mathews, deceased, a Texas veteran, as stated in the bill, and this bill is to restore to her her former rights, and is not in the nature of a new and original grant. There is nothing in the Constitution, or in the present pension law, cancelling or authorizing the cancellation of a pension once granted. Neither is there any power or tribunal created to make such cancellation. At most, the constitutional prohibition urged by the majority of the committee is a doubtful one, and is an open question, not having, to our knowledge, been adjudicated.

6th. Mrs. Mathews is an old, aged and infirm woman, now of the age of 72 years, a worthy sample of those brave pioneer women of Texas now fast passing away, who aided, by their devotion and hardships, in the rescue of Texas alike from the savage and the Mexican, and turned it over a rich possession to us and ours forever. True to the history of those peculiar people, primitive in all things, and void of avarice and greed, she has laid up nothing for old age, and in consequence is now in want, and will live but a few more years, perhaps not more than one or two, and we do not believe that this little pittance provided for in the bill will deplete the pockets of the taxpayers of Texas to so unjust and alarming an extent as to
prove a pesky constitutional question, but will be gladly borne by all right-thinking people acquainted with the facts.

THAXTON,
BREWER.

By Mr. Dies, chairman:
Committee Room,
Austin, Texas, Feb. 22, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Engrossed Bills have carefully examined and compared
House bill No. 115, a bill to be entitled "An act to amend articles 744a and 744b of the Revised Civil Statutes of the State of Texas of 1895, relating to corporations for building union depots."
And find the same correctly engrossed.

DIES, Chairman.

By Mr. Lillard, chairman:
Committee Room,
Austin, Texas, Feb. 23, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Enrolled Bills have carefully examined and compared
Substitute House bill No. 103, "An act to amend article 18, of article 22, of the Revised Civil Statutes of Texas, fixing the time for holding court in the Eighteenth judicial district."
And find the same correctly enrolled, and have this day at 12 o'clock m. presented the same to the Governor for his approval.

LILLARD, Chairman.

FURTHER TIME GRANTED.

For consideration of the following bills:
- House bill No. 301, on motion of Mr. Robbins, chairman.
- House bills Nos. 237 and 440, on motion of Mr. Humphrey, chairman.
- House joint resolution No. 20, on motions of Mr. Rogers, chairman.

APPOINTMENTS ANNOUNCED.

Committee to visit Agricultural and Mechanical College, San Houston and Prairie View Normals: Mr. Brigance, chairman; Messrs. Dean and Pfenffer.
Committee to visit Southwestern Asylum at San Antonio: Mr. Martin, chairman; Messrs. O'Connor and McFarland.
Committee to visit Orphans' Home and Terrell Asylum: Mr. Wood, chairman; Messrs. Bumpass and Wilcox.
Committee to visit Austin Asylum and Institutes for Deaf, Dumb and Blind: Mr. Dorroh, chairman; Messrs. Strother, Shelburne, Maxwell and Burney.
Committee to visit Colored Institute for Deaf, Dumb and Blind: Mr. Ewing, chairman; Messrs. Rogers, Conolly, Stokes and Smith.
Committee to visit Penitentiaries, State Farms, etc.: Mr. Oliver, chairman; Messrs. Randolph, Schlick, Melton and Boyd.

SENATE MESSAGE.

Senate Chamber.
Austin, Texas, Feb. 23, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Sir: I am instructed by the Senate to inform the House that the Senate has passed
Substitute Senate bill No. 133, a bill to be entitled "An act to define and prescribe the time for holding terms of the Courts of Civil Appeals in the State of Texas."
Senate bill No. 138, a bill to be entitled "An act to amend section 2430, chapter 1, of title XLV, of the Revised Statutes of Texas, relating to the fees the Secretary of State is authorized and required to charge for
the use of the State for charters, amendments and supplements thereto, and to repeal all laws and parts of laws in conflict with this act in so far as they may affect the same.

By a two-thirds vote: ayes 21, nays none.

Senate bill No. 206, a bill to be entitled "An act to amend article 722, of chapter 14, title 21, of the Revised Statutes of the State of Texas, as adopted by the Twenty-fourth Legislature of the State of Texas in the year 1885."

By a two-thirds vote: ayes 26, nays none.

Senate bill No. 157, a bill to be entitled "An act to amend article 1407, of chapter 19, title 30, of the Penal Code, relating to appeal bonds by the State of Texas."

By the following vote: ayes 21, nays none.

Respectfully,

WILL LAMBERT, Secretary.

SENATE BILLS ON FIRST READING.

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

Substitute Senate bill No. 133 and Senate bill No. 157, to Judiciary Committee No. 1.

Senate bill No. 138, to the Committee on Finance.

Senate bill No. 206, to the Committee on Internal Improvements.

SPEAKER'S TABLE.

The Speaker laid before the House, as pending business, with amendments by the committee, on its second reading:

House joint resolution No. 14, to amend section 5, article 7, of the Constitution of the State of Texas, so as to repeal the provision which authorizes the Legislature to add to the available school fund not exceeding 1 per cent annually of the total value of the permanent school fund.

Read second time, committee amendments adopted, and ordered engrossed.

The Speaker laid before the House, on its engrossment,

House bill No. 9, the Evans assignment bill, which was made special order for to-day.

Mr. Bumpass offered the following amendment:

Amend section 24, on page 10, line 32, and before the word "also," insert "not to exceed 2½ per cent of the value of the estate so assigned," and after the word "fees," in line 32, insert "not to exceed 2½ per cent of the value of the estate so assigned" before the word "where."

Adopted.

Mr. Shropshire offered the following amendment:

"Section 27. Provided, this act shall take effect from and after January 1, 1898."

Adopted.

Mr. Blair moved that the bill be considered by sections, and the motion prevailed.

Section 1 was read, and

Mr. Blair offered the following amendment:

Amend by striking out all the words after the word "one," in line 26, section 1, down to and including the word "debts," and insert the following, "whose liabilities exceed his assets."

Mr. Wilcox offered the following substitute for the amendment by Mr. Blair:

Amend by striking out in lines 25, 26, and 27, the following, "an insolvent debtor, within the meaning of this act, is who has not in this State sufficient property, which property may be seized by execution to pay all his just debts."

The substitute was adopted, and the amendment as substituted was adopted.

Mr. Beall offered the following amendment:

Strike out all from the word "insolvent" in line 21, to the word "shall," in line 22.

Tabled on motion of Mr. Evans of Hunt.

Section 2 was next read, and

Mr. Dickinson offered the following amendment:

Amend by striking out the word "and," in line 6, on page 2.

Adopted.

Section 3 was next read, and

Mr. Wilcox offered the following amendment:

Amend by striking out section 3.

Tabled on motion of Mr. Feldl.

Mr. Turner offered the following amendment:

Amend section 3 of the bill by striking out the words, "33 1-3 per cent," and insert in lieu thereof the words "25 per cent."

Mr. Wolters moved to table the amendment, upon which motion year
and nays were demanded by Mr. Turner, Mr. Beaird and Mr. Randolph.

The amendment was tabled by the following vote:

Yea-s—68.


Mr. Beard offered the following amendment:

Amend by inserting in line 8, page 5, section 3, between the words "another" and "shall" in said line, the words "without collusion or fraud on the part of the creditor to whom the transfer was made, and in all suits to recover property so transferred the assignee shall be required to give bond to such purchaser in double the amount of said property to secure said purchaser his damages in case said assignee fails to recover said property for other creditors."

Tabled on motion of Mr. Shelburne.

Mr. Beard offered the following amendment:

Amend by striking out section 9 of this bill.

Mr. Wolters moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Beard, Mr. Vaughan of Collin and Mr. Oliver.

The amendment was tabled by the following vote:

Yea—63.

Barbee. Lillard.
Barrett. Love.
Rinson. McEachen.
Blair. Meade.
Boy. Melton.
Brewster. Mercer.
Brown. Moore, Fort Bend.
Bumpass. Morris.
Burney. Morton.
Carpenter. Mundine.
Carswell. O'Connor.
Conolly. Peery.
Crawford. Pitts.
Cureton. Reubell.
Curry. Rhea.
Dean. Rogan.
Dickinson. Savage.
Doyle. Schlick.
Drew. Shelburne.
Drew. South."
The House was called to order at 3 o'clock, pursuant to adjournment. Speaker Dashiel in the chair. Roll called and the following members present:

Barbee.  
Barrett.  
Bain.  
Bean.  
Benson.  
Bertram.  
Bird.  
Blackburn.  
Blair.  
Boyd.  
Brewster.  
Brigance.  
Browne.  
Bumpass.  
Burney.  
Burns.  
Callan.  
Carpenter.  
Carswell.  
Conoly.  
Crawford.  

Cureton.  
Curry.  
Dean.  
Denius.  
Dickinson.  
Dies.  
Dorroh.  
Doyle.  
Drew.  
Edwards.  
Evans of Hunt.  
Evans of Grayson.  
Ewing.  
Feld.  
Fields.  
Fisher.  
Freeman.  
Garrison.  
Gilbough.  
Graham.  
Green.  
Harris.  
Henderson.  
Hensley.  
Hill of Gonzales.  
Hill of Travis.  
Lotto.  
Logan.  
Maxwell.  

Good.  
Green.  
Harris.  
Henderson.  
Hill of Gonzales.  
Holland of Harris.  
Logan.  
Maxwell.  

Absent.

Bean.  
Dorroh.  
Hill of Travis.  
Lotto.  
Martin.  

Excused.

Alexander.  
Ayers.  
Bailey.  
Bell.  
Bounds.  
Collier.  
Crowley.  

PAIRED.

Mr. Vaughan of Guadalupe (present), who would vote "nay," with Mr. Childs (absent), who would vote "aye.

Pending consideration of House bill No. 9, on its engrossment, section 9 being the last section read, the House considering the bill by sections.

On motion of Mr. Reiger, the House at 12:15 p. m. adjourned until 3 o'clock p. m. to-day.

AFTERNOON SESSION.

The House was called to order at 3 o'clock, pursuant to adjournment. Speaker Dashiel in the chair. Roll called and the following members present:

Barbee.  
Barrett.  
Bain.  
Bean.  
Benson.  
Bertram.  
Bird.  
Blackburn.  
Blair.  
Boyd.  
Brewster.  
Brigance.  
Browne.  
Bumpass.  
Burney.  
Burns.  
Callan.  
Carpenter.  
Carswell.  
Conoly.  
Crawford.  

Cureton.  
Curry.  
Dean.  
Denius.  
Dickinson.  
Dies.  
Dorroh.  
Doyle.  
Drew.  
Edwards.  
Evans of Hunt.  
Evans of Grayson.  
Ewing.  
Feld.  
Fields.  
Fisher.  
Freeman.  
Garrison.  
Gilbough.  
Graham.  
Green.  
Harris.  
Henderson.  
Hensley.  
Hill of Gonzales.  
Hill of Travis.  
Lotto.  
Logan.  
Maxwell.  

Absent.

Holland of Harris.  
Logan.  

Excused.

Alexander.  
Ayers.  
Bailey.  
Bell.  
Bounds.  
Collier.  
Crowley.  

For consideration of the following bills:

A quorum was announced present. On motion of Mr. Dies, Mr. Benn was excused indefinitely, on account of important business.

Mr. Carpenter moved to recommit to the Committee on State Affairs the message of the Governor transmitting to the Legislature a resolution from the Legislature of Kansas, providing for a joint committee from the States of Kansas, Texas and the Territory of Oklahoma to confer upon the subject of freight rates to the seaboard on the South.

The motion prevailed, and the documents were recommitted.

TIME EXTENDED.
House bills Nos. 423 and 18, on motion of Mr. Rogan, chairman.

PETITIONS AND MEMORIALS.

By Mr. Savage:
A petition from 42 citizens of Montague county, asking for a repeal of article 1633, chapter 15, of the Revised Civil Statutes of the State of Texas, requiring clerks' certificates to execution issued by justice's courts to other counties.

Read and referred to Judiciary Committee No. 1.

By Mr. Pitts:
A petition from 48 merchants, cotton-buyers and citizens of Hillsboro, asking for the passage of Senate bill No. 28, giving the Railroad Commission authority to regulate the compressing of interstate shipments of cotton.

Read and referred to Committee on Internal Improvements.

BILLS BY UNANIMOUS CONSENT.

By Mr. Savage:
House bill No. 474, a bill to be entitled "An act to repeal article 1633 of chapter 15, title 33, of the Revised Statutes of the State of Texas, relating to executions issued to another county attested by the certificate of the county clerk."

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

By Mr. Fields:
House bill No. 475, a bill to be entitled "An act to amend article 402, of chapter 6, title 11, of the Penal Code of the State of Texas, relating to the sale of intoxicating liquors in prohibition districts."

(Provides that the payment of the United States special tax as a seller of such liquors shall be held to be prima facie evidence that the person or persons paying such tax are engaged in selling such liquors.)

Read first time and referred to Committee on State Affairs.

By Mr. Melton:
House bill No. 476, a bill to be entitled "An act to restore to and confer upon the county court of San Saba county the civil and criminal jurisdiction formerly belonging to said county under the county and general county under the Constitution and general statutes of the State, and to conform the jurisdiction of the district court of said county to said change."

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

By Mr. Hensley:
House bill No. 477, a bill to be entitled "An act to amend title 66 of the Revised Civil Statutes of the State of Texas, by adding thereto chap. 6 and articles 3339a, 3339b, 3339c, regulating the execution of trust mortgages and liens upon real estate and release from same."

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

By Mr. Carpenter:
House bill No. 478, a bill to be entitled "An act to appropriate 50,000 acres of land out of any of the unappropriated public domain of the State of Texas as a permanent endowment for an orphans' home for the colored orphan children of the State of Texas, hereafter to be established."

Read first time and referred to Committee on State Asylums.

COMMITTEE REPORTS.

By Mr. Williams, chairman:

Committee Room,
Austin, Texas, Feb. 23, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Internal Improvements, to whom was referred Senate bill No. 208, a bill to be entitled "An act to amend article 722 of chapter 14, of title 21 of the Revised Statutes of the State of Texas, adopted by the Twenty-fourth Legislature of the State of Texas in the year 1895."

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.

WILLIAMS, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Internal Improvements, to whom was referred House bill No. 163, 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 017."

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.

WILLIAMS, Chairman.

Committee Room,
Austin, Texas, Feb. 23, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Internal Improvements, to whom was referred House bill No. 154, a bill to be enti-
Section 15 was next read and passed.

By Mr. Dienes, chairman:

Committee Room, Austin, Texas, Feb. 23, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 213, a bill to be entitled "An act to restore and confer upon the county court of Hardin county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the

jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with 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 not pass.

WILLIAMS, Chairman.

Committee Room, Austin, Texas, Feb. 23, 1897.

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

Your Committee on Internal Improvements, to whom was referred

House bill No. 150, a bill to be entitled "An act to enable the Railroad Commission of Texas to make emergency freight rates to prevent the evil effects of interstate rate wars upon the business and interest of the people and railroads of this State."

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, for the reason that Senate bill No. 30, which is the same in substance and wording, has been reported favorably.

WILLIAMS, Chairman.

Committee Room, Austin, Texas, Feb. 23, 1897.

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

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 30, a bill to be entitled "An act to enable the Railroad Commission of Texas to make emergency freight rates to prevent the evil effects of interstate rate wars upon the business and interest of the people and railroads of this State."

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.

WILLIAMS, Chairman.

By Mr. Dienes, chairman:

Committee Room, Austin, Texas, Feb. 23, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 213, a bill to be entitled "An act to restore and confer upon the county court of Hardin county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the
allowing themselves to be made a preferred creditor to a fraudulent claim shall be deemed guilty of a felony and upon conviction thereof shall be punished by confinement in the penitentiary for a term not less than three nor more than ten years."

Tabled on motion of Mr. Field.

Section 19 was next read and passed.

Section 20 was next read and passed.

Section 21 was next read, and Mr. Dean offered the following amendment:

Amend by substituting "or" for "of" in line 7, before the words "the appointment of a receiver."

Adopted.

Section 22 was next read and passed.

Section 23 was next read, and Mr. Seabury offered the following amendment:

Amend section 23 by striking out all of said section after the word "creditors," in line 27, of page 10, and insert in lieu thereof the following: "He shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined in any sum not less than $100 nor more than $1000, and imprisoned in the county jail not less than one month nor more than one year."

Adopted.

Dr. Dickinson offered the following amendment:

Amend by striking out the words "debtors in failing circumstances," in line 26, page 10, and insert the words "insolvent debtor."

Tabled on motion of Mr. Wolters.

Mr. Burns offered the following amendment:

Amend by striking out, on page 10, all of section 23.

Mr. Love moved to table the amendment by Mr. Burns, upon which motion ayes and nays were demanded by Mr. Turner, Mr. Beaird and Mr. Burns.

The amendment was tabled by the following vote:

Yeas—61.


Nays—35.


Absent.


Excused.


I vote no on the motion to table the motion to strike out section 23; it is too farreaching in its nature and will interfere with private contracts.

CRAWFORD.

Section 24 was next read and passed.

Section 25 was next read, and Mr. Seabury offered the following amendment:

Amend by striking out all of sec. 25.
and insert in lieu thereof the follows:

That articles 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85 and 86, and article 2548, of the Revised Civil Statutes of Texas of 1895, be and the same are hereby repealed.

Adopted.

Section 26 was read and passed.

Section 27 was read, and Mr. Brigance moved to adjourn until to-morrow at 9 o'clock a.m.

The motion was lost.

Mr. Martin offered the following substitute for section 27:

Strike out section 27, and insert in lieu thereof the following: "This act shall take effect and be in force from and after March 1, 1898."

Adopted.

Mr. Brigance moved to adjourn until 9 o'clock a.m. to-morrow, upon which motion yeas and nays were demanded by Mr. Brigance, Mr. Staples and Mr. Dennis.

The House refused to adjourn by the following vote:

Yeas—H.

Beard. McIvany.
Blackburn. McKellar.
Blair. Moore of Lamar.
Boyd. Morton.
Brigance. Mundine.
Callan. O'Connor.
Crawford. Oliver.
Cureton. Peery.
Dennis. Porter.
Dickinson. Randolph.
Dyes. Reiger.
Dorothy. Rhea.
Doyle. Rogers.
Gilbough. Savage.
Harris. Strother.
Hensley. Thomas.
Lolland of Burnet. Tucker.
Holland of Harris. Turner.
Humphrey. Vaughan of Graulxpe.
Kimbell. Vaughan of Collin.
Lotto. Wilcox.
Maxwell. Wood.

Nays—56.

Barbee. Edwards.
Barrett. Evans of Hunt.
Benson. Ewing.
Bertram. Field.
Brewer. Fields.
Bumpass. Freeman.
Burney. Garrison.
Burns. Greet.
Carswell. Henderson.
Conolly. Hill of Travis.
Curry. Jones.
Dean. Lillard.
Drew. Love.

Martin. Schlick.
McFarland. Seabury.
McGaughley. Shelburne.
Meade. Shropshire.
Melton. Skillern.
Mercer. Sluder.
Moore, Fort Bend. Stamper.
Morris. Stokes.
Pfeiffer. Thompson.
Pitts. Tracy.
Reuben. Wall.
Robbins. Welch.
Rogers. Wolters.

Bird. Rudd.
Evans of Grayson. Smyth.
Hill of Gonzales. Staples.
Logan. Thaxton.
Patterson. Williams.

Excused.

Alexander. Flint.
Ayers. Good.
Bean. Mannon.
Bell. Neighbors.
Bounds. Smith.
Childs. Wallace.
Collier. Ward.
Crowley. 

Question next recurs on engrossment of the bill, and

Mr. Seabury offered the following amendment:

Amend the caption by striking out all after the word "repeal," in line 9, of page 1, and insert in lieu thereof the following: "Articles 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85 and 86, and article 2548, of the Revised Civil Statutes of the State of Texas of 1895, also all laws and parts of laws in conflict herewith."

Mr. Wolters moved the previous question, which was seconded, and the House refused to order the main question.

The amendment by Mr. Seabury was adopted.

Mr. Bumpass offered the following amendment to the bill:

Amend section 15, on page 8, line 2, by inserting between the words "services" and the word "and," the words "not to exceed 2½ per cent of the estate so assigned": and between the word "fees" and the word "all" in line 3, insert "not to exceed 2½ per cent of the value of the estate so assigned."

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

Mr. Beaird moved a call of the House, which was seconded, and the Clerk was directed to call the roll.
The following members were announced absent without leave:
Messrs Blair, Callan, Childs, Drew, Evans of Grayson, Hill of Gonzales, Lotus, Patterson, Rudd, Smyth, Stamper, Thaxton, Williams.

The Sergeant-at-Arms was directed to bring in the absentees, and the Speaker placed at his disposal all the committee clerks as assistants.

Mr. Robbins moved to excuse the absentees, upon which motion yeas and nays were demanded by Mr. Beard, Mr. Wilcox and Mr. Oliver.

The House refused to excuse the absentees by the following vote:

<table>
<thead>
<tr>
<th>Yeas</th>
<th>Absent</th>
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Barbee.
Benson.
Blackburn.
Brewster.
Bumpass.
Burney.
Carpenter.
Carswell.
Conoly.
Crawford.
Cureton.
Curry.
Dean.
Edwards.
Evans of Hunt.
Ewing.
Field.
Fields.
Fisher.
Fleming.
Fleming.
Fleming.
Hearn.
Hill of Travis.
Jones.
Kimbell.

Nays—41.

Reard.
Bertram.
Bird.
Boyd.
Brigance.
Burns.
Dennis.
Dickinson.
Dines.
Dorrah.
Doyle.
Dilbaugh.
Good.
Green.
Harris.
Henderson.
Hollond of Burmet.
Hollond of Harris.
Humphrey.

Vaughan of Collin.Wood.
Wilcox.

Absent.

Blair.
Callan.
Drew.
Evans of Grayson.
Hill of Gonzales.
Logan.
Lotto.

Patterson.
Rudd.
Smyth.
Stamper.
Thaxton.
Vaughan,Guad’lupe
Williams.

Excused.

Alexander.
Ayres.
Bailey.
Bean.
Bell.
Bounds.
Childs.
Collier.
Crowley.
Flint.
Kirk.
Manson.
Neighbors.
Smith.
Wallace.
Ward.

On motion of Mr. Fisher, Mr. Thaxton was excused indefinitely, on account of the death of his father.

The Speaker laid before the House, on its second reading, which was made a special order for to-day.

House bill No. 96, a bill to be entitled “An act to provide the mode of furnishing certain supplies to the asylums, and to repeal title IX, chapter 3, of the Revised Civil Statutes of 1985,”

The bill was read second time, and

Mr. Reiger offered the following amendments, which were adopted:

Amend by inserting on page 1, line 29, after word “receive,” the following, “the shall also state that preference shall be given to articles manufactured within the State of Texas, and where any brands of goods are specified it is understood that any article of equally good quality made within this State shall be entitled to the preference, prices being equal.”

Amend by adding to line 14, page 2, after the word “necessary,” the following, “and to give preference to articles manufactured or produced within the State of Texas, whenever such articles can be purchased with advantage to the State.”

Question recurring on engrossment of the bill.

Mr. Beard moved a call of the House on the bill, and the call was not seconded.

House bill No. 96 was ordered engrossed.

Mr. Martin moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that the bill be put on its third reading and final passage.
The motion prevailed by the following vote:

Yeas—84.

Barrett.  Love.
Beaird.  Martin.
Benson.  Maxwell.
Blackburn.  McGaughey.
Boyd.  McKamy.
Brewster.  McKeever.
Brigance.  Meade.
Bumpass.  Mercer.
Burney.  Moore, Fort Bend.
Burns.  Moore of Lamar.
Carpenter.  Morris.
Carswell.  Morton.
Conoly.  Mundine.
Cureton.  O'Connor.
Curry.  Peery.
Dean.  Porter.
Dickinson.  Randolph.
Dias.  Reiger.
Dorroh.  Reubell.
Doyle.  Rhea.
Evans of Hunt.  Rogers.
Ewing.  Savage.
Fields.  Schlick.
Fields.  Seabury.
Fisher.  Sheburne.
Freeman.  Shropshire.
Garrison.  Skillern.
Gilbough.  Sluder.
Graham.  Stokes.
Green.  Strother.
Harris.  Thomas.
Hensley.  Thompson.
Hill of Travis.  Tucker.
Holland of Burnet.  Turner.
Humphrey.  Wall.
Jones.  Welch.
Kimbell.  Wilcox.
Lillard.  Wolters.
Lotto.  Wood.

Nays—9.

Barbee.  Mercer.
Bertram.  Pitts.
Crawford.  Tracy.
Good.  Vaughan of Collin.
Henderson.  

Absent.

Blair.  Patterson.
Browne.  Pfeuffer.
Callan.  Robbins.
Crowley.  Rudd.
Drew.  Smyth.
Evans of Grayson.  Stamper.
Hill of Gonzales.  Staples.
Holland of Harris.  Vaughn of Collin
Logan.  Williams.

Excused.

Ayers.  Bean.

Bell.  Manson.
Bounds.  Neighbors.
Childs.  Smith.
Collier.  Thaxton.
Flint.  Wallace.
Kirk.  Ward.

House bill No. 96 was read third time
and passed by the following vote:

Yeas—89.

Barrett.  Martin.
Beaird.  Maxwell.
Benson.  McFarland.
Bird.  McGaughey.
Boyd.  McKamy.
Brewster.  Meade.
Brigance.  Melton.
Burney.  Mercer.
Burns.  Moore, Fort Bend.
Carpenter.  Moore of Lamar.
Carswell.  Morris.
Conoly.  Morton.
Cureton.  Mundine.
Curry.  O'Connor.
Dean.  Oliver.
Dennis.  Peery.
Dickinson.  Porter.
Dias.  Reiger.
Dorroh.  Reubell.
Doyle.  Rhea.
Edwards.  Robbins.
Evans of Hunt.  Rogers.
Ewing.  Savage.
Fields.  Schlick.
Fields.  Seabury.
Fisher.  Sheburne.
Freeman.  Shropshire.
Garrison.  Skillern.
Gilbough.  Sluder.
Graham.  Smyth.
Green.  Stokes.
Harris.  Strother.
Hensley.  Thomas.
Hill of Travis.  Thompson.
Holland of Burnet.  Tucker.
Holland of Harris.  Turner.
Humphrey.  Vaughan of Collin
Jones.  Wall.
Kimbell.  Wilcox.
Lillard.  Wolters.
Lotto.  Wood.

Nays—5.

Barbee.  Pitts.
Bertram.  Tracy.
Curry.  

Absent.

Blair.  Evans of Grayson.
Bumpass.  Logan.
Callan.  Patterson.
Drew.  Pfeuffer.
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Randolph. Vaughan, Guadalupe
Rudd. Welch.
Stamper. Williams.

Excused.

Alexander. Flint.
Ayres. Kirk.
Bailey. Manson.
Bean. Neighbors.
Bell. Smith.
Bonds. Thaxton.
Childs. Wallace.
Collier. Ward.
Crowley.

(Mr. Smyth was announced present.)
Mr. Martin moved to reconsider the vote by which House bill No. 96 was passed, and to table the motion to reconsider.

The motion to table prevailed.

(Mr. Williams was announced present.)

The Speaker laid before the House, on its third reading and final passage.

House bill No. 40, a bill to be entitled "An act to repeal article 1277 and to amend article 1278, of the Revised Statutes of Texas, relating to continuances."

The bill was read third time, and
On motion of Mr. Seabury, further consideration of the bill was postponed until next Friday, February 28.

The Speaker laid before the House, on its third reading and final passage.

House bill No. 50, a bill to be entitled "An act to amend article 1757, 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 third time, and
Mr. Seabury moved to reconsider the vote by which House bill No. 50 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its final passage.

House bill No. 61, a bill to be entitled "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."

The bill was passed.

Mr. Henderson moved to reconsider the vote by which House bill No. 61 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its third reading and final passage.

House bill No. 67, a bill to be entitled "An act to amend article 635, title 20, of the Revised Civil Statutes of the State of Texas, and to provide that the husband and wife shall join in conveyance of real estate, conveyance to take effect when the wife shall have been privily examined."

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

Amend by adding another section to the bill, as follows:

"Sec. 2. The fact that there is now no adequate law in the State of Texas for the conveyance of real estate, the separate property of the wife, creates an imperative public necessity that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted, and the bill was passed by the following vote:

Yea—99.

Barbee. Love.
Barrett. Martin.
Beard. Maxwell.
Benson. McFarland.
Bertram. McGaughey.
Bird. McKamy.
Blackburn. McKellar.
Boyd. Meade.
Brewster. Melton.
Brigance. Mercer.
Browne. Moore, Fort Bend.
Bumpass. Moore of Lamar.
Burney. Morris.
Burns. Morton.
Carpenter. Mudine.
Carowell. O'Connor.
Conoly. Oliver.
Crawford. Peery.
Cureton. Pitts.
Curry. Porter.
Dean. Randolph.
Dennis. Reiger.
Dickinson. Reubell.
Dies. Rhea.
Dorooh. Robbins.
Doyle. Rogan.
Edwards. Rogers.
Evans of Hunt. Savage.
Evans of Grayson. Schlick.
Ewing. Seabury.
Feld. Shelburne.
Fields. Shropshire.
Fisher. Skillern.
Freeman. Sluder.
Garrison. Smyth.
Gilbough. Staples.
Good. Stokes.
Graham. Strother.
Green. Thomas.
Harris. Thompson.
Henderson. Tracy.
Hensley. Turner.
Hill of Travis. Vaughan of Collin.
Holland of Burnet. Wall.
Mr. Humphrey moved to reconsider the vote by which House bill No. 67 was passed, and to table the motion to reconsider. The motion to table prevailed.

The Speaker laid before the House, on its third reading and final passage, House bill No. 68, a bill to be entitled "An act to amend article 2396 of the Revised Civil Statutes of the State of Texas." The bill was read third time, and Mr. Humphrey offered the following amendment:

Amend by adding another section to the bill, as follows:

"Sec. 2. The fact that there is now no adequate law in the State of Texas for the acknowledgment of married women in the conveyance of homesteads, creates an imperative public necessity that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted, and the bill was passed by the following vote:

Yeas—04.

Barbee. Love.
Barrett. Martin.
Bond. Maxwell.
Benson. McParland.
Portman. McGaughey.
Bird. McKenny.
Blackburn. McClellan.
Borden. Meade.
Browne. Meher.
Bumpass. Moore of Lamar.
Bunney. Morris.
Burns. Morton.

Carpen ter. Mundine.
Carswell. Oliver.
Conoly. Peery.
Crawford. Pitts.
Cureton. Porter.
Curry. Randolph.
Dennis. Reiger.
Dickinson. Renell.
Dies. Rhea.
Dorroh. Robbins.
Doyle. Rogan.
Edwards. Savage.
Evans of Hunt. Schlick.
Evans of Grayson, Seabury.
Ewing. Shelburne.
Fields. Shropshire.
Fields. Skillern.
Fisher. Sluder.
Freeman. Smyth.
Garrison. Staples.
Gilbough. Stokes.
Graham. Strother.
Green. Thomas.
Harris. Thompson.
Henderson. Tracy.
Hensley. Turner.
Hill of Travis. Vaughan, Guadalupe.
Holland of Burnet. Wall.
Holland of Harris. Welch.
Humphrey. Wilcox.
Jones. Williams.
Kimbell. Wolters.
Lillard. Wood.

Nays—none.

Absent.

Blair. O'Connor.
Childs. Patterson.
Dean. Pfeuffer.
Drew. Rogers.
Good. Rudd.
Hill of Gonzales. Stamper.
Logan. Tucker.
Lotto. Vaughan of Collin.

Excused.

Alexander. Finn.
Ayers. Kirk.
Bailey. Manson.
Bean. Neighbors.
Bell. Smith.
Bounds. Thaxton.
Callan. Wallace.
Collier. Ward.
Crowley. Ward.

Mr. Humphrey moved to reconsider the vote by which House bill No. 68 was passed, and to table the motion to reconsider. The motion to table prevailed.

The Speaker laid before the House, on its third reading and final passage, House bill No. 77, a bill to be entitled "An act to amend article 2396 of the Revised Civil Statutes of Texas of 1895, by adding thereto the proviso that the proceeds of the voluntary
sale of the homestead of a family shall not be subject to garnishment within six months after such sale."

(Mr. Drew was announced present.)

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

(Mr. Stamper was announced present.)

Amend by striking out all after "garnishment," in line 24, and insert "within six years after such sale."

Tabled on motion of Mr. Dean.

The bill was passed.

Mr. Dean moved to reconsider the vote by which House bill No. 77 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Dickinson offered the following amendment:

Amend by striking out all the words of section 1 after the word "guilty," in line 10, and inserting the following words, "of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a term not exceeding six months in the county jail or by fine not less than $100 nor more than $500."

Mr. Bragance moved to table the amendment, and the motion was lost.

(Mr. Callan was announced present.)

Mr. Barbee was excused for to-day, on account of sickness, on motion of Mr. Pitts.

Mr. Skillern was excused for to-day, on account of sickness, on motion of Mr. Stokes.

Mr. Wolters moved to excuse all the absentees, upon which motion yeas and nays were demanded by Mr. Beard. Mr. Turner and Mr. Reiger.

The House refused to excuse the absentees by the following vote:

Yeas—59.

Absent.

Excused.

Present and declining to vote, Mr. Lotus, who, under direction of the Speaker, was recorded as voting in the minority.

Mr. Mundine was excused for to-day, on account of sickness, on motion of Mr. Tracy.
BILLS AND RESOLUTIONS.
(1By unanimous consent.)
By Mr. Smyth:
Petition of 80 citizens of Cottle county, asking that Cottle county be retained in the Fiftieth judicial district. Referred to Committee on Judicial Districts.
By Mr. Fitts:
House bill No. 479, a bill to be entitled "An act to regulate the operation of fire insurance companies, and to define the rights of insurer and insured, and providing that in case of depreciation of insured property the excess of premium paid shall be returned to the person insured; providing a ratio of payment by insurers when policies are held in two or more companies; defining the term 'wholly destroyed,' and defining the application of this act."
Read first time, and referred to Committee on Insurance, Statistics and History.
By Mr. Field:
House bill No. 480, a bill to be entitled "An act to declare unlawful and void all arrangements, contracts, agreements, trusts, or combinations made with a view to lessen, or which tend to lessen, free competition in the importation or sale of articles imported into this State, or in the manufacture or sale of articles of domestic growth, or of domestic raw material; to declare unlawful and void all arrangements, contracts, agreements, trusts or combinations between persons or corporations, designed, or which tend to advance, reduce, or control the price of such product or article to producer or consumer of any such product or article; to provide for forfeiture of the charter and franchise of any corporation organized under the laws of this State, violating any of the provisions of this act; to prohibit every foreign corporation violating any of the provisions of this act from doing business in this State; to require the Attorney General of this State to institute legal proceedings against any such corporations violating any of the provisions of this act, and to enjoin all proceedings against such corporation, or combination to sue for the recovery of such damage, and for other purposes."
Read first time, and referred to Committee on State Affairs.
By Mr. Wood:

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QUESTION RECURRENT ON THE AMENDMENT BY MR. DICKINSON TO HOUSE BILL NO. 79, IT WAS LOST.

The bill was passed.

Mr. Ewing moved to reconsider the vote by which House bill No. 79 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its third reading and final passage, 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 third time, and passed.

Mr. Beard moved to reconsider the vote by which House bill No. 81 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its third reading and final passage, House bill No. 140, a bill to be entitled "An act to amend article 4744, title XCIX, chapter 4, of the Revised Civil Statutes of Texas of 1895, relating to powers and duties of overseers of public roads."

The bill was read third time, and passed.

Mr. Dean moved to reconsider the vote by which House bill No. 140 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Tracy moved to excuse Mr. Burney for thirty minutes, on account of important business, and the motion was lost.

The Speaker laid before the House, on its third reading and final passage, House bill No. 162, a bill to be entitled "An act to amend article 193, chapter 1, title 7, of the Penal Code of the State of Texas, relating to disturbance of religious worship."

The bill was read third time, and passed.

Mr. Love moved to reconsider the vote by which House bill No. 162 was passed, and to table the motion to reconsider.

The motion to table prevailed.

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Concurrent resolution No. 11:

Whereas, it is a recognized principle in the philosophy of commerce that the sooner the products of any State or section reach navigable connection with the high seas the greater is the return for the labor of the producer; and

Whereas, the system of jetty improvements at Galveston by the general government has been carried to complete success; and

Whereas, an appropriation has been made by congress for the survey of Buffalo bayou and its connections from the jetties at Galveston to Houston; therefore, be it

give their aid toward the House, the Senate concurring, that we do hereby express our gratification at the success of the deep water movement at Galveston, and record the hope that all the expectations therefrom may be fully realized, and believing that like success and great benefit will result from the opening of a navigable water from the Gulf to the city of Houston, we do tender the thanks of this body to our Senators and Representatives in Congress, and to the Senators and Representatives from other States who aided in securing the appropriation for the work at Galveston, and for said survey of Buffalo bayou; and

Be it further resolved, that we do endorse and approve the contemplated work of the improvement of Buffalo bayou by means of appropriation by the general government as a measure of great and general interest not only to the people of Texas, but to all the people in that vast and productive territory lying west of the Mississippi river, who will find through said waterway to the Gulf a natural and normal outlet to the markets of the world whereby will be avoided the great expense, delay and loss resulting from the haul across the continent to other ports.

Be it further resolved, that our Representatives and Senators in Congress be and they are hereby instructed to give their aid toward securing the appropriations necessary to carry to successful completion the work of improvement of Buffalo bayou till it is opened as a navigable water for the largest sea-going vessels to the city of Houston.

Be it further resolved, that a copy of these resolutions be forwarded to both of the Senators from this State and to each representative-elect from Texas to the next Congress.

Read second time, and adopted.

ANNOUNCEMENT.

The Speaker announced the following appointment: James Gibson, clerk to the Sergeant-at-Arms, vice William Bookman, resigned.

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

Whereas, since the adjournment of the Twenty-fourth Legislature, the Hon. J. M. C. Wilson of Hill county, the Hon. A. J. Hart of Somervell county, S. G. Graham of Johnson county, and T. P. McNeill of Live Oak county, faithful and honored members of previous Legislatures of this State, have been called from this life to their final reward in the life beyond, and their public services brought to a close; and

Whereas, we desire to do honor to the memory of our deceased friends, and bear upon the pages of the Record of this body a testimonial of our appreciation of their public services; therefore, be it

Resolved, that four committees, each consisting of three members, be appointed to prepare and present to the House appropriate resolutions of respect to their memories.

Read second time, and adopted.

The Speaker laid before the House, on its third reading and final passage, 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 third time, and passed.

Mr. Evans of Hunt moved to reconsider the vote by which House bill No. 41 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its third reading and final passage, House bill No. 262, a bill to be entitled “An act to amend article 3973, of the Revised Civil Statutes of the State of Texas, by adding thereto article 3973c, providing for the issuance of permanent certificates to teachers who have taught five years successfully and continuously in one of the public free schools of this State; said certificate to be good for the county of their residence.”

The bill was read third time.

(Mr. Rogan in the chair.)

Mr. Thomas offered the following amendment:

Amend by striking out, in lines 20 and 21, the words “good for the coun-
of his or her residence," and insert "to be valid only in the county where it is issued."

Tabled on motion of Mr. Henderson.

Mr. Moore of Lamar offered the following amendment:

Amend by adding after the word "void," in line 23, the words "provided, that the provision of this bill shall only apply to teachers holding first grade certificates."

Mr. Henderson moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Evans of Grayson, Mr. Cureton and Mr. Moore of Lamar.

The amendment was tabled by the following vote:

Yeas-56.

Barrett.  Maxwell.
Beard.   McFarland.
Bird.    McLaughley.
Blackburn. Melton.
Boyd.   Moore, Fort Bend.
Brewster. Morton.
Browne.  O'Connor.
Bumpass. Oliver.
Burns.   Peery.
Carpenter. Pfeuffer.
Curry.   Randolph.
Dennis.  Reiger.
Dyes.    Rhea.
Doyle.   Rogan.
Feild.   Rogers.
Fields.  Savage.
Freeman. Schlick.
Garrison. Seabury.
Gilbough. Smyth.
Good.    Stokes.
Graham.  Strother.
Harris.  Tracy.
Henderson. Turner.
Hensley.  Vaughan of Collin.
Hill of Travis. Wall.
Holland of Burnet. Welch.
Holland of Harris. Wolters.
Lotto.   Wood.

Nays-36.

Bertram. Humphrey.
Benson.  Jones.
Brigance. Kimbell.
Burney.  Lillard.
Callan.  Love.
Carswell. Martin.
Conoly.  McKamy.
Crawford. Meade.
Cureton.  Mercer.
Dickinson. Moore of Lamar.
Drew.    Morris.
Edwards. Pffa.
Evans of Hunt. Porter.
Evans of Grayson. Reubell.
Ewing.   Robbins.
Fisher.  Shelburne.
Green.   Shropshire.

Thomas.  Wilcox.
Thompson. Absent.

Blair.     Sluder.
Dean.      Stamper.
Dorrah.    Staples.
Hill of Gonzales. Tucker.
McKellar.  Vaughan, Gualeupe
Patterson. Williams.
Rudd.      Excused.

Ayers.     Logan.
Bailey.    Mansan.
Barbee.    Mundine.
Bean.      Neighbors.
Bell.      Skillern.
Bounds.    Smith.
Childs.    Thaxton.
Collier.   Wallace.
Crowley.  Ward.

Mr. Evans of Grayson offered the following amendment:

Amend by striking out the enacting clause.

Tabled on motion of Mr. Henderson.

Mr. Beard offered the following amendment:

Amend by striking out the word "shall" between the words "years" and "issue," in line 19, of article 3973e, on page 1 of the bill, and insert in lieu thereof the word "may."

Lost.

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

Mr. Brewster offered the following amendment:

Amend by striking out the words "five years successfully and continuously in one of the public free schools of this State," and inserting in lieu thereof the following: "Five years successfully and continuously in the public free schools of any county in the State."

Adopted.

On the final passage of the bill, yeas and nays were demanded by Mr. Brigance, Mr. Evans of Grayson and Mr. Shropshire.

The bill was passed by the following vote:

Yeas-63.

Barrett.  Conoly.
Bertram.  Curry.
Blackburn. Dean.
Boyd.    Dennis.
Brewster.  Dickinson.
Brown.   Doyle.
Bumpass.  Edwards.
Burns.   Evans of Hunt.
Carpenter. Fielid.
Mr. Wolters moved to reconsider the vote by which House bill No. 262 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. McFarland, the regular order of business was suspended to take up and place on its second reading House bill No. 314, a bill to be entitled "An act to amend articles 529c, 529d, 529g, 529h, 529m and 529n, of chapter 5, title 13, of the Penal Code of the State of Texas of 1895, by adding articles 529s and 529t to said chapter 5, title 13, of said Penal Code of the State of Texas, relating to offenses for the protection of fish, birds and game, and to repeal all laws in conflict herewith."

Mr. Fisher raised the point of order that the House should, as there was a quorum present, proceed with consideration of House bill No. 9 since the Constitution, article III, section 10, provided that two-thirds of each house constituted a quorum to do business, and that rule 51 of the House was in conflict with the Constitution.

The point of order was overruled.

Mr. Fisher appealed from the ruling of the Chair, and the appeal was seconded.

The House sustained the ruling of the Chair.

Mr. McGaughey moved to reconsider the vote by which the previous question was ordered, upon which motion yeas and nays were demanded by Mr. Henderson, Mr. Dies and Mr. Rogers.

The motion to reconsider prevailed by the following vote:

**Yeas—67.**

Barrett. Good.
Beaird. Green.
Bertram. Harris.
Blackburn. Hill of Travis.
Boyd. Holland of Burnet.
Brigance. Holland of Harris.
Bumpass. Humphrey.
Burney. Jones.
Burns. Kimbell.
Carpenter. Lillard.
Conoly. Lotto.
Crawford. Maxwell.
Curon. McFarland.
Curry. McGaughey.
Dennis. McKamy.
Dies. Mercer.
Doroh. Moore, Fort Bend.
Doyle. Moore, Lamar.
Drew. Morris.
Evans of Grayson, Morton.

**Nays—33.**

Beaird. Holland of Burnet.
Benson. Humphrey.
Bird. Jones.
Brigance. Lillard.
Burney. Love.
Callan. Martin.
Carswell. Meade.
Crawford. Oliver.
Cureton. Pitts.
Dies. Porter.
Doroh. Reubell.
Drew. Rhea.
Evans of Grayson, Robbins.
Ewing. Shelburne.
Fields. Shropshire.
Fisher. Thaxton.
Green.

Absent.
Blair. 
Gillbough. 
Hill of Gonzales. 
Logan. 
Patterson. 
Randolph. 

I vote no on this bill because it is a discrimination against the intelligent, educated teachers of the State, and because I believe it a premium upon ignorance. SHELBURNE.
Mr. Turner offered the following amendment:
Amend by adding after subdivision 13th of article 529g, on page 3, the following, to be known as subdivisions 14th, 15th, 16th and 17th:

"14th. All that portion of water in what is known as Ingleside bay or Ingleside Cove, north of a line starting from the extreme western point of Hatch's peninsula, in a northerly direction to Donnel's point, on the mainland.

"15th. All that portion of water lying west of a line drawn from the northwest point of Mustang island at the old revetment placed there by the United States government to the first buoy south of the lighthouse, and continuing in same direction to the main land of Harbor island; said body of water lies between Mustang and Harbor islands and is commonly known as the 'Cove.'

"16th. All that body of water known as 'Redfish bay,' in Nueces county and Aransas county, and between Shell banks, Bird island, Hog island, Blackberry island and Ransom's island on the east and the mainland on the west.

"17th. All that body of water on the west shore of St. Joe island, beginning at a point on St. Joe island called Caesar's point, thence in a southerly direction along the middle ground to a stake set 600 feet due west of Alley's wharf, thence east to the west shore of said island, thence northerly with the meanders of said west shore to the place of beginning."

Adopted.

Mr. Harris offered the following amendment:
Amend by adding after section or subdivision 17th of the bill, as amended, an additional subdivision to be known as subdivision 18th, as follows:

"18th. All that body of water known as Galveston bay."

Adopted.

Mr. Seabury offered the following amendments:
Amend by striking out the word "one." in line 7, of page 2.

Adopted.

Amend by striking out all of line 17 of page 4, and insert in lieu thereof the following, "for planting on locations obtained from the State or on private property."

Adopted.

The bill was ordered engrossed.

Mr. Turner moved to suspend the constitutional rule requiring bills to
be read on three several days in each house, and that the bill be placed on its third reading and final passage.

The motion prevailed by the following vote:

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The bill was read third time, and passed by the following vote:

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Excused.

Ayers. Manson.
Bailey. Mundline.
Barbee. Neighbors.
Bean. Skillern.
Bell. Smith.
Bounds. Smyth.
Childs. Stamper.
Collier. Wallace.
Crowley. Ward.
Flint. Williams.

Mr. Turner moved to reconsider the vote by which House bill No. 314 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Peery, the regular order was suspended to take up House bill No. 22 and make it a special order for next Tuesday at 10 o'clock a.m.

The bill was made a special order for that hour.

On motion of Mr. Kimbell, the regular order of business was suspended to take up and place on its second reading and passage to engrossment, House bill No. 172, a bill to be entitled "An act to prevent litigants from pleading the statutes of limitations in the county and district courts in cases appealed from justices' courts, when the same was not pleaded in the justices' courts."

(Mr. Hill of Gonzales was announced present.)

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

(Mr. Carpenter in the chair.)

Mr. Turner offered the following amendment:

Amend section 1 of the bill by adding after the words "justice's courts," in line 13, the words "except in cases where judgment was taken by de-

Mr. Freeman moved to table the amendment, and the motion was lost.

The amendment was adopted.

On engrossment of the bill, yeas and nays were demanded by Mr. Bumpass, Mr. Field and Mr. Fisher.

The bill was ordered engrossed by the following vote:

Yea's-72.

Barrett. Crawford.
Beard. Curry.
Benson. Dean.
Bertram. Dickinson.
Blackburn. Diles.
Bord. Doroch.
Brewster. Doyle.
Brown. Drew.
Carswell. Edwards.
Conoly. Evans of Hunt.

Evans of Grayson, O'Connor.
Ewing. Oliver.
Field. Peery.
Fisher. Pfeiffer.
Freeman. Pitts.
Garrison. Porter.
Gibbough. Randolph.
Graham. Reubell.
Harris. Robbins.
Hensley. Rogan.
Hill of Gonzales. Savage.
Hill of Travis. Schlick.
Holland of Burnet. Seabury.
Holland of Harris. Sheiburne.
Humphrey. Shropshire.
Jones. Sluder.
Kimbell. Staples.
Lillard. Strother.
Lotto. Thomas.
Martin. Thompson.
Maxwell. Turner.
McFarland. Wall.
Meade. Welch.
Moore, Fort Bend. Wilcox.
Moore, Lamar. Wolters.
Morton. Wool.

Nays-23.

Bird. McKellar.
Brigance. Melton.
Bumpass. Mercer.
Burns. Morris.
Caret. Rhea.
Dennis. Rogers.
Good. Stokes.
Green. Thaxton.
Henderson. Tracy.
Love. Tucker.
McGaughey. Vaughan of Collin.
McKamy. Woot.

Absent.

Blair. Patterson.
Burney. Reiger.
Carpenter. Rudd.
Fields. Vaughan, Gua'lupe
Logan.

Excused.

Ayers. Manson.
Bailey. Mundline.
Barbee. Neighbors.
Bean. Skillern.
Bell. Smith.
Bounds. Smyth.
Childs. Stamper.
Collier. Wallace.
Crowley. Ward.
Flint. Williams.

(Speaker in the chair.)

On motion of Mr. Crawford, the regular order of business was suspended to take up and place on its second reading, with amendment by the committee.

House bill No. 105, a bill to be enti-
tied "An act to require the owner, owners or lessees of coal mines within this State to provide for the safety and health of their employes, and requiring them to construct sufficient means of ingress and egress, and providing a penalty for a failure to do so."

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

The committee report was adopted.

Mr. Turner offered the following amendment:

Amend the bill as presented by adding thereto an additional section to be known as section 5, as follows:

"Section 5. This act shall not go into effect until the first day of March, A.D. 1898."

Mr. Moore of Lamar moved to excuse the absentees, upon which motion yeas and nays were demanded by Mr. Gilbough, Mr. Beard and Mr. Turner.

The House refused to excuse the absentees by the following vote:

**Yeas—48.**

Barrett. Jones.
Blackburn. Kimball.
Boyd. Lillard.
Browne. Love.
Bumpass. McGaughey.
Burney. Melton.
Carpenter. Mercer.
Carswell. Moore, Fort Bend.
Conoly. Moore of Lamar.
Crawford. Morris.
Cureton. Morton.
Curry. O'Connor.
Dean. Peery.
Dennis. Porter.
Dickinson. Randolph.
Doyie. Robbins.
Drew. Savage.
Edwards. Scabury.
Evans of Grayson. Shropshire.
Fedd. Shuler.
Freeman. Stamper.
Heusley. Stokes.
Hill of Travis. Wall.
Humphrey. Wilcox.

**Nays—49.**

Beaird. Gillsough.
Benson. Good.
Bertram. Graham.
Bird. Green.
Brigance. Harris.
Burns. Henderson.
Dles. Hill of Gonzales.
Dorrell. Holland of Burnet.
Evans of Hunt. Holland of Harris.
Ewing. Lotte.
Fields. Maxwell.
Garrison. McKamy.

McKellar. Thaxter.
Meade. Thomas.
Oliver. Thompson.
Pfeuffer. Tracy.
Pitts. Tucker.
Reiger. Turner.
Reubell. Vaughan of Collin.
Rhea. Welch.
Rogers. Will am.
Schlick. Wolters.
Sheburne. Wood.
Brother. Absent.

Blair. Rogan.
Brewster. Rudd.
Logan. Staples.
Martin. Vaughan, Guad'up

**Excused.**

Alexander. Flint.
Ayers. Kirk.
Barley. Manson.
Barbee. Mundine.
Bean. Neighbors.
Bell. Skillern.
Bounds. Smith.
Callan. Smyth.
Childs. Wallace.
Collier. Ward.
Crowley. PAIRED.

Mr. Martin (present), who would vote "yea," with Mr. Callan (absent), who would vote "nay."

Mr. Reiger moved that the House stand at ease for thirty minutes, and the motion prevailed.

The House was called to order by the Speaker.

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

"Whereas, the news dispatches bring us the information that Consul-General Lee has resigned his position as consul-general to Cuba; and

Whereas, he complains that the government of the United States has failed to sustain him in protecting Americans now illegally held by Spanish soldiers; therefore be it

Resolved, by the House of Representatives, that we approve the policy of Consul-General Lee in demanding protection to Americans residing on the island of Cuba.

Resolved further, that we request the government of the United States to furnish ample protection to Americans residing on the island of Cuba.

Resolved, by the House of Representatives, that we approve the policy of Consul-General Lee in demanding protection to Americans residing on the island of Cuba.

Read second time, and

On motion of Mr. Seabury, referred to the Committee on Federal Relations.

Question recurring on the amend-
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ment by Mr. Turner to House bill No. 105, by consent it was withdrawn.

House bill No. 105 was ordered engrossed.

By unanimous consent, the following bills were introduced:

By Mr. Shropshire:
House bill No. 481, a bill to be entitled "An act to amend article 969, chapter 3, title 18, of the Revised Civil Statutes of the State of Texas, 1895, relating to marriages in cases of seduction."

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

By Mr. Shropshire:
House bill No. 482, a bill to be entitled "An act to amend section "d," of article 3929, chapter 9, title 86, of the Revised Civil Statutes of the State of Texas, relating to the compensation of county superintendents of instruction."

Read first time, and referred to Committee on Education.

By Mr. Evans of Grayson:
House bill No. 483, a bill to be entitled "An act to empower the State Board of Education to procure for use in the public free schools of the State of Texas a series of text-books, defining the duties of certain officers therein named with reference thereto, making appropriations therefor, defining certain misdemeanors, providing penalties for the violation, and declaring an emergency."

Read first time, and referred to Committee on Education.

COMMITTEE REPORTS.

By Mr. Randolph, acting chairman:

Committee Room, Austin, Texas, Feb. 23, 1897.

Hon. L. T. Dashell, Speaker of the House;
Your Judiciary Committee No. 1, to whom was referred

House bill No. 407, a bill to be entitled "An act to authorize corporations to engage in the business of becoming surety on bonds, undertakings, recognizances, and other obligations required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, judge, or other public officer, to be made, given, tendered or filed, with surety or sureties, and guaranteeing the refraining from or performance by another of any act, duty or obligation, and to regulate such business."

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, and the accompanying committee substitute be adopted in lieu thereof, and that the original bill be not printed.

RANDOLPH, Acting Chairman.

On motion of Mr. Graham, the regular order of business was suspended to take up, and place on its second reading,

House bill No. 264, a bill to be entitled "An act to prevent the barter, sale and gift of any pistol, dirk, dagger, slug shot, sword cane, spear or knuckles made of any metal or hard substance, etc., to any minor without the written consent of parent or guardian of such child, or of someone standing in lieu thereof, and providing a penalty for violation thereof."

The bill was laid before the House, read second time, and

Mr. Turner offered the following amendment:

Amend by inserting between the words "shall" and "sell," in line 1, the word "knowingly."

Adopted.

Mr. Lotto offered the following amendment:

Amend by adding, "provided, that this act shall not apply to minors selling to each other or swapping with each other any of the above named weapons."

Tabled on motion of Mr. Maxwell.

Mr. Beaird offered the following amendment:

Amend by striking out the word "minor" in line 13 of section 1, and insert in lieu thereof the word "person"; and further amend by striking out all of the bill after the word "defense," in line 16, to the word "he," in line 17.

Mr. Graham moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Beaird, Mr. Vaughan of Collin and Mr. Turner.

The amendment was tabled by the following vote:

Yeas—80.
Barrett.
Benson.
Bertram.
Bird.
Boyd.
Browder.
Brigance.
Browne.
Bumpass.
Burney.
Burns.
Conolly.
Crawford.

Curton.
Curry.
Dean.
Dennis.
Dickinson.
Dies.
Doyle.
Drew.
Edwards.
Evans of Grayson.
Ewing.
Fisher.
The bill was ordered engrossed by the following vote:

Yeas-84.

Barrett. Lotto.
Beaird. Love.
Benson. Martin.
Bertram. Maxwell.
Blackburn. McGaughey.
Boyd. McKamy.
Brewster. McKellar.
Brigance. Meade.
Brown. Melton.
Bumpass. Mercer.
Burney. Moore, Fort Bend.
Burns. Morris.
Conoly. Morton.
Crawford. O'Connor.
Cureton. Oliver.
Curry. Peery.
Dean. Pfeuffer.
Dennis. Porter.
Dorrough. Reubell.
Doyle. Rhea.
Drew. Robbins.
Edwards. Savage.
Evans of Grayson. Seabury.
Evans of Hunt. Shelburne.
Ewing. Shropshire.
Fisher. Sluder.
Freeman. Stamper.
Garrison. Staples.
Gilbough. Stokes.
Graham. Strother.
Green. Thaxton.
Harris. Thomas.
Henderson. Thompson.
Hensley. Tracy.
Hill of Gonzales. Tucker.
Hill of Travis. Turner.
Holland of Burnet. Vaughan of Collin.
Holland of Harris. Wall.
Humphrey. Welch.
Jones. Wilcox.
Kimbell. Williams.
Lillard. Wood.

Nays-6.

Dickinson. Reiger.
Dyes. Rogers.
Good. Wolters.

Absent.

Bird. Moore, Lamar.
Blair. Patterson.
Carpenter. Pitts.
Carwell. Randolph.
Felld. Rogan.
Fields. Rudd.
Logan. Schlick.

Excused.

Alexander. Bean.
Ayers. Bell.
Barbee. Callan.
Bean. Callan.
Bell. Smith.
Bounds. Smyth.
Callan. Wallace.
Childs. Ward.
Coller. Doyle.
Crowley. 

I vote yea to table the resolution, because I fear it will kill the bill, which I favor. DOYLE.

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

Yeas and nays were demanded by Mr. Humphrey, Mr. Blackburn and Mr. Curry.
Mr. Welch moved to excuse the absentees, upon which motion yeas and nays were demanded by Mr. Tracy, Mr. Good and Mr. Rogers.

The House refused to excuse the absentees by the following vote:

Yea-4.
Barrett. Love.
Benson. Martin.
Boyd. McGaughey.
Brewster. Meade.
Browne. Melton.
Bumpass. Mercer.
Burney. Moore, Fort Bend.
Carpenter. Morris.
Conoly. Morton.
Cureton. Peery.
Curry. Pitts.
Dean. Reubell.
Dickinson. Robbins.
Doyle. Savage.
Drew. Schlick.
Edwards. Seabury.
Evans of Hunt. Shelburne.
Ewing. Shropshire.
Fields. Sluder.
Fisher. Stamper.
Freeman. Staples.
Garrison. Stokes.
Graham. Thompson.
Hensley. Wall.
Hill of Travis. Welch.
Holland of Burnet. Williams.
Jones. Wolters.

Nays—44.

Bird. Maxwell.
Blair. McFarland.
Blacksburn. McKamy.
Brigance. McKellar.
Burns. Moore of Lamar.
Crawford. O'Connor.
Dennis. Oliver.
Dies. Pfeuffer.
Dorroh. Porter.
Evans of Grayson. Randolph.
Evel. Reiger.
Gibbons. Rhea.
Good. Rogers.
Green. Strother.
Harris. Thaxton.
Henderson. Thomas.
Hill of Gonzales. Tracy.
Holland of Harris. Tucker.
Humphrey. Turner.
Kimbell. Vaughan, Guadalupe.
Lillard. Vaughn, Guadalupe.
Lotto. Wood.

On motion of Mr. Turner, the regular order of business was suspended to take up and place on its second reading.

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."

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

Amend by adding to the bill section 5, as follows:

"Section 5. The crowded condition of the calendar and the necessity of immediate relief to such actual settlers in good faith creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended."

Mr. Henderson moved to postpone further consideration of the bill until the 1st day of May. Tabled on motion of Mr. Wolters.

Mr. Bumpass moved the previous question, and the main question was ordered. The amendment by Mr. Turner was adopted. The bill was ordered engrossed.

Mr. Turner moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that the bill be put on its third reading and final passage. The motion prevailed by the following vote:

Bird. Patterson.
Blair. Rugg.
Carswell. Vaughan, Guadalupe.
Collier. Mundine.
Crowley. Skillern.
Kirk. Smith.
Manson. Neighbors.
Bell. Skillern.
Boudinot. Smith.
Callan. Smyth.
Childs. Wallace.
Coller. Ward.
Crowley.
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Yeas—90.

Barrett. Maxwell.
Beardl. McFarland.
Benson. McGaughey.
Bertram. McKamy.
Blackburn. McKellar.
Boyd. Meade.
Brewster. Melton.
Brigance. Mercer.
Burns. Moore, Fort Bend.
Burney. Moore of Lamar.
Bumpass. Morris.
Burns. Morris.
Conoly. O'Connor.
Crawford. Oliver.
Curry. Peery.
Dean. Pfeuffer.
Dennis. Pitts.
Dickinson. Porter.
Dews. Randolph.
Doroh. Reiger.
Doyle. Reubell.
Drew. Rogers.
Edwards. Savage.
Evans, Grayson. Schlick.
Ewing. Seabury.
Feld. Shelburne.
Fisher. Shubert.
Freeman. Stamper.
Garrison. Staples.
Gilbough. Stokes.
Good. Strother.
Graham. Thaxton.
Green. Thomas.
Harris. Thompson.
Henderson. Tracy.
Hill of Gonzales. Turner.
Hill of Travis. Vaughan of Collin.
Holland, Harris. Wall.
Humphrey. Welch.
Jones. Wilcox.
Kimbell. Williams.
Lillard. Wolters.
Love. Wood.
Martin.

Nays—3.

Cureton. Robbins.
Evans of Hunt.

Bird. Lotto.
Blair. Patterson.
Callan. Rhea.
Carswell. Rogan.
Fields. Rudd.
Hensley. Vaughan of Collin.
Logan.

Excused.

Alexander. Bounds.
Ayers. Browne.
Bagley. Childs.
Barbee. Collier.
Bean. Crowley.
Bell. Flint.

Kirk. Smith.
Manson. Smyth.
Mundine. Tucker.
Neighbors. Wallace.
Skillern. Ward.

House bill No. 309 was read third time, and
Mr. Crawford moved to postpone further consideration of the bill until
next Friday at 10 o'clock a.m.
Mr. Brigance moved to table the motion.
There being no quorum voting, the
Clerk was directed to call the roll.
The motion to table prevailed by the
following vote:

Yeas—55.

Barrett. McFarland.
Beardl. McGaughey.
Bertram. McKamy.
Blackburn. Meade.
Brigance. Moore, Fort Bend.
Carswell. Morris.
Conoly. O'Connor.
Dennis. Oliver.
Dickinson. Peery.
Doroh. Pfeuffer.
Doyle. Porter.
Drew. Randolph.
Edwards. Reiger.
Ewing. Reubell.
Fisher. Savage.
Garrison. Schlick.
Gilbough. Seabury.
Good. Shelburne.
Harris. Strother.
Hensley. Thaxton.
Hill of Travis. Thompson.
Holland of Harris. Turner.
Jones. Vaughan of Collin.
Kimbell. Wilcox.
Lillard. Williams.
Lotto. Wolters.
Martin. Wood.
Maxwell.

Nays—41.

Benson. Hill of Gonzales.
Boyd. Holland of Burnet.
Brewster. Humphrey.
Browne. Love.
Bumpass. McKellar.
Burney. Melton.
Burns. Mercer.
Carpenter. Moore of Lamar.
Crawford. Morton.
Cureton. Pitts.
Dean. Robbins.
Dies. Rhea.
Evans of Hunt. Rogers.
Feld. Shropshire.
Freeman. Studer.
Graham. Stamper.
Green. Staples.
Henderson. Stokes.
Thomas.
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Tracy.  Welch.  
Wall.  Absent.  
Bird.  Patterson.  
Blair.  Rogan.  
Evans of Grayson.  Rudd.  
Fields.  Vaughan, Guadalupe  
Logan.  Excused.  
Alexander.  Flint.  
Ayers.  Kirk.  
Bailey.  Manson.  
Barbee.  Mundine.  
Bean.  Neighbors.  
Bell.  Skillern.  
Bounds.  Smith.  
Callan.  Smyth.  
Childs.  Tucker.  
Collier.  Wallace.  
Crowley.  Ward.  

(Present and declining to vote, Mr. Henderson, who was, under the direction of the Chair, recorded as voting with the minority.)

Mr. Bumpass moved that the House stand at ease, subject to call of the Speaker's gavel, and the motion prevailed.

The House was called to order by the Speaker.

House bill No. 309 was passed.

Mr. Turner moved to reconsider the vote by which House bill No. 309 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Holland of Harris moved to suspend the regular order of business to take up Senate concurrent resolution No. 11, providing for adjournment sine die on March 20.

Mr. Wolters moved to table the motion, upon which motion yeas and nays were demanded by Mr. Holland of Harris, Mr. Gilbough and Mr. Martin.

The motion to suspend was tabled by the following vote:

Yeas—68.

Barrett.  Dies.  
Benson.  Doyle.  
Bertram.  Evans of Hunt.  
Blackburn.  Ewing.  
Boyd.  Field.  
Brewster.  Fields.  
Burns.  Fisher.  
Carpenter.  Freeman.  
Carswell.  Garrison.  
Conoly.  Good.  
Crawford.  Graham.  
Curry.  Green.  
Dean.  Harris.  
Dennis.  Henderson.  
Dickinson.  Hensley.  

Hill of Travis.  Porter.  
Humphrey.  Randolph.  
Jones.  Reubell.  
Lillard.  Rogers.  
Lotto.  Savage.  
Love.  Schlick.  
Martin.  Seabury.  
McGaughey.  Shelburne.  
McKamy.  Shropshire.  
McKellar.  Sluder.  
Meade.  Staples.  
Melton.  Strother.  
Mercer.  Thaxter.  
Moore, Fort Bend.  Thompson.  
Moore of Lamar.  Turner.  
Morris.  Vaughan of Collin.  
O'Connor.  Welch.  
Peery.  Williams.  
Pfeuffer.  Wood.  

Nays—25.

Beard.  Kimbell.  
Brigance.  Maxwell.  
Burney.  Morton.  
Cureton.  Oliver.  
Doroh.  Reiger.  
Drew.  Robbins.  
Edwards.  Stamper.  
Evans of Grayson.  Stokes.  
Gilbough.  Tracy.  
Hill of Gonzales.  Wall.  
Holland of Burnet.  Wilcox.  
Holland of Harris.  

Absent.

Bird.  Rogan.  
Blair.  Rudd.  
Bumpass.  Skillern.  
Callan.  Smyth.  
Logan.  Thomas.  
Neighbors.  Tucker.  
Patterson.  Vaughan, Guadalupe.  
Pitts.  Wolters.  
Rhea.  

Excused.

Alexander.  Crowley.  
Ayers.  Flint.  
Barbee.  Manson.  
Bean.  Mundine.  
Bell.  Smith.  
Bounds.  Wallace.  
Childs.  Ward.  
Collier.  

(Mr. Wolters in the chair.)

On motion of Mr. Wood, the regular order of business was suspended to take up and place on its second reading,

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,” with amendment by the committee.

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

Mr. Curry offered the following substitute for the bill:

Substitute House bills Nos. 226 and 325, a bill to be entitled “An act to appropriate the lands recovered from railroads and other companies, and to set them apart for the use and benefit of a branch university for colored youths, for the erection of a Governor's mansion, for the State Orphans' home, for the university and for the home, for the university and for the common school fund and to appropriate the public domain in certain counties.”

Be it enacted by the Legislature of the State of Texas:

Section 1. That 50,000 acres out of any of the lands that have been or may hereafter be recovered from any railroad company in any suit by the State on any siding and switches, or of lands recovered from any other company that may have attempted to purchase lands under the 50 cents law and failed to perfect title, such lands known as Bacon and Graves surveys, shall be appropriated and set apart for the use and benefit of a branch university for the colored youths of this State, and 50,000 acres of such lands as above described for the purpose of building a Governor's mansion; and 100,000 acres of such lands as above described to the State Orphan home, now located at Corsicana, and the remainder of such recovered lands shall be and the same are hereby appropriated and set apart for the use and benefit of the common schools, to be managed as the law now directs in cases of all other public free school lands.

Sec. 2. All lands known as public domain in El Paso, Pecos and Reeves counties shall be appropriated and are hereby set apart as follows: Three-fourths of the proceeds of the lease or sale of such school lands to the benefit of the common schools, and the remaining one-fourth to the State University and its branches, to be controlled as lands are now managed, both under lease and sale for the University, and the other public lands by the commissioner of the general office.

The substitute was adopted.

Mr. Brigance moved to postpone further consideration of the bill until 10 o'clock a. m. next Monday.

The motion prevailed.

Mr. Maxwell moved to suspend the regular order of business and to take up and place on its second reading Senate bill No. 42, and the motion was lost.

On motion of Mr. Staples the regular order of business was suspended to take up and place on its second reading,

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.”

The bill, with majority favorable and minority adverse reports thereon, was laid before the House, whereupon,

Mr. Evans of Hunt moved to excuse the absentees, upon which motion yeas and nays were demanded by Mr. Turner, Mr. Vaughan of Collin and Mr. Beard.

The House refused to excuse the absentees by the following vote:

Yoons—58.


Nays—36.

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Mr. Fisher moved that the House stand at ease for fifteen minutes, and the motion prevailed.

The House was called to order by the Speaker.

House bill No. 279 was read second time with the majority and minority reports.

Mr. Seabury moved to substitute the minority for the majority report. Tabled on motion of Mr. Dennis. The majority report was adopted.

Mr. Humphrey offered the following substitute for the bill:

Amend by substituting the following: A bill to be entitled "An act to amend article 870, title XVII, chapter 9, of the Penal Code of the State of Texas."

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 870. Theft of property under the value of $50 shall be punished by imprisonment in the county jail not exceeding two years, during which time the prisoner may be put to hard work on the county roads, or otherwise, and by fine not less than the value of the property stolen and not exceeding $500, or by such imprisonment without fine.

Tabled on motion of Mr. Evans of Hunt.

Mr. Turner offered the following amendment:

Amend section 1 by striking out the word "cotton," in line 11, and inserting in lieu thereof the word "property," and amend further by striking out the word "cotton" in line 15 and inserting in lieu thereof the word "property." (Signed—Turner and Seabury.)

Mr. Tracy offered the following substitute for the amendment:

Amend by adding after the word "cotton," in line 15, section 2, "corn, wheat, oats, apples, or any other farm products, or wool."

Tabled on motion of Mr. Brewster. The amendment by Mr. Turner was lost.

The bill was ordered engrossed.

(Mr. Blair was announced present.)

Mr. Williams moved to excuse the absentees, upon which motion yeas and nays were demanded by Mr. Reiger, Mr. Turner and Mr. Wood.

The House refused to excuse the absentees by the following vote:


Mr. Turner moved that the House stand at ease for five minutes, and the motion prevailed.

The House was called to order by the Speaker.

(Mr. Wolters in the chair.)

On motion of Mr. Rogan the regular order of business was suspended to take up and place on its second reading, 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."

The bill was laid before the House.

Mr. Turner moved that the House stand at ease for five minutes, and the motion prevailed.

The House was called to order by the Speaker.

(Mr. Wolters in the chair.)

On motion of Mr. Rogan the regular order of business was suspended to take up and place on its second reading, 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."

The bill was laid before the House.

The Sergeant-at-arms announced that Mr. Patterson was sick in his room and unable to come to the hall, whereupon, by unanimous consent, Mr. Patterson was excused for today on account of sickness.

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

Amend by adding section 2 as follows:

"Section 2. The fact that the Railroad Commissioners are liable at any time to be called upon to execute appeal or writ of error bonds creates an emergency, and an imperative public necessity exists which requires the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect from and after its passage, and it is so enacted."

Adopted.

Mr. Seabury offered the following amendment:

Amend by adding in line 11 after the word "Texas" the following: "Nor the head of any department."

Adopted.

The bill was ordered engrossed.

Mr. Rogan moved to suspend the constitutional rule requiring bills to be read on three several days in each House, and that House bill No. 322 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97.

Barrett.       Humphrey.
Benson.       Jones.
Bertram.      Kimbell.
Blackburn.    Lillard.
Blair.        Lotto.
Boyd.         Love.
Brewster.     Martin.
Brigance.     Maxwell.
Bumpass.      McGaughey.
Burney.       McKamy.
Burns.        McKellar.
Callan.       Melton.
Carpenter.    Mercer.
Carswell.     Moore, Fort Bend.
Conoly.       Moore of Lamar.
Crawford.     Morris.
Cureton.      Morton.
Curry.        Mundine.
Dean.         Neighbors.
Dennis.       O'Connor.
Dickinson.    Oliver.
Dies.         Poery.
Dorroh.       Pfeuffer.
Doyle.        Pitts.
Drew.         Porter.
Edwards.      Randolph.
Evans of Grayson. Reubell.

Field.        Rhea.
Fields.       Robbins.
Fisher.       Rogan.
Freeman.      Rogers.
Garrison.     Savage.
Gilbough.     Schlick.
Green.        Seabury.
Harris.       Shelburne.
Hensley.      Shropshire.
Hill of Travis. Skillem.
Holland of Harris. Stamper.

Nays-4.

Good.              Welch.

Beaird.            Meade.
Bird.              Rudder.
Ewing.             Wilcox.
Hill of Gonzales.  Smyth.
Holland of Burnet. Vaughan, Guadalupe  Turner.
Logan.             Walters.

Excused.
Alexander.         Crowley.
Barbee.            Manson.
Bean.              Patterson.
Bell.              Smith.
Bounds.            Wallace.
Childs.            Ward.
Collier.           

House bill No. 322 read third time, and passed by the following vote:

Yeas-97.
Barrett.           Graham.
Beaird.            Green.
Bertram.           Harris.
Bird.              Hill of Travis.
Blackburn.         Hollan of Harris.
Blair.             Humphrey.
Blair.             Kimbell.
Boyd.              Lillard.
Brower.           Love.
Browne.           Love.
Bumpass.           Love.
Burney.           Love.
Burns.            Love.
Cahill.           Love.
Carpenter.        Love.
Carwell.          Love.
Childs.           Love.
Conoly.           Love.
Cureton.          Love.
Curry.            Love.
Dean.             Love.
Dennis.           Love.
Dickinson.        Love.
Dorroh.           Love.
Doyle.            Love.
Drew.             Love.
Edwards.          Love.
Evans of Grayson.  Love.
Field.            Love.
Fields.           Love.
Fisher.           Love.
Freeman.          Love.
Garrison.         Love.
Gilbough.         Love.

Thompson.
Tracy.
Tucker.
Turner.
Wod.

Nays-2.

Good.              Henderson.

Absent.

Crawford.         Jones.
Dies.             Logan.
Ewing.            Moore, Fort Bend.
Evans of Hunt.    Rudd.
Holland of Burnet. Walters.

Excused.
Alexander.         Flint.
Ayers.             Kirk.
Bailey.            Manson.
Barbee.            Mundine.
Bean.              Patterson.
Bell.              Smith.
Bounds.            Smyth.
Childs.            Wallace.
Collier.           Ward.

Mr. Savage moved to reconsider the vote by which House bill No. 322 was passed, and to table the motion to reconsider.
The motion to table prevailed.
Mr. Turner, by unanimous consent, offered the following petition:
From Geo. Clayton and forty other citizens of Abilene, Taylor county, Texas, praying for an amendment to the assignment law, prohibiting preferences.
Referred to Judiciary Committee No. 1.

SENATE MESSAGE.

Senate Chamber.
Austin, Texas, Feb. 24, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Sir: I am instructed by the Senate to inform the House that the Senate has passed Substitute House bill No. 17, a bill to be entitled "An act to amend title 96, chapter 3, Revised Statutes (1895), of the State of Texas, by adding there to, after article 4640, an article to be known as article 4640a, prohibiting the admission to record of instruments in any other than the English lan-
guage, except instruments executed prior to the taking effect of this act, which may be recorded if accompanied by a sworn translation thereof."

Also,

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."

Respectfully,

WILL LAMBERT, Secretary.

(Speaker in the chair.)

Mr. Fisher moved to excuse the absentees, upon which motion yeas and nays were demanded by Mr. Brigance, Mr. Harris and Mr. Blair.

The House refused to excuse the absentees by the following vote:

Yeas-60.
Barrett. Love.
Benson. Martin.
Blackburn. McGaughy.
Boyd. Meade.
Brewster. Melton.
Bumpass. Moore, Fort Bend.
Burney. Morris.
Carpenter. Morton.
Carswell. Peery.
Childs. Pitts.
Conoly. Reubell.
Cureton. Rhea.
Curry. Robbins.
Dean. Rogan.
Dickinson. Savage.
Doyle. Schlick.
Drew. Seabury.
Edwards. Shelburne.
Feild. Skillern.
Fields. Sluder.
Fisher. Stamper.
Freeman. Stokes.
Garrison. Thomas.
Graham. Thompson.
Hensley. Wall.
Hill of Travis. Welch.
Kimbell. Williams.
Lillard. Wolters.

Nays-43.
Beaird. Gilbough.
Bertram. Good.
Bird. Green.
Blair. Harris.
Brigance. Henderson.
Burns. Holland of Burnet.
Callan. Holland of Harris.
Crawford. Humphrey.
Dennis. Lotto.
Dles. Maxwell.
Dorob. McFarland.
Evans of Grayson. McKamy.

McKellar.
Moore of Lamar.
Neighbors.
O'Connor.
Oliver.
Pfeiffer.
Reiger.
Rogers.

Staples.
Strother.
Thaxton.
Tracy.
Tucker.
Turner.
Vaughan of Collin.
Wilcox.
Wood.

Abs:ent.
Evans of Hunt. Logan.
Ewing. Rudd.
Hill of Gonzales. Vaughan, Guadalupe Jones.

Excused.
Alexander. Flint.
Ayers. Kirk.
Bailey. Manson.
Barbee. Mundine.
Bean. Patterson.
Bell. Smith.
Bounds. Smyth.
Collier. Wallace.
Crowley. Ward.

On motion of Mr. Meade, the regular order of business was suspended to take up and place on its second reading,

House bill No. 337, a bill to be entitled "An act to amend article 207, chapter 1, title 8, of the Penal Code, changing the penalty in perjury cases, except as provided for in article 208 of the Penal Code, from not more than ten years nor less than five years in the penitentiary, to not more than ten years nor less than two years in the penitentiary."

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

Amend line 12 by striking out the word "is," after the word "code," and insert the words "shall be."

Adopted.
The bill was ordered engrossed.

MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, Feb. 24, 1897.

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

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

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, schoolhouse, church-
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Stephens, Grounds, I

Title 94, first.

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."

By a two-thirds vote: Ayes 25, noes none.

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."

House bill No. 109, a bill to be entitled "An act to amend articles 1814, 1815 and 1816, of title 37, of the Revised Civil Statutes of 1895, of the State of Texas, relating to the time and manner of making returns to the Secretary of State of elections for electors for President and Vice-President, and of estimating the same, and of the meeting of the electors."

Senate joint resolution No. 7, amending article 8 of the Constitution of the State of Texas, by adding thereto section 20, providing for the organization of irrigation districts, and for the levying and collection of a tax for the construction of reservoirs, dams and canals.

By two-thirds vote: Ayes 23, noes 1.

Respectfully,

WILL LAMBERT, Secretary.

On motion of Mr. Savage the regular order of business was suspended to take up and place on its second reading,

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."

The bill was laid before the House and was read second time.

Mr. Rhea offered the following amendment:


[The above amendment by Mr. Rhea was offered by him affecting simply his district, but was amended by various members, the amendments accepted so as to include the numerous counties mentioned above, and, by consent, recorded as one whole.]

By unanimous consent the following bills were introduced:

By Mr. Wolters:

House bill No. 484, a bill to be entitled "An act to amend chapter 13, title 94, of the Revised Civil Statutes of the State of Texas, by adding articles 4568a and 45680, relating to investigations made by the Railroad Commission and its findings of facts and conclusions of law."

Read first time and referred to Committee on Internal Improvements.

By Mr. Childs (by request.)

House bill No. 485, a bill to be entitled "An act to authorize the Superintendent of Public Buildings and Grounds to lease the sand banks in the Colorado river beds at Austin, Texas, owned by the State of Texas."

Read first time and referred to Committee on Public Buildings and Grounds.

By Mr. Curry:

Be it resolved by the House of Representatives of the State of Texas:

First. That the thanks of this body are tendered the Honorable Swante Palm for the generous and patriotic donation to the University of Texas of his valuable private library, consisting of 25,000 books and pamphlets, and constituting a most useful instrumentality for the higher education and culture of the youth of Texas.

Second. That the Speaker be and he is hereby instructed to forward to the donor a copy of this resolution properly engrossed.

Read second time, and unanimously adopted by a rising vote.

(Mr. Wolters in the chair.)

COMMITTEE REPORT.

By Mr. Rogers, chairman:

Committee Room,

Austin, Texas, Feb. 24, 1897.

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

Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 7, amending article 8 of the Constitution of the State of Texas, by adding thereto sec-
tion 20, providing for the organization of irrigation districts, and for the levying and collection of a tax for the construction of reservoirs, dams and canals,

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.

ROGERS, Chairman.

The House resumed consideration of House bill No. 369.

(Speaker in the chair.)

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

The amendment by Mr. Rhea as amended was adopted.

On engrossment of the bill, yeas and nays were demanded by Mr. Shropshire, Mr. Evans of Grayson and Mr. Boyd.

The bill was lost by the following vote:

Yeas—41.


Nays—51.


Absent.


Excused.


Mr. Burns moved to reconsider the vote by which House bill No. 369 was lost, and to table the motion to reconsider.

The motion to table prevailed.

ANNOUNCEMENTS.


Committee on resolutions for Hon. J. M. C. Wilson: Messrs. Pitts, Lotto and Holland of Harris.


Committee on resolutions for Hon. T. P. McNell: Messrs. Cureton, O'Connor and Bertram.

Mr. Seabury called up House bill No. 109, with Senate amendments, and moved that the House concur.

The motion to concur prevailed.

Mr. Blair moved that the call of the House be suspended, and Mr. Wolters raised a point of order that the motion was out of order.

Sustained by the chair.

Mr. Fisher moved to excuse the absences, upon which motion yeas and nays were demanded by Mr. Turner, Mr. Blair and Mr. Beaird.

The House refused to excuse the absences by the following vote:

Yeas—60.

Mr. McGaughey (present), who would vote "yea," with Mr. Hill of Gonzales (absent), who would vote "nay."

On motion of Mr. Burney, Mr. Stokes was excused indefinitely on account of sickness in his family.

On motion of Mr. Dean, Mr. Bird was excused until next Monday on account of important business.

COMMITTEE REPORTS.

By Mr. Dies, chairman:

Committee Room,
Austin, Texas, Feb. 23, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 85, a bill to be entitled "An act to grant relief to certain teachers who taught during the school year of 1895-96 in Greer county, which was then considered a portion of Texas, but has since been made a part of the Territory of Oklahoma,”

And find the same correctly engrossed.

DIES, Chairman.

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, Feb. 25, 1897.

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

I am directed by the Senate to inform the House of the passage by the Senate of the following bills:

House bill No. 242, a bill to be entitled “An act to amend the charter of the city of Galveston by adding to section 73c in order to empower the said city of Galveston to grant rights of way to railroads and depot companies for tracks on Strand street or Avenue B, or any portion thereof, west of Twenty-fifth street, and to confirm certain rights heretofore granted by the city council of the city of Galveston to the Gulf, Colorado and Santa Fe Railway Company to erect and maintain tracks on portions of said street and to occupy a portion of Twenty-sixth street for depot purposes,”

By a two-thirds vote: Ayes 25, noes none.

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 the 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 convicts and recapturing escaped convicts; for the summoning of teams, and tools for road work, and compensation for same, and providing penalties for violations of this act, and to repeal all laws in conflict with this act, and providing for county commissioners to act as road commissioners."

Senate bill No. 164, a bill to be entitled "An act to make it a penal offense, and prescribe the punishment for the violation of this act, for any State Superintendent of Public Instruction, any county judge acting as superintendent of public instruction for any county, any county superintendent of public instruction, any superintendent of public instruction for any city or town, any trustee of any public free school, or any principal or teacher of any public school, who shall accept an agency on salary, commission or otherwise, from any person, firm, association of persons or corporation, dealing in school books, school furniture or school supplies."

Respectfully,

WILL LAMBERT, Secretary.

SENATE BILL ON FIRST READING.

The following bill, received from the Senate, was read first time and referred as follows:

Senate bill No. 164, to Judiciary Committee No. 2.

NOTICE.

Mr. Carpenter gave notice that he would on to-morrow offer an amendment to rule 56, proposing to change the rule, so that a majority vote would excuse absentees.

FURTHER TIME GRANTED.

For consideration of the following bills:

House bills No. 403 and 457, and Senate bills Nos. 23, 108, 10, 200 and 115, on motion of Mr. Reiger.

Mr. Wolters moved to excuse the absentees, upon which yeas and nays were demanded by Mr. Gilbough, Mr. Reiger and Mr. Neighbors.

The House refused to excuse the absentees by the following vote:


Absent: Logan. Rudd.

PAIRED.

Mr. McGaughey (present), who would vote “yea,” with Mr. Hill of Gonzales (absent), who would vote “nay.” Mr. Henderson (present), who would vote “nay,” with Mr. Stokes (absent), who would vote “yea.”

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

Be it resolved by the House of Representatives, that the Speaker be requested, and the Chief Clerk be directed, not to draw warrants in favor of any member who has absented himself from the sittings of the House without leave, for the per diem that such member would have been entitled to by law under the rules of this House for his compensation for such day’s attendance, but this shall not apply to cases of sickness.

The resolution was read second time. On motion of Mr. Wolters, Mr. McGaughey was excused until next Monday, on account of important business. After consideration of the resolution Mr. Oliver moved the previous question, and it was not seconded.

Mr. Holland of Harris moved to postpone consideration of the resolution subject to call. Mr. Staples moved the previous question, and it was not seconded.

On the motion to postpone, yeas and nays were demanded by Mr. Blair, Mr. Gilbough and Mr. Dean.

The motion was lost by the following vote:

Yeas—49.

Beaird.
Blair.
Brigance.
Burns.
Callan.
Crawford.
Crowley.
Dennis.
Dies.
Dorroh.
Evans of Grayson.
Gilbough.
Good.
Green.
Harris.
Henderson.
Holland of Burnet.
Holland of Harris.
Kimbell.
Lotto.
Maxwell.
McFarland.
McKamy.
Mercer.

Moore of Lamar.
Mundine.
Neighbors.
O’Connor.
Oliver.
Patterson.
Pfeuffer.
Pitts.
Porter.
Randolph.
Reiger.
Rhea.
Rogers.
Smyth.
Staples.
Strother.
Thaxton.
Thomas.
Tracy.
Tucker.
Vaughan, Collin.
Wilcox.
Wood.

Nays—59.

Barbee.
Barrett.
Benson.
Bertram.
Blackburn.
Bounds.
Boyd.
Brewster.
Browne.
Bumpass.
Burney.
Carpenter.
Carswell.
Childs.
Conoly.
Cureton.
Curry.
Dean.
Dickinson.
Doyle.
Edwards.
Evans of Hunt.
Ewing.
Felld.
Fields.
Fisher.
Freeman.
Garrison.
Graham.

Hensley.
Hill of Travis.
Jones.
Lillard.
Love.
Martin.
Meade.
Melton.
Moore, Fort Bend.
Morris.
Morton.
Peery.
Reubell.
Robbins.
Rogan.
Savage.
Schlick.
Seabury.
Shelburne.
Shropshire.
Skilern.
Sluder.
Stamper.
Thompson.
Wall.
Wallace.
Welch.
Williams.
Wolters.

Hill of Gonzales.
Logan.
McKellar.

Absent.

Alexander.
Ayers.
Bailey.
Bean.
Bell.
Bird.
Collier.

McGaughey.
Manson.
Smith.
Stokes.
Ward.

Mr. Blair moved to lay the resolution on the table, upon which yeas and nays were demanded by Mr. Blair, Mr. Wood and Mr. Vaughan of Collin.

The motion to table was lost by the following vote:

Yeas—49.

Beaird.
Blair.
Brigance.
Burns.
Callan.
Crawford.
Crowley.
Dennis.
Dies.
Dorroh.
Evans of Grayson.
Gilbough.
Good.
Green.
Harris.
Henderson.
Holland of Burnet.
Holland of Harris.
Kimbell.
Lotto.
Maxwell.
McFarland.
McKamy.
Mercer.

Good.
Green.
Harris.
Henderson.
Holland of Burnet.
Holland of Harris.
Humphrey.
Lotto.
Maxwell.
McFarland.
McKamy.
McKellar.
Moore of Lamar.
Mundine.
On motion of Mr. Patterson, the resolution was referred to the Committee on Rules.

Mr. Vaughan of Collin, by unanimous consent, offered the following resolution:

Whereas, parties, persons, and firms living beyond the borders of our State, and doing or claiming to do business in our State with the citizens of our State, have by their representatives or by letter or in person, been urging and petitioning this Legislature to pass a certain law; and

Whereas, this House being a body of the representatives of the people of Texas, and are under no obligations to the above named parties, persons or firms; and

Whereas, we feel that we are competent as the representatives of the people of this State to make all laws that are necessary for the good and welfare of the people of this State; therefore be it

Resolved, by this House, that the parties, persons and firms above named are hereby requested to attend to their own business and their own Legislature and forever hereafter let Texas people and their own Legislature run their own business. (Signed — Vaughan of Collin, Wood.)

Read second time, and Mr. Fisher offered the following amendment:

Amend by adding to the resolution: This Legislature does not deny the right of the people of Texas, or any one owning property or interest in Texas, to petition this House.

The amendment was adopted, and the resolution as amended was adopted.

REPORT OF SERGEANT-AT-ARMS.

Austin, Texas, Feb. 25, 1897.

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

Sir: I beg to report that your warrant issued to me for the arrest of the Hons. R. F. Blair, D. E. Patterson, Guy E. Vaughan, J. D. Rudd and J. M. Logan has been executed as follows: The Hon. R. F. Blair having been arrested and reported within the bar of the House; Hon. D. E. Patterson was reported to be sick and in bed.

I further report that after diligent search I located the room of Hon. J. D. Rudd at the Salge hotel in this city, said room being No. 6, and permanently occupied by him while in the city. I stationed myself at the door of said room No. 6, where I recognized the voices of said Rudd and Logan in conversation in said room. I therefore demanded admittance to the room for the purpose of executing said warrant on said Rudd and Logan, when the door to said room was opened by one Marion Robertson, said to be a citizen of Harrison county, Texas, said county being the county represented by the Hon. J. D. Rudd. Said Marion Robertson by force and violence prevented me from entering said room by
pushing me back and closing the door to said room, thereby preventing me from executing said warrant on the said Rudd and Logan. The entrance to said room was attempted and prevented on the 24th of February, 1897, at about 4 o’clock p.m.

J. S. BOGGS, Sergeant-at-Arms, House of Representatives, Twenty-fifth Legislature.

Mr. Fisher moved to excuse the absentees, upon which motion yeas and nays were demanded by Mr. Beaird, Mr. Turner and Mr. Blair.

The House refused to excuse the absentees by the following vote:

Yeas—59.


Nays—43.

VOTED.
Mr. Henderson (present), who would vote “nay,” with Mr. Stokes (absent), who would vote “yea.”
Mr. Sluder (present), who would vote “yea,” with Mr. Bird (absent), who would vote “nay.”

On motion of Mr. Wolters, Mr. Drew was excused for two hours, on account of important business.

COMMITTEE REPORTS.

By Mr. Williams, chairman:

Committee Room, Austin, Texas, Feb. 23, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Internal Improvements, to whom was referred Senate bill No. 206, a bill to be entitled “An act to amend article 722 of chapter 14, of title 21 of the Revised Statutes of the State of Texas, adopted by the Twenty-fourth Legislature of the State of Texas in the year 1895,”

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.

WILLIAMS, Chairman.

By Mr. Callan, chairman:

Committee Room, Austin, Texas, Feb. 23, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Irrigation, to whom was referred 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 water-courses, 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."

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.

CALLAN, Chairman.

The Speaker laid before the House, on its second reading, 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."

The bill was read second time, and Mr. Bumpass offered the following amendment, which was adopted:

The fact that there is no law on the statute of this State preventing the useless expenditure of public funds in this manner, and the further fact that this session is drawing to a close, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and this act take effect from and after its passage, and it is so enacted.

The bill was ordered engrossed.

Mr. Bumpass moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 7 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—98.


Nays—1.

Wall.

Absent.


Excused.


Yeas—102.

I vote no, because I believe that it is the duty of the Legislature to pass laws to force the departments to keep their expenses within the appropriations, and not to pass laws for them to go beyond the amounts appropriated.

Mr. Bumpass moved to reconsider the vote by which House bill No. 7 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Robbins, the regular order of business was suspended to take up and place on its second reading

Senate joint resolution No. 7, amending article 8 of the Constitution of the State of Texas, by adding thereto section 20, providing for the organization of irrigation districts, and for the levy and collection of a tax for the construction of reservoirs, dams, and canals.

Read second time, and

Mr. Pfeuffer offered the following amendment:

Amend by striking out in line 27, page 1, the word "Hays" and add in lieu thereof the words "Blanco, Gillespie, Comal."

Adopted.

Mr. Robbins offered the following amendment:

Amend by striking out on page 2, in line 9, the word "less" and insert the word "more."

Adopted.

Senate joint resolution No. 7 was passed to a third reading.

Mr. Robbins moved to reconsider the vote by which Senate joint resolution No. 7 was passed to a third reading, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Dies, the regular order of business was suspended to take up and place on its second reading

Senate bill No. 206, a bill to be entitled "An act to amend article 722, chapter 14, title 18, of the Revised Statutes of the State of Texas, as adopted by the Twenty-fourth Legislature of the State of Texas in the year 1895."

Bill read second time, and passed to third reading.

Mr. Dies moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 206 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—99.

Barbee. Burns.
Barrett. Callan.
Beard. Carpenter.
Bertram. Carswell.
Blackburn. Childs.
Blair. Conoly.
Bouds. Crawford.
Boyd. Crowley.
Brewster. Cureton.
Browne. Curry.
Bumpass. Dean.
Burney. Dennis.
Dickinson.
The bill was read third time, and passed by the following vote:

Yeas—92.

PETITIONS AND MEMORIALS.

By Mr. Sluder:
A petition of 400 citizens of McLennan county, asking for the passage of House bill No. 494, relating to the opening of business houses on Sunday.
Referred to Judiciary Committee No. 2.

By Mr. Melton:
A protest from J. E. Shropshire and 162 citizens of McCulloch county, protesting against being taken out of the judicial district with Brown and Coleman, in redistricting the State.
Referred to the Committee on Judicial Districts.

By Mr. Gilbough:
A resolution of the commissioners' court of Galveston county, requesting the passage of a drainage law.
Referred to the Committee on Irrigation.

BILLS AND RESOLUTIONS.

By Mr. Freeman:
House bill No. 486, a bill to be entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissections by authorized persons."
Read first time and referred to Committee on Public Health and Vital Statistics.

By Mr. Hensley:
House bill No. 487, a bill to be entitled "An act to amend article 2475, chapter 4, title 45, of the Revised Civil Statutes of the State of Texas, and to add thereto article 2475a, providing for the furnishing of stationery, furniture and office rooms to county officers."
Read first time and referred to Committee on State Affairs.

By Mr. Doyle:
House bill No. 488, a bill to be entitled "An act to amend article 4740, chapter 4, relating to the powers and duties of overseers of public roads, so as to make one day's warning a legal notice."
Read first time and referred to Committee on Roads, Bridges and Ferries.

By Mr. Hill of Travis (by request):
House bill No. 489, a bill to be entitled "An act to amend articles 3337 and 3339, chapter 5, title 66, of the Revised Civil Statutes of the State of Texas, relating to progeny liens, and to repeal all laws and parts of laws in conflict with this act."

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

By Mr. Wood:
House bill No. 490, a bill to be entitled "An act to levy a tax upon manufacturers and dealers in malt liquors, and to provide a method to collect the same."
Read first time and referred to Committee on Revenue and Taxation.

By Mr. Jones:
House bill No. 491, a bill to be entitled "An act to repeal an act entitled an act to incorporate the town of Castrovile, approved January 16, 1850."
Read first time and referred to Committee on Towns and City Corporations.

By Mr. Holland of Harris (by request):
House bill No. 492, a bill to be entitled "An act to appropriate funds for the Afro-American Fair and Interstate Exposition to be held at Houston, Texas, in the year 1898."
Read first time and referred to Committee on Finance.

By Mr. Holland of Harris:
House bill No. 493, a bill to be entitled "An act to expedite suits in the courts of this State in all cases where the public interest is concerned in the right to any public office, State, county, district or municipal, or where the public revenue is involved in suits where the State, county or any municipality of the State claims taxes or money or property."
Read first time and referred to Judiciary Committee No. 1.

By Mr. McKellar:
House bill No. 494, a bill to be entitled "An act to amend article 788, chapter 3, of the Penal Code of the State of Texas, relating to the use of animals without the consent of owners."
Read first time and referred to Judiciary Committee No. 2.

By Mr. Sluder:
House bill No. 495, a bill to be entitled "An act to amend article 200, title 7, chapter 2, of the Penal Code of the State of Texas, relating to the opening of business houses on Sunday, and to provide for the sale of cigars, tobacco and fruit on Sunday."
Read first time and referred to Judiciary Committee No. 2.

By Mr. Browne:
House bill No. 496, a bill to be entitled "An act to appropriate funds to reimburse W. W. Dexter for moneys expended while representing the State of Texas at the late Cotton States and
International Exposition at Atlanta, Ga., and to recompense him for services rendered."

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

**FURTHER TIME GRANTED.**

For consideration of the following bill:

House bill No. 285, on motion of Mr. Bertram, chairman.

On motion of Mr. Beard, the regular order of business was suspended to take up and place on its second reading.

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."

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

(Mr. Moore of Lamar in the chair.)

Mr. Seabury offered the following amendment:

Amend by striking out the words "anu great public necessity," in lines 9 and 10, of page 2, and insert in lieu thereof the following, "and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and."

Adopted.

Mr. Brigance offered the following amendment:

Amend by inserting in line 21, page 1, the word "actual" between the word "the" and the word "cash," so as to read "all the actual cash."

Adopted.

Mr. Martin offered the following amendment:

Amend by inserting after the word "filed," in line 1, on page 2, the following: "And the same shall be published in some newspaper published in the county, if there be a newspaper published in the county, for one time, to be paid for at the same rate as other legal notices."

Adopted.

Mr. Lillard offered the following amendment:

Amend by striking out the word "therefor.," in line 5, page 2, and insert in lieu thereof the word "thereof."

Amend also by striking out the words "to be," in line 4, on page 2.

Adopted.

The bill was ordered engrossed.

Mr. Beard moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that House bill No. 394 be put on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—83.**

Barbee. Lillard.
Barrett. Lotto.
Beard. Martin.
Bertram. Maxwell.
Blair. McKamy.
Bounds. McKeever.
Brigance. Meade.
Brown. Melton.
Bumpass. Mercer.
Burney. Morris.
Burns. Morton.
Callan. Mundine.
Carpenter. Neighbors.
Carswell. O'Connor.
Childs. Oliver.
Conoly. Pitts.
Crawford. Porter.
Crowley. Randolph.
Cureton. Reiger.
Curry. Reubell.
Dennis. Rhea.
Dies. Robbins.
Dorroh. Rogan.
Doyle. Rogers.
Edwards. Savage.
Evans of Grayson. Schlick.
Feild. Seabury.
Fields. Shropshire.
Fisher. Skillern.
Freeman. Smyth.
Gilbough. Stamper.
Graham. Strother.
Green. Thaxton.
Harris. Thomas.
Hensley. Tucker.
Hill of Travis. Vaughan of Collin.
Holland of Burnet. Wall.
Humphrey. Wallace.
Jones. Wilcox.
Kimbell. Wood.

**Nays—3.**

Boyd. Welch.
Brewster. Absent.

Benson. Moore of Lamar.
Dean. Peery.
Dickinson. Pfeuffer.
Evans of Hunt. Rudd.
Ewing. Shelburne.
Garrison. Sluder.
Good. Staples.
Henderson. Thompson.
Holland of Harris. Tracy.
Logan. Turner.
Love. Vaughan. Guad'lup
Moore, Fort Bend. Wolters.

**Excused.**

Alexander. Bean.
Ayers. Bell.
Bailey. Bird.
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House bill No. 394 was read third time, and passed by the following vote:

Yeas—95.


Mr. Beaird moved to reconsider the vote by which House bill No. 394 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Childs, the regular order of business was suspended to take up and place on its second reading

House bill No. 157, a bill to be entitled "An act to amend article 2977 of chapter 4, title 55, of the Revised Statutes of the State of Texas, relating to divorce, so as to permit the wife to obtain a divorce where the husband shall have left her for one year with intention of abandonment, or for non-support, and permit either party to obtain a divorce on account of the continued drunkenness of the other, and to repeal all laws and parts of laws in conflict herewith."

With committee amendment.

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

Mr. Seabury offered the following amendment:

Amend by striking out from the caption the words "where the husband shall have left her for one year with intention of abandonment, or," and by striking out the words "one year" wherever they occur in lines 24, 25 and 26, page 1, and insert in lieu thereof, in each place, the words "three years."

Mr. Wall offered the following amendment to the amendment:

Amend by striking out the word "one" in lines 24 and 25, sections 2 and 3, and inserting instead thereof the word "three."

Lost.

(Speaker in the chair.

On motion of Mr. Relger, Mr. Smyth was excused until to-morrow, on account of sickness.

On motion of Mr. Brigance, Mr. Barbee and Mr. Mundine were excused until to-morrow, on account of sickness.

On motion of Mr. Beaird, Mr. Hill of
Travis was excused until to-morrow, on account of sickness in his family.

Mr. Feild moved to excuse the absentees, upon which motion yeas and nays were demanded by Mr. Brigance, Mr. Blair and Mr. Beaird.

The House refused to excuse the absentees by the following vote:

**Yeas—54.**

Barrett.  
Benson.  
Bounds.  
Boyd.  
Browne.  
Bumpass.  
Burney.  
Carpenter.  
Carswell.  
Chllds.  
Conoly.  
Cureton.  
Curry.  
Dean.  
Dickinson.  
Doyle.  
Drew.  
Edwards.  
Evans of Hunt.  
Field.  
Fields.  
Fisher.  
Freeman.  
Garrison.  
Graham.  
Hensley.  
Hill of Gonzales.  
Hill of Travis.  

**Nays—43.**

Beaird.  
McFarland.  
Bertram.  
McKamy.  
Blackburn.  
McKellar.  
Blair.  
Neighbors.  
Brigance.  
O'Connor.  
Burns.  
Oliver.  
Callan.  
Pfeiffer.  
Crawford.  
Porter.  
Crowley.  
Randolph.  
Dennis.  
Reiger.  
Dise.  
Rogers.  
Dorrol.  
Staples.  
Evans of Grayson.  
Strother.  
Gilbough.  
Thaxton.  
Good.  
Tracy.  
Green.  
Tucker.  
Harris.  
Turner.  
Holland of Burnet.  
Vaughan of Collin.  
Holland of Harris.  
Wallace.  
Humphrey.  
Wilcox.  
Lotto.  
Wood.  
Maxwell.  

Abs.  
Ewing.  
Rudd.  
Logan.  
Skillern.  
Moore of Lamar.  
Vaughan, Guad'lup.  
Pitts.  

**Excused.**

Alexander.  
Kirk.  
Ayers.  
Mason.  
Bailey.  
McGaughy.  
Barbee.  
Munilue.  
Bean.  
Patterson.  
Bell.  
Smith.  
Bird.  
Suyth.  
Collier.  
Stokes.  
Flint.  
Ward.  

PAIRED.

Mr. Henderson (present), who would vote “nay,” with Mr. Stokes (absent), who would vote “aye.”

Mr. Sluder (present), who would vote “yea,” with Mr. Bird (absent), who would vote “nay.”

On motion of Mr. Burns, Mr. Melton was excused for two hours.

On motion of Mr. Wolters, Mr. Crowley was excused for twenty minutes.

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

Whereas, it appears from the report of the Sergeant-at-Arms that the said Sergeant-at-Arms of this House, Mr. J. S. Boggs, on the afternoon of the 24th of February, 1897, while in the lawful discharge of his duties, was forcibly resisted by one Marion Robertson in an attempt to execute a lawful warrant issued by the Speaker of this House for the arrest of Hon. J. D. Rudd, a member of this House, and that said Robertson by such forcible resistance, prevented the execution of such warrant and the arrest of the said Hon. J. D. Rudd; and

Whereas, the said reported violent conduct of said Robertson constitutes a breach of the privileges of this House, and a contempt of this House, in and against the person of an officer thereof, lawfully acting under its authority; therefore be it

Resolved, by the House of Representatives, that the Speaker be and he hereby is authorized and requested to issue forthwith a warrant for the arrest of said Marion Robertson, directed to and placed in the hands of the proper officer, and returnable instanter, that the said Robertson may be brought before the bar of this House to show cause why he should not be dealt with according to law for his said contempt. (Signed—Seabury, Evans of Hunt, Fisher, Shelburne, Wolters.)

The resolution was read first time, and

Mr. Blair objected to a second reading, whereupon
Mr. Seabury moved that it be read a second time.

On the motion to read the resolution a second time, Mr. Blair moved a call of the House, which was seconded, and the Clerk was directed to call the roll.

The following members were announced absent without leave:


Mr. Seabury moved to excuse the absentees for the purpose of voting upon the resolution, upon which motion yeas and nays were demanded by Mr. Blair, Mr. Gilbough and Mr. Beaird.

The House refused to excuse the absentees by the following vote:

Yeas-60.

 Hensley. Welch. Hensley. Welch.

Nays-37.

 Dies. Oliver. Dies. Oliver.
 Harris. Staples. Harris. Staples.

26—Senate
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On motion of Mr. Welch, the regular order was suspended to take up and place on its second reading Substitute House bill No. 236, a bill to be entitled "An act to prevent the blacklisting of railroad and other employees, and providing a penalty therefor."

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

Mr. Rogers offered the following amendment:

Amend section 1, line 9, by inserting after the word "State" the following words "wilfully or without just cause."

Tabled on motion of Mr. Welch.

Mr. Dies offered the following amendment:

Amend by adding "$5" instead of $100 and "$25" for "$1000" in line 26 of section 1.

Tabled on motion of Mr. Maxwell.

Mr. Stamper offered the following amendment:

Amend by adding the word "company" after the word "railroad" in line 24, section 1.

Mr. Dies moved to table the amendment and the motion was lost.

The amendment was adopted.

Mr. Dies offered the following amendment:

Amend by adding "five" instead of "sixty," and "one" instead of "twelve" in line 27 of section 1.

Tabled on motion of Mr. Holland of Harris.

Mr. Lillard offered the following amendment:

Amend by inserting the word "from" between the words "person" and "obtaining" in line 15, page 1.

Adopted.

Mr. Rogan offered the following amendment:

Amend by adding to section 1 the following: "Provided, that this act shall not apply to former employers of discharged employees who give truthful information in regard to the habits, character, competency and antecedents of such employee when requested to do so."

Mr. Neighbors offered the following amendment to the amendment: "Provided, the employees be served with a copy of such information."

Mr. Seabury offered the following substitute for both amendments:

Amend by adding after section 1 the following: "Provided, that the provisions of this act shall not apply to employers who have discharged such employees for negligence, or other just cause."

Lost.

(Speaker in the chair.)

Mr. Fisher offered the following substitute for both amendments:
"Provided, this act shall not apply to any person who shall give a truthful account of the habits or character of such employe when such employe is guilty of negligence, drunkenness, or any misdemeanor involving moral turpitude or felony."

Whereupon, Mr. Blair moved to reconsider the vote by which the House refused to excuse the absentees under call of the House on the motion to order a second reading of a resolution by Mr. Seabury to authorize and request the Speaker to issue a warrant for the arrest of one Marion Robertson.

The motion to reconsider prevailed, and the call of the House was withdrawn.

Question recurring on the resolution by Mr. Seabury, it was read second time and adopted.

Question next recurred on the substitute by Mr. Fisher for pending amendments to House bill No. 236, whereupon,

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

Whereas, there is a small number of porters of this House, and they are taxed to the extent of their physical capacity in attending to our wants day and night at a small compensation; therefore, be it

Resolved, that each of the porters of this House be allowed as extra compensation the sum of $1 per night for each night since this House has been under call and for each night hereafter that this House may be under call during this session; and the Chief Clerk and Speaker are hereby authorized to draw a warrant for same.

The resolution was read second time, and Mr. Burns offered the following amendment:

Amend by inserting the names of each clerk and page.

Mr. Childs offered the following amendment to the amendment:

"Provided, the porters attend to all the wants and necessities of the members without extra compensation for so doing."

On motion of Mr. Wolters, the resolution was tabled.

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

Whereas, Wednesdays and Thursdays of each week were heretofore set apart by concurrent resolution, for the consideration of Senate bills; and

Whereas, under the present call of the House, said Senate bills will not be considered except they be called up out of their regular order; and

Whereas, there are now on the Speaker's table about twenty-five bills and resolutions, sent to this House from the Senate, which are entitled to consideration; and

Whereas, the Senate, in pursuance to said concurrent resolution, has disposed of every bill heretofore passed by this House, and entered upon its calendar; therefore, be it

Resolved, that this House will now proceed to the consideration of Senate bills and resolutions, and that no other bill or resolution will be considered until the calendar is clear of said pending Senate bills and resolutions.

Read second time, and Mr. Freeman raised the point of order that it was in conflict with Senate concurrent resolution No. 9.

Overruled by the Chair.

On motion of Mr. Dean, Mr. Boyd was excused indefinitely, on account of sickness in his family.

(Speaker in the chair.)

Mr. Blair moved to excuse the absentees under call on ordering the main question, viz.: Shall House bill No. 9 be engrossed?

Overruled by the Chair.

Mr. Wolters moved as a substitute that the absentees be excused for all purposes on any question pertaining to House bill No. 9.

Mr. Blair called for a division of the question.

Yea's and nay's were then first demanded on the motion to excuse the absentees under call on ordering the main question by Mr. Reiger, Mr. Gilbough and Mr. Blair.

Excused by the following vote:
Yeas—88.

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Mr. Speaker: Being paired with Mr. Stokes, and not knowing how he would vote on this changed phase of the question, I allow myself to be recorded under the rule with the minority.

**HENDERSON.**

Question next recurring—Shall the main question be ordered? It was lost.

Mr. Fisher moved that further consideration of House bill No. 9 be postponed until next Tuesday, March 2, at 10 o’clock a.m., and that it be made a special order for that day, and to be considered from day to day until disposed of.

The motion prevailed, and the bill was made a special order for that day and hour.

Mr. Blair moved that the House adjourn until next Monday at 10 o’clock a.m.

Mr. Martin moved that the House adjourn until 10 o’clock a.m. next Saturday.

Question recurring on the longest time first, yeas and nays were demanded by Mr. Garrison, Mr. Wolters and Mr. Childs.

The motion prevailed by the following vote:

Yeas—66.

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Nays—15.

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Accordingly, the House adjourned until 10 o'clock a.m. next Monday; pending questions, resolution by Mr. Turner, and House bill No. 236, with pending amendments.

THIRTY-THIRD DAY.

Hall of House of Representatives, Austin, Texas, Monday, March 1, 1897.

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

Speaker Dashiel in the chair.

Roll called, and the following members present:


Nays—41.


Absent.

Logan. Rudd.

Excused.