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: 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:

Alexander.  Dorroh.
Ayers.    Doyle.
Barbee.    Edwards.
Barrett.  Evans of Hunt.
Beaird.    Felid.
Bell.       Fields.
Benson.    Fisher.
Bertram.   Garrison.
Bird.       Gilbough.
Blair.      Good.
Blacks.    Graham.
Brewster.  Hensley.
Bridgman.  Hill of Gonzales.
Brown.     Hill of Travis.
Bumpass.   Holland of Burnet.
Burney.    Humphrey.
Callan.    Kirk.
Carpenter. Lillard.
Childs.    Logan.
Collier.    Lotto.
Conolly.   Love.
Cureton.   Manson.
Curry.     Martin.
Bean.       McFarland.
Bean.       McGaughey.
Bell.       McKamy.
Bell.       McKellar.
A quorum was announced present.

Prayer by Dr. J. A. Jackson, Chaplain.

Pending reading of the Journal of Tuesday, February 23d.

On motion of Mr. Peery, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Reiger until Thursday, on motion of Mr. McKamy.

Mr. Randolph for to-day, on motion of Mr. Dean.

Mr. Holland of Harris for to-day, on motion of Mr. Brown.

Mr. Freeman until Wednesday, on motion of Mr. Bertram.

Mr. Green until Tuesday, on motion of Mr. Dorroh.

Mr. Savage until next Monday, and Mr. Crawford and Mr. Stamper for to-day, on motion of Mr. Barrett.

Mr. Harris for to-day, on motion of Mr. Gilbough.

Mr. Rhea indefinitely, on motion of Mr. Breaster.

Mr. Henderson until Wednesday, on motion of Mr. Good.

Mr. Moore of Lamar for to-day, Mr. Meade, and Mr. Wileman, committee clerk, until Wednesday, on motion of Mr. Carpenter.

Mr. Oliver for to-day, on motion of Mr. Callan.

Mr. Rogers until Thursday, on motion of Mr. Brigance.

Mr. Seabury indefinitely, on motion of Mr. Wolters.

Mr. Evans of Grayson and Mr. Wilcox until Wednesday, on motion of Mr. Shelburne.

Mr. Maxwell for to-day, on motion of Mr. Welch.

Mr. Sluder for to-day, on motion of Mr. Bird.

On account of sickness:

Mr. Boyd for to-day, on motion of Mr. Bounds.

Mr. Crowley indefinitely, on motion of Mr. Childs.

Mr. Bean indefinitely, on motion of Mr. McGaughey.

Mr. Flint indefinitely, on motion of Mr. Dorroh.

Mr. Carswell indefinitely, on motion of Mr. Garrison.

PETITIONS AND MEMORIALS.

By Mr. Welch:

A petition from 33 citizens of Brackenridge, protesting against the enactment of restrictive medical legislation.
Read and referred to Committee on Public Health and Vital Statistics.

By Mr. Burns:
A petition of 200 citizens of Brown county, asking for the creation of a new county from portions of Brown, Coleman, Comanche, Eastland and Callahan counties.

Read and referred to Committee on Counties and County Boundaries.

By Mr. Welch:
A petition from 110 citizens and taxpayers of Del Rio, Val Verde county, asking that the Legislature appropriate $7,500 per year for the support of three experiment stations as recommended by the president of the A. & M. College, and that the third station be situated in Del Rio, it being the most natural and best location for the western station.

Read and referred to Committee on Finance.

By Mr. Thompson:
A petition of 37 citizens of Jeff Davis county, asking for the continuance of the Ranger service.

Read and referred to Committee on Finance.

By Mr. Ayers (by request of Mr. Flint):
A petition and memorial form 150 citizens of Marion county, asking that the civil and criminal jurisdiction of the county court of Marion county be abolished.

Read and referred to Judicary Committee No. 1.

BILLS AND RESOLUTIONS.

By Mr. McGaughy:
House bill No. 497, a bill to be entitled "An act to provide for the sale of the unappropriated public land situated in the unorganized counties of the State of Texas, and to appropriate the proceeds thereof."

Read first time and referred to Committee on Public Lands and Land Office.

By Mr. Staples:
House bill No. 498, a bill to be entitled "An act to regulate the employment of persons sentenced to the penitentiaries, and to provide for their compensation in certain cases."

Read first time and referred to Committee on Labor.

By Mr. Dies:
House bill No. 499, a bill to be entitled "An act to amend title 94, chapter 10, of the Revised Civil Statutes of the State of Texas, by adding thereto article 4494a, requiring railroad companies operating or controlling lines of railway to or through any county seat of any county in this State to stop all passenger trains, for the purpose of transporting passengers at such county seat."

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

By Mr. Shropshire:
House bill No. 500, a bill to be entitled "An act to authorize and permit the Aransas Pass Harbor Company to purchase from the State of Texas Harbor Island, certain shoal waters and flats in front thereof, and in Redfish bay, on the gulf coast of Texas, in order to encourage the procuring and maintenance of deep water at Aransas Pass."

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

By Mr. Curry (by request):
House bill No. 502, a bill to be entitled "An act to lease to H. P. N. Gammel, of Austin, Travis county, Texas, the stereotyped plates of volumes 56 to 66 inclusive of the Texas Reports, being reports of the decisions of the Supreme Court of Texas."

Read first time and referred to Committee on Public Printing.

By Mr. Gilbough:
House bill No. 503, a bill to be entitled "An act to aid in the support and maintenance of the John Sealy hospital at Galveston, and making an appropriation for the same for the years beginning March 1, 1899."

Read first time and referred to Committee on Finance.

By Mr. Gilbough:
House bill No. 504, a bill to be entitled "An act to amend the charter of the city of Galveston, by amending sections 39 and 127, and by adding thereto sections 75d, 90a, 132d, 132e, 174a, 188a, 188b, 188c, 188d, 188e, 188f, 188g, 188h, 188i and 188j."

Read first time and referred to Committee on Town and City Corporations.

By Mr. Gilbough:
House bill No. 505, a bill to be entitled "An act to amend the charter of the city of Galveston by amending sections 116, 132d and 174, relating to the
system of sewerage and waterworks of said city."
Read first time and referred to Committee on Towns and City Corporations.

By Mr. Ward:
House bill No. 506, a bill to be entitled "An act to grant the Wesley Chapel, Methodist Episcopal church, colored, of Austin, for church purposes a part of block 94 of the city of Austin."
Read first time and referred to Committee on Public Buildings and Grounds.

By Mr. Ward:
House bill No. 507, a bill to be entitled "An act to amend article 3328 of chapter 4, title 60, of the Revised Civil Statutes of the State of Texas, and article 4651, chapter 3, title 96, of the Revised Civil Statutes of the State of Texas, by providing for the place of record of certain written contracts for the conditional sale, lease or hire of railroad equipment and rolling stock."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Ward:
House bill No. 508, a bill to be entitled "An act to grant the African Methodist Church for church purposes a portion of block No. 101 of the city of Austin."
Read first time and referred to Committee on Public Buildings and Grounds.

By Mr. Ward:
House bill No. 509, a bill to be entitled "An act to amend article 3328 of chapter 4, title 60, of the Revised Civil Statutes of the State of Texas, and article 4651, chapter 3, title 96, of the Revised Civil Statutes of the State of Texas, by providing for the place of record of certain written contracts for the conditional sale, lease or hire of railroad equipment and rolling stock.
Read first time and referred to Judiciary Committee No. 1.

By Mr. Blair:
House bill No. 510, a bill to be entitled "An act to define the act of forgery in the State of Texas, by amending title 14, chapter 1, article 530, of the Penal Code of the State of Texas."
Read first time and referred to Judiciary Committee No. 2.

By Mr. Shropshire:
House bill No. 511, a bill to be entitled "An act to protect secret societies and to provide penalties for the violation of this act."
Read first time and referred to Judiciary Committee No. 2.

By Mr. Browne (by request):
House bill No. 512, a bill to be entitled "An act to provide that in the trial of civil cases and in the trial of criminal cases below the grade of felony, nine jurors concurring may render a verdict."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Ayers (by request of Mr. Flint):
House bill No. 513, a bill to be entitled "An act to diminish the civil and criminal jurisdiction of the county court of Marion county in this State, and to conform the jurisdiction of the district court of said county to such change."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Ayers:
House bill No. 514, a bill to be entitled "An act to amend article 2246, chapter 30, title 39, of the Revised Statutes of Texas, relating to commissions allowed executors and administrators, and providing a fee for such executors and administrators where property belonging to an estate is sold to satisfy an indebtedness against said estate secured by lien and said property is bought in by the lien creditor for an amount not exceeding the amount due the lien creditor."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Kimbell:
House bill No. 515, a bill to be entitled "An act to amend article 414, chapter 4, title 18, of the Revised Civil Statutes of the State of Texas, and to provide for the sale and lease of the property of towns and cities."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Beaird:
House bill No. 516, a bill to be entitled "An act to give cotton ginners a lien on cotton ginned by them and the right to retain possession of the cotton until said lien is satisfied."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Beaird:
House bill No. 517, a bill to be entitled "An act to make it a felony for
any president, director or manager, cashier or other officer of any bank; banking institution or the owner or manager of any private bank or banking institution, or the president, vice president, secretary, treasurer, director or agent of any trust company or institution doing business in the State of Texas to receive or assent to the reception of any deposit of money or other valuable thing in such bank, banking institution or trust company or institution, or for any such officer, owner or agent of such bank, banking institution or president, vice president, secretary, treasurer or director or agent of such trust company or institution to create or assent to the creation of any debt, debts or indebtedness in consideration or by reason of which indebtedness any money or valuable property shall be received into such bank or banking institution or trust company or institution after he shall have knowledge of the fact that such bank, banking institution or trust company or institution or the owner or owners of any such private bank or institution is insolvent or in failing circumstances, and to provide an appropriate penalty therefor.

Resolved, that a committee of six conservative members be appointed by the Speaker of the House, whose duty it shall be to prepare a substitute bill and report the same back to the House not later than next Wednesday morning.

Read second time, and tabled on motion of Mr. Love.

By Mr. Burney:

 Whereas, the Hon. J. M. Bennett has expended the sum of $294.85 out of his own funds in defending his right to a seat in this House, as shown by attached sworn statement; and

Whereas, he has received no pay for his services as a member of this House, although he was the sitting member for twenty-four days under a certificate of election duly authenticated; therefore be it

Resolved by the House of Representatives of the Twenty-fifth Legislature of the State of Texas, that the amount of $294.85 be and the same is hereby allowed the said J. M. Bennett out of the contingent expense fund of the Twenty-fifth Legislature.

On motion of Mr. Burney, referred to the Committee on Contingent Expenses.

NOTICE.

Mr. Dickinson gave notice that on to-morrow he would offer to amend the rules as set forth in the following resolution:

Resolved by the House of Representatives of Texas, that the object of Rule No. 51 of this House is to secure the vote of all its members, except those excused, on the question pending at the time the call of the House is ordered, that it is the duty of every member, unless he is excused, to proceed at once to his place in the House when informed of the call of the House, and that any member who hereafter refuses to do this, or who willfully absents himself from his place in the House in anticipation of or after the call of the House, is guilty of a violation of his duty as a member of the House and of the privileges of the House, for which he shall be expelled from the House.

FURTHER TIME GRANTED.

For the consideration of House bills Nos. 139 and 146, also Senate bills Nos. 17 and 28, on motion of Mr. Logan, acting chairman of the Committee on Internal Improvements.
COMMITTEE REPORTS.

By Mr. Curry, chairman:

Committee Room, Austin, Texas, Feb. 26, 1897.

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

Your Committee on Revenue and Taxation, to whom was referred House bill No. 468, a bill to be entitled "An act to amend article 5060e of the Revised Civil Statutes of the State of Texas, by adding thereto article 877, prohibiting issuance of warrants on the county treasurer in favor of parties indebted to the State of Texas.

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

CURRY, Chairman.

Committee Room, Austin, Texas, Feb. 26, 1897.

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

Your Committee on Revenue and Taxation, to whom was referred House bill No. 445, a bill to be entitled "An act to amend article 5060e of the Revised Civil Statutes of the State of Texas, by adding thereto article 877, prohibiting issuance of warrants on the county treasurer in favor of parties indebted to the county."

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

CURRY, Chairman.

Committee Room, Austin, Texas, Feb. 26, 1897.

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

Your Committee on Revenue and Taxation, to whom was referred House bill No. 468, a bill to be entitled "An act to amend articles 5232f, 5232h, 5232i, and 5232k, chapter 5a, of the Revised Statutes of the State of Texas, prohibiting issuance of liens against property when the person or firm which has made the claim for delinquent taxes is not in the county in which said orders are taken."

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

CURRY, Chairman.

Committee Room, Austin, Texas, Feb. 26, 1897.

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

Your Committee on Revenue and Taxation, to whom was referred House bill No. 448, a bill to be entitled "An act to provide for the taxation of traveling agents of mercantile firms who solicit orders from other persons than merchants."

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

Amend by inserting in line 26, page 1, after the word "firm," the words "not in the county in which said orders are taken."

CURRY, Chairman.

Committee Room, Austin, Texas, Feb. 26, 1897.

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

Your Committee on Revenue and Taxation, to whom was referred House bill No. 445, a bill to be entitled "An act to amend article 6006e of the Revised Civil Statutes of the State of Texas, by adding thereto article 877, prohibiting issuance of warrants on the county treasurer in favor of parties indebted to the county."

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

CURRY, Chairman.
the Revised Civil Statutes of the State of Texas, 1895, so as to provide for the issuance of special retail liquor license to agricultural societies, fair societies, school communities, and other societies on feasts and festive gatherings held for benevolent or other useful public purposes."

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

CURRY, Chairman.

Committee Room, Austin, Texas, Feb. 26, 1897.
Hon. L. T. Dashiel, Speaker of the House.

Your Committee on Revenue and Taxation, to whom was referred House bill No. 101, a bill to be entitled "An act to amend article 5243c of chapter 9, title CIV, of the Revised Civil Statutes of 1895, relating to the filing of annual statements of life, fire, marine, accident and other insurance companies, and fixing rate of taxation for same."

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

CURRY, Chairman.

By Mr. Dies, chairman:

Committee Room, Austin, Texas, March 1, 1897.
Hon. L. T. Dasheil, Speaker of the House:

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 90, a bill to be entitled "An act to provide the mode of furnishing certain supplies to the asylums, and to repeal title 9, chapter 3, of the Revised Civil Statutes of 1895."

And find the same correctly engrossed.

DIES, Chairman.

MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, March 1, 1897.
Hon. L. T. Dasheil, 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. 264, a bill to be entitled "An act to amend sections 4 and 18 and 19, of an act entitled 'An act to incorporate the city of Waco, and to define its boundaries,' approved on the 10th day of February, 1889,"

By a two-thirds vote: yeas 25, nays none.

Senate bill No. 105, a bill to be entitled "An act to secure a system of drainage along the public roads of the State by excavating ditches and drains on either side thereof leading into the natural waterways crossed by or adjacent to such roads, and to provide for the making of lateral drainage ditches to empty into same by owners of lands adjacent to said road, and to provide for the payment of expense incurred therefor, and for the collection of assessments from adjoining land owners benefited by such drainage system."

By a two-thirds vote: yeas 25, nays 1. Also, Senate concurrent resolution No. 15, thanking Hon. Swante Palm for his munificent donation to the University of Texas.

Respectfully,
WILLIAM AMB.\ SECRETARY.

SENATE BILL ON FIRST READING.

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

Senate bill No. 105, to Judiciary Committee No. 1.

SIGNED BY THE SPEAKER.

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

Senate bill No. 206, entitled "An act to amend article 722 of chapter 14, of title 21, of the Revised Civil Statutes of 1895 of the State of Texas, adopted by the Twenty-fourth Legislature of the State of Texas in the year 1895."

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

House bill No. 268, entitled "An act to create a more efficient road system for Travis county, in the State of Texas."

House bill No. 242, entitled "An act to amend the charter of the city of Galveston by adding thereunto 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."

House bill No. 54, 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."

Substitute House bill No. 17, entitled "An act to amend title 96, chapter 3, Revised Statutes (1895), of the State of Texas, by adding thereto, after article 4640, an article to be known as article 4640a, prohibiting the admission to record of instruments in any other than the English language, except instruments executed prior to the taking effect of this act, which may be recorded if accompanied by a sworn translation thereof."

MESSAGE FROM THE GOVERNOR.

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

To the Senate and House of Representatives.

In July, 1879, the Houston and Texas Central Railway Company, by virtue of land certificates issued for the construction of its railroad, pretended to survey a large body of land known as Block 97, situated in the counties of Scurry, Borden, Kent and others. The block of land was within the Texas and Pacific 80-mile reservation, and the locations therefore void.

Jumbo Cattle Company v. Bacon & Graves, 79 Texas, 5.

By the acts of July 14th, 1879, and March 11th, 1881, these lands, with others, were offered for sale by the State at 50 cents per acre, but they were withdrawn from the market by the act approved January 22, 1883. On December 1, 1882, E. M. Bacon and E. G. Graves made application under the laws of 1879 and 1881 to purchase about 550 sections of the land included in Block 97, and they purported to have the land surveyed into sections of 640 acres, as required by the statute, yet in fact the surveyors only copied the field notes made for the railway company. On May 16th and 19th, 1888, and within the required time, they tendered to the State Treasurer $185,-280, being 50 cents per acre for 370,560 acres of land, which was declined by the Treasurer upon the ground that some of the surveys covered school lands. On January 3rd, 1891, they again made a tender to the Treasurer, this time of $146,120, or 50 cents per acre for 298,240 acres of land. This money was accepted by the Treasurer under the advice of Attorney-General Hogg, but the parties were previously informed that the claim to the land would be resisted by the State and the payment would be made upon that condition. In the meantime, the property of the railway company, including the claim to this land, was placed in charge of a receiver appointed by the United States Circuit Court for the Eastern District of Texas. In the course of this receivership mortgage liens upon the lands were foreclosed and the lands sold to F. P. Olcott of New York, to whom deeds were made and recorded, but the court by the decree undertook to reserve limited control over the property, notwithstanding the sale. While the receivership was pending, many other lands of the company were sold and the fund thus created was held by the receivers. Olcott, holding under the company, and Bacon & Graves under their alleged purchase, thus held conflicting claims to the lands, both of which were resisted by the State. These parties practically merged and consolidated their claims, and on May 26, 1880, Bacon & Graves transferred the land to C. C. Gibbs as trustee, who held it for them and Olcott and the interests he represented. In consideration of which Olcott furnished the money, which was paid in to the treasury, as already stated, out of the fund referred to, and the lands were to be divided between them in a stipulated proportion. If patents were obtained. On the 20th day of September, 1891, suit was instituted by me, as attorney general, to recover the lands and determine the controversy. Judgment was recovered by the State against Bacon & Graves and C. C. Gibbs, because the lands were never legally surveyed; it was affirmed by the Court of Civil Appeals, a writ of error was denied by the Supreme Court of the State, and a writ of error sued out to the Supreme Court of the United States was dismissed for want of jurisdiction.


Bacon vs. Texas, 103, U. S., 207.

From this statement it is clear that
the title to the lands has been finally adjudged to be in the State. The claim of title originating with the company has been settled, because when the certificates were located the lands were within the reservation named and not subject to such location, and because Gibbs, against whom judgment was rendered, represented Olcott, who held the company claim as well as the other claimants. The claim of title originating with Bacon & Graves was expressly extinguished by the decree.

Having recovered the lands, the State should refund the money. It was deposited in the treasury as provided by law, one-half to the credit of general revenue and one-half to the permanent school fund, aggregating $149,120, and the appropriation should be made from these funds in the same proportion. Olcott, however, notwithstanding this decision of the court, is claiming title to the odd sections under the original locations by the railway company and has instituted suits in the United States Circuit Court at El Paso to dispossess settlers holding under the State. As this claim is wholly unfounded, the act refunding the money should expressly provide that it should be paid upon condition that Olcott, for himself and others whom he may represent, should dismiss said suits and execute a release to the State and those holding under the State for all claim to the land in controversy.

It is believed that the State is not legally bound to pay interest on this money. There is no express law authorizing the payment of interest, and there appears to be no implied obligation to do so. At least a part of the principal must be obtained by taxation, and where the State sues for taxes interest is not recoverable unless provided for by express law.

Western Union Tel. Co. v. State, 55 Texas, 314.

County warrants do not draw interest (Ashe v. Harris county, 55 Texas, 49), and it is well understood that State warrants do not. The general rule as to a State is thus announced by the Supreme Court of Mississippi: "As a general rule, the State is not bound to pay interest; and in cases of this kind, where the contract contemplates the action of the Legislature in order to pay the claim, it is to be presumed to have been made with reference to such action, and not to be a complete debt until the demand be made. Of course, interest could not be claimed until such application was made to the Legislature, because no default would have occurred until such demand."

State v. Mayes, 28 Miss., 709.
Whitney v. State, 52 Miss., 732.

Nor is there any equitable claim to interest in this case. The State did not demand or desire payment. It was once expressly declined, and the money was finally accepted under protest and with the distinct statement that the claim would be resisted. The tender was undoubtedly made for the purpose of obtaining some supposed legal advantage in the controversy and should not be construed to make the State an enforced borrower of money which it did not need and which the officials were prohibited by section 49, article 3, of the Constitution, from securing as a direct loan.

C. A. CULBERSON.
Executive Office, March 1, 1897.

SPEAKER'S TABLE.
On motion of Mr. Robbins, the regular order of business was suspended to take up and place on its third reading and final passage Senate joint resolution No. 7, amending article 8 of the Constitution of the State of Texas, by adding thereto section 26, providing for the organization of irrigation districts, and for the levying and collection of a tax for the construction of reservoirs, dams and canals.

The resolution was laid before the House, and read third time.

Mr. Bertram offered the following amendment: Amend by striking out the words "a majority," in line 5, page 3, and insert "two-thirds" in lieu thereof.

Lost.

Mr. Doyle offered the following amendment: Amend line 23, page 4, by striking out the words "first Tuesday in August, 1897," and inserting the words "at the next general State election."

(Mr. Bailey in the chair.)

On motion of Mr. Peery, the amendment by Mr. Doyle was tabled.

Senate joint resolution No. 7 was passed by the following vote:

Yeas—90.

Alexander. Blair.
Ayers. Brewster.
Barrett. Rnapps.
Bell. Burney.
Bird. Burns.
Callan.
Mr. Robbins moved to reconsider the vote by which Senate joint resolution No. 7 was passed, and to table the motion to reconsider. The motion to table prevailed.

The Speaker laid before the House, as pending business, House bill No. 236, on its engrossment, with the following amendment by Mr. Rogan pending:

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 so to do."

The following amendment to the amendment by Mr. Neighbors:

"Provided, the employees be served with a copy of such information."

And the following substitute for both by Mr. Fisher:

"Provided, this act shall not apply to any person who shall give a truthful account of the habits or character of such employee when such employee is guilty of negligence, drunkenness or any misdemeanor involving moral turpitude or felony."

On motion of Mr. Wolters, pending business was suspended to take up and place on its second reading and passage to a third reading.

Senate bill No. 66, a bill to entitle "An act to provide for single election polls in cities and towns not having more than 400 electors, and to repeal all laws and parts of laws in conflict therewith."

The bill was laid before the House, read second time, and was passed to a third reading.

Mr. Wolters 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—92.

Nays—6.
Edwards. Lillard.
Excused.
Mr. Robbins moved to reconsider the vote by which Senate joint resolution No. 7 was passed, and to table the motion to reconsider. The motion to table prevailed.
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House Journal.

April

Peery.
Pfeuffer.
Porter.
Reubell.
Rogau.
Schlick.
Sheibumbe.
Shropshire.
Skillern.
Smith.
Staples.
Strother.
Thaxton.
Thomas.
Thompson.
Tracy.
Tucker.
Turner.
Vaughan, Gualepe.
Vaughan of Collin.

Nays—none.

Absent.

Edwards.

Robbins.

Excused.

Boan.
Boy.
Carswell.
Crawford.
Crowley.
Evans of Grayson.
Flint.
Freeman.
Green.
Harris.
Henderson.
Holland of Harris.
Maxwell.
Meade.

Senate bill No. 66 read third time and passed by the following vote:

Years—90.

Alexander.
Ayers.
Bailey.
Barbee.
Barrett.
Beard.
Bell.
Benson.
Bertram.
Bird.
Blair.
Bounds.

Brewster.
Brigance.
Browne.
Bumpass.
Burney.
Burns.
Callan.
Carpenter.
Childs.
Collier.
Colony.
Coreton.

Curry.
Dean.
Dennis.
Dickinson.
Dies.
Dorroh.
Doyle.
Drew.
Evans of Hunt.
Feild.
Fields.
Fisher.
Garrison.
Gilbough.
Good.
Graham.
Hensley.
Hill of Gonzales.
Hill of Travis.
Holland of Burnet.
Humphrey.
Jones.
Kimbell.
Lillard.
Logan.
Lotto.
Love.
Manson.
Martin.
McFarland.
McGaughy.
McKamy.
McKellar.
Melton.
Mercer.
Moore, Fort Bend.
Morris.
Morton.
Mindillne.
Neighbors.
O'Connor.
Patterson.

Peery.
Pfeuffer.
Pitts.
Porter.
Peery.
Pfeuffer.
Pitts.
Porter.

Merger.

Mercer.

Moore, Fort Bend.

Nays—none.

Absent.

Blackburn.

Edwards.

Beau.

Floyd.

Carswell.

Crawford.

Crowley.

Evans of Grayson.

Flint.

Freeman.

Green.

Harris.

Henderson.

Holland of Harris.

Maxwell.

Meade.

Stake bill No. 66 read third time and passed by the following vote:

Years—90.

Alexander.
Ayers.
Bailey.
Barbee.
Barrett.
Beard.
Bell.
Benson.
Bertram.
Bird.
Blair.
Bounds.

Brewster.
Brigance.
Browne.
Bumpass.
Burney.
Burns.
Callan.
Carpenter.
Childs.
Collier.
Colony.
Coreton.

Curry.
Dean.
Dennis.
Dickinson.
Dies.
Dorroh.
Doyle.
Drew.
Evans of Hunt.
Feild.
Fields.
Fisher.
Garrison.
Gilbough.
Good.
Graham.
Hensley.
Hill of Gonzales.
Hill of Travis.
Holland of Burnet.
Humphrey.
Jones.
Kimbell.
Lillard.
Logan.
Lotto.
Love.
Manson.
Martin.
McFarland.
McGaughy.
McKamy.
McKellar.
Melton.
Mercer.
Moore, Fort Bend.
Morris.
Morton.
Mindillne.
Neighbors.
O'Connor.
Patterson.

Peery.
Pfeuffer.
Pitts.
Porter.

Nays—none.

Absent.

Blackburn.

Edwards.

Beau.

Floyd.

Carswell.

Crawford.

Crowley.

Evans of Grayson.

Flint.

Freeman.

Green.

Harris.

Henderson.

Holland of Harris.

Maxwell.

Meade.

Mr. Wolters moved to reconsider the
vote by which Senate bill No. 66 was
passed, and to take up and place
on its second reading. House bill No.
340.

Lost.
Mr. Shelburne moved to adjourn until 9 o'clock to-morrow, and Mr. Smith until 3 o'clock p. m. to-day.

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

THIRTY-FOURTH DAY.

Hall House of Representatives, Austin, Texas.
Tuesday, March 2, 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:
Alexander.
Ayers.
Bailey.
Barbee.
Barrett.
Beaird.
Bell.
Benson.
Bertram.
Bird.
Blackburn.
Blair.
Bounds.
Boyd.
Brewster.
Brigance.
Browne.
Bumpass.
Burney.
Burns.
Callan.
Carpenter.
Childs.
Collier.
Conoly.
Crawford.
Cureton.
Curry.
Dean.
Dennis.
Dickinson.
Dies.
Dorroh.
Doyle.
Drew.
Edwards.
Evans of Hunt.
Feld.
Fields.
Fisher.
Freeman.
Garrison.
Good.
Graham.
Green.
Harris.
Hensley.
Hill of Gonzales.
Hill of Travis.
Holland of Burnet.
Holland of Harris.
Humphrey.
Jones.
Kimbell.
Kirk.
Lillard.
Logan.
Love.
Manson.
Martin.
Maxwell.
McFarland.
McGaughey.
McKamy.
McKellar.
Melton.
Mercer.
Moore, Fort Bend.
Moore of Lamar.
Morris.
Morton.
Mundine.
Neighbors.
O'Connor.
Patterson.
Peery.
Pfeuffer.
Pitts.
Porter.
Randolph.
Reiger.
Reubell.
Robbins.
Rogan.
Rudd.
Schlick.
Seabury.
Shelburne.
Shropshire.
Skillern.
Sluder.
Smith.
Smyth.
Stamper.
Staples.
Stokes.
Strother.
Thaxton.
Thomas.
Thompson.
Tracy.
Tucker.
Turner.

Stamp.
Vaughan, Guadalupe
Vaughan of Collin.
Wall.
Wallace.
Ward.
Welch.
Wilcox.
Walters.
Wood.

Absent.
Ewing.
Gibough.

Excused.
Bean.
Carswell.
Crowley.
Evans of Grayson.
Flint.
Savage.
Henderson.
Williams.

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

Pending reading of the Journal of yesterday,
On motion of Mr. Reiger, further reading was dispensed with.
On motion of Mr. Dorroh, the committees to visit the State institutions at Austin were excused for to-day, on account of important committee work.
On motion of Mr. Kimbell, Mr. Ewing was excused indefinitely, on account of sickness.

BILL SIGNED BY THE SPEAKER.
The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following bill:

Senate bill No. 66, "An act to provide for single election polls in cities and towns not having more than 400 electors, and to repeal all laws and parts of laws in conflict therewith."

PETITIONS AND MEMORIALS.
By Mr. Dies:
A petition from 80 citizens of Woodville, Texas, asking the Legislature not to pass House bill No. 9, known as the Evans Assignment Bill.
Read and referred to Judiciary Committee No. 1.

By Mr. Kimbell:
A petition from more than 200 citizens of Limestone county, asking that a law be passed giving ginners a lien on cotton, also a bill to punish tenants for fraudulently disposing of the crop raised on rented land without paying the rents due.
Referred to Judiciary Committee No. 2.