THIRTY-FIFTH DAY.

Hall House of Representatives,

Austin, Texas,

Wednesday, March 3, 1897.

The House met at 9 o'clock a.m., pursuant to adjournment.

Speaker Dashiel in the chair.

Roll called, and the following members present:

Alexander. Logan.
Ayers. Lotto.
Bailey. Love.
Barbee. Manson.
Barrett. Martin.
Beaird. Maxwell.
Bell. McFarland.
Benson. McGaughey.
Bertram. McKamy.
Bird. McKellar.
Blackburn. Meade.
Blair. Melton.
Bounds. Mercer.
Boyd. Moore, Fort Bend.
Brewster. Moore of Lamar.
Brigance. Morris.
Browne. Morton.
Burney. Mundine.
Burns. Neighbors.
Callan. O'Connor.
Carpenter. Patterson.
Childs. Pfeiffer.
Conoly. Pitts.
Crawford. Porter.
Cureton. Randolph.
Curry. Reger.
Dean. Reubell.
Dennis. Robbins.
Dickson. Rogers.
Doe. Schlick.
Dorroh. Seabury.
Doyle. Shilburne.
Drew. Shropshire.
Edwards. Skillern.
Evans of Hunt. Sluder.
Field. Smith.
Fields. Smyth.
Fisher. Stamper.
Freeman. Staples.
Garrison. Stokes.
Gilbough. Strother.
Good. Thaxton.
Graham. Thomas.
Green. Thompson.
Harris. Tracy.
Hensley. Turner.
Hill of Gonzales. Vaughan, Guadalupe.
Hill of Travis. Vaughan of Collin.
Holland of Burnet. Wall.
Holland of Harris. Wallace.
Humphrey. Ward.
Jones. Welch.
Kimbell. Williams.
Kirk. Wolters.
Lillard. 

Absent. 

Bumpass. Wilcox.
Rudd. Wood.
Excused.

Bean. Henderson.
Carswell. Oliver.
Crowley. Rhea.
Evans of Grayson. Rogers.
Ewing. Savage.
Flint. Tucker.

A quorum was announced present.

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

Pending reading of the Journal of yesterday,

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

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Evans of Grayson indefinitely, on motion of Mr. Stampers.
Mr. Gilbough for to-day, on motion of Mr. Meade.

On account of sickness:

Mr. Oliver for yesterday, on motion of Mr. Martin.

On motion of Mr. Dorroh, the committee to visit the Austin Deaf and Dumb and Blind Institute was excused for to-day, on account of important committee work.

On motion of Mr. Maxwell, Mr. Wood, Mr. Bumpass and Mr. Wilcox were excused until Friday morning, on account of important committee work.

PETITIONS AND MEMORIALS.

By Mr. Kirk:

Petitions from 187 citizens of Lavaca county, asking for a change in the time for holding the district court in said county, and 101 citizens of said county, opposing said change.

Referred to the Committee on Judicial Districts.

By Mr. Burney:

A petition from 50 citizens and cattle raisers of Kerr county, protesting against the exemption of Kerr county from the inspection law.

Referred to the Committee on Stock and Stockraising.

By Mr. Randolph:

A petition from 17 citizens of Leon county, protesting against the passage of restrictive medical legislation.

Referred to the Committee on Public Health and Vital Statistics.

By Mr. Hill of Gonzales:

A protest from 50 citizens of Gonzales county, composing the Forest Home Liberty Society, against any change in the organic law of this State.
Referred to the Committee on Constitutional Amendments.
Also a petition from 50 citizens of Gonzales county, asking for the establishment of a girls' industrial school in connection with the A. and M. College.
Referred to the Committee on Education.

By Mr. Jones:
A petition from 30 citizens of Medina county, asking for the passage of Senator Dibrell's bill providing for preliminary trials in cases of trespass to try title.
Referred to Judiciary Committee No. 1.

By Mr. Maxwell:
A petition from 400 citizens of Eastland county, asking for the creation of a new county out of portions of Coleman, Brown and Comanche counties.
Referred to the Committee on Counties and County Boundaries.

By Mr. Peery:
A petition from 250 citizens of Baylor county, protesting against the dismemberment of any portion of her territory to make a new county, as proposed, out of portions of Young, Archer, Baylor and Throckmorton counties.
Referred to the Committee on Counties and County Boundaries.

BILLS AND RESOLUTIONS.

By Mr. Moore of Lamar:
House bill No. 524, a bill to be entitled "An act to prevent fraudulent and fictitious preferences by deeds of trust or chattel mortgages, and to prescribe penalties therefor."
Read first time and referred to Judiciary Committee No. 2.

By Mr. Doyle:
House bill No. 525, a bill to be entitled "An act to amend article 5171, chapter 4, of the Revised Civil Statutes of the State of Texas, by adding thereto article 5171b, relating to the payment of taxes, and to provide a fee for the collection of delinquent taxes."
Read first time and referred to Committee on Revenue and Taxation.

By Mr. Barbee:
House bill No. 526, a bill to be entitled "An act to amend article 2402, of title 42, chapter 1, of the Revised Civil Statutes of the State of Texas, relating to exemptions of personal property, so as to enforce section 49, of article 16, of the State Constitution."

By Mr. Ayers:
House bill No. 533, a bill to be entitled "An act to establish a naval bat-
Hon. L. T. Dashiell, Speaker of the House:

Your Committee on State Affairs, to whom was referred:

The message from the Governor in regard to certain lands and refunding money paid therefor, received in the House Monday, March 1, was laid before the House and referred to the Committee on State Affairs.

COMMITTEE REPORTS.

By Mr. Ward, chairman:

Committee Room, Austin, Texas, March 3, 1897.

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

Your Judiciary Committee No. 1, to whom was referred
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."

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

WARD, Chairman.

By Mr. Logan, acting chairman:

MINORITY REPORT.

Committee Room, Austin, Texas, March 2, 1897.

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

Your Committee on Internal Improvements, to whom was referred
Senate bill No. 28, a bill to be entitled "An act to further define the duties of the Railroad Commission of Texas to make and enforce rules."

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.

LOGAN, Acting Chairman.

MINORITY REPORT.

Committee Room, Austin, Texas, March 2, 1897.

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

We, a minority of your Committee on Internal Improvements, to whom was referred
Senate bill No. 28, a bill to be entitled "An act to further define the duties of the Railroad Commission of Texas to make and enforce rules."

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

WOLTERS, BROWNE.

By Mr. Carpenter, chairman:

Committee Room, Austin, Texas, March 2, 1897.

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

Your Committee on State Affairs, to whom was referred
House bill No. 358, a bill to be entitled "An act to amend articles 4818, 4822, 4824, 4826, 4827, 4828, 4829 and 4834, title 98, chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the salaries of State officers."

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.

Committee Room,
Austin, Texas, March 2, 1897.

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

Your Committee on State Affairs, to whom was referred

House bill No. 362, a bill to be entitled "An act to amend articles 4835, 4856, 4858 and 4859, title 98, chapter 2 of the Revised Civil Statutes of the State of Texas, relating to fees of judicial officers."

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.

Committee Room,
Austin, Texas, March 2, 1897.

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

Your Committee on State Affairs, to whom was referred

House bill No. 280, a bill to be entitled "An act to amend article 2463, chapter 3, title 45 of the Revised Civil Statutes of the State of Texas, relating to the commissions of county treasurers, and to repeal all laws and parts of laws in conflict with this act."

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.

Committee Room,
Austin, Texas, March 2, 1897.

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

Your Committee on State Affairs, to whom was referred

House bill No. 289, a bill to be entitled "An act limiting the salary of district attorneys, to be paid by fees, to $2,000. In addition to the salary of $500, new paid them by the State, and repealing all laws and parts of laws in conflict herewith."

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

CARPENTER, Chairman.

Committee Room,
Austin, Texas, March 2, 1897.

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

Your Committee on State Affairs, to whom was referred

House bill No. 380, a bill to be entitled "An act to provide for the payment of salaries to county attorneys."

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.

Committee Room,
Austin, Texas, March 2, 1897.

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

Your Committee on State Affairs, to whom was referred

House bill No. 401, a bill to be entitled "An act to grant a pension to Martha Merchant, surviving wife of Berry Merchant, deceased."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be referred to the Committee on Claims and Accounts.

CARPENTER, Chairman.

Committee Room,
Austin, Texas, March 2, 1897.

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

Your Committee on State Affairs, to whom was referred

House bill No. 168, a bill to be entitled "An act to amend article 4844 of chapter 2, title 98, of the Revised Civil Statutes of the State of Texas, limiting fees and commissions of district attorneys."

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

CARPENTER, Chairman.

Committee Room, Austin, Texas, March 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on State Affairs, to whom was referred
House bill No. 51, a bill to be entitled "An act for the relief of Chambers county, Texas."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass, for the reason that this committee has no jurisdiction.

CARPENTER, Chairman.

Committee Room, Austin, Texas, March 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on State Affairs, to whom was referred
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."

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 this committee has no jurisdiction.

CARPENTER, Chairman.

By Mr. Martin, chairman:
Committee Room, Austin, Texas, March 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on State Affairs, to whom was referred
Senate bill No. 76, a bill to be entitled "An act granting to the State Orphans' Home, situated at Corsicana, Navarro county, Texas, 50,000 acres of land out of the unappropriated public domain of Texas, and to provide for carrying out the provisions of said 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.

MARTIN, Chairman.

Committee Room, Austin, Texas, March 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on State Asylums, to whom was referred
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."

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.

MARTIN, Chairman.

By Mr. Kirk, chairman:
Committee Room, Austin, Texas, March 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Stock and Stock-raising, to whom was referred
House bill No. 463, a bill to be entitled "An act to amend article 502, of chapter 3, of title 17, of the Revised Civil Statutes of the State of Texas."

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

Strike out the word "written," in line 22, and add to the section, "provided, that this article shall not apply to droves of stock moving six miles a day in due course to market or other destination."

KIRK, Chairman.

Committee Room, Austin, Texas, March 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Stock and Stock-raising, to whom was referred
House bill No. 459, 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."

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

KIRK, Chairman.

By Mr. McGaughey, chairman:
Committee Room, Austin, Texas, March 1, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Education, to whom was referred
House bill No. 395, a bill to be entitled "An act to prescribe the powers,
duties and compensation of the State Board of Examiners, and to regulate the issuance of State certificates."

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.

McGAUGHLEY, Chairman.

By Mr. Bertram, chairman:

Committee Room,
Austin, Texas, March 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Claims and Accounts, to whom was referred
House bill No. 464, a bill to be entitled "An act to permit Thomas E., Jesse F., Stella and Drew Finch to sue the State of Texas for the recovery of certain lands situated in Wise county, Texas, and to provide service for the same."

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

BERTRAM, Chairman.

Committee Room,
Austin, Texas, March 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Claims and Accounts, to whom was referred
House bill No. 466, 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."

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.

BERTRAM, Chairman.

By Mr. Reiger, chairman:

Committee Room,
Austin, Texas, March 3, 1897.
Hon. L. T. Dashiell, Speaker of the House:

Your Committee on Towns and City Corporations, to whom was referred
Senate bill No. 200, a bill to be entitled "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 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 thereon situated outside the limits of the city of Galveston."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass, because a similar bill has passed both houses and been enacted into a law.

REIGER, Chairman.

Committee Room,
Austin, Texas, March 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Towns and City Corporations, to whom was referred
Senate bill No. 10, a bill to be entitled "An act to punish certain officers for a failure in duty and for entering into agreement whereby the laws of the State may be nullified."

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

REIGER, Chairman.

Committee Room,
Austin, Texas, March 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Towns and City Corporations, to whom was referred
House bill No. 403, a bill to be entitled "An act to provide for a uniform method of recording maps and plats of town sites, additions and subdivisions, and to legalize those heretofore made."

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.

REIGER, Chairman.

Committee Room,
Austin, Texas, March 2, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Towns and City Corporations, to whom was referred
Senate bill No. 108, a bill to be entitled "An act to authorize owners of land platted into town lots to vacate said plots and parts thereof."

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

REIGER, Chairman.
Committee Room,  
Austin, Texas, March 2, 1897.  

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

Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 115, a bill to be entitled "An act to amend article 616, chapter 11, title 18, of the Revised Civil Statutes of the State of Texas, relating to abolished town and city corporations,"

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.

REIGER, Chairman.

By Mr. Humphrey, chairman:

Committee Room,  
Austin, Texas, March 2, 1897.

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

Your Committee on Labor, to whom was referred House bill No. 440, a bill to be entitled "An act to require operators, receivers or managers of mills and manufactories to pay employees every thirty days; to make their due bills negotiable and to be redeemed in cash or equivalent, and to provide a penalty for the violation of this act."

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

Amend by inserting "mines" after the word "mills" in caption and body of bill, and by changing the word "manufactories" to "factories" in body and caption aforesaid.

Strike out "five" before the word "days" and insert in lieu thereof in line 9, the word "ten."

HUMPHREY, Chairman.

Committee Room,  
Austin, Texas, March 3, 1897.

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

Your Committee on Labor, to whom was referred 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."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it be referred to the Committee on Penitentiaries.

HUMPHREY, Chairman.

By Mr. Lillard, chairman:

Committee Room,  
Austin, Texas, March 3, 1897.

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

Your Committee on Enrolled Bills have carefully examined and compared

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

And find the same correctly enrolled, and have this day, at 11.30 a.m., presented the same to the Governor for his approval.

LILLARD, Chairman.

MESSAGE FROM THE SENATE.

Senate Chamber.

Austin, Texas, March 3, 1897.

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

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

Senate bill No. 249, a bill to be entitled "An act to amend sections 1, 6, 7, 105, 105a, 105b and 105c, of an act entitled an act to amend sections 38, 103, 105, 106 and 138 of an act entitled an act to incorporate the city of Fort Worth and to grant a charter to said city, approved March 20, 1889, and sections 6, 7, 29, 34, 88 and 102 of said act, as amended by the Twenty-second Legislature in 1891, and to add thereto sections 35a, 35b, 101a, 101b, 101c, 101d, 101e, 102a, 103a, 104a, 106c, 109b, and also 105a, 105b, 105c, in reference to the board of equalization, and providing for an appeal from said board to the district court, passed by the Legislature of the State of Texas in the
year 1895, and to add to said act the following sections, to-wit: 105d, 105e, 105f, 105g, 105h, 105n, 105o and 105p, and to repeal all laws and parts of laws in conflict with this act."

By the following vote: Ayes 21, noes none.

Respectfully,
WILLIAM LAMBERT, Secretary.

SENATE BILL ON FIRST READING.

Senate bill No. 249, received from the Senate, was read first time and referred to the Committee on Towns and City Corporations.

BILLS SIGNED BY 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:

House bill No. 30, entitled "An act to amend article 804, title 10, of the Code of Criminal Procedure of the State of Texas, relating to appeal and writ of error, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 254 "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 19th day of February, 1889."

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

SPEAKER'S TABLE.

The Speaker laid before the House the following:

Senate concurrent resolution No. 10, providing for appointing a joint committee to examine the Torrens land system of registration:

Whereas, there is a great and growing demand in keeping with the spirit of progress on the people of Texas to add to her institutions the improvements of this age, securing thereby the beneficial results through the medium of legislation to the end that the greatest good to the greatest number may result. Therefore,

Be it resolved by the Senate, the House of Representatives concurring, that a committee of 10 members of the Legislature be appointed, five of whom shall be named by the President of the Senate, and five by the Speaker of the House, which committee shall take into consideration and report upon the advisability of, and recommend back to the Legislature the method to be pursued in adopting for the State of Texas the "Torrens system of registration and transfer of titles to real estate," that the new system may be grafted on our laws, giving to the people of this State a method which is an improvement, saving to the citizens thousands of money annually. That the holding of land now no longer be subjected to the onerous burdens and harassing law suits, since rest and security are found therein.

Read second time and adopted.

In accordance with above resolution, the Speaker announced the following committee on part of the House: Messrs. Tracy, Field, Strother, Drew and Skilling.

The Speaker laid before the House the following:

Senate concurrent resolution No. 15:

Whereas, the Hon. Swante Palm, a distinguished citizen of Austin, and the consular representative of His Majesty the King of Sweden at the Texas capital, has manifested his patriotic and generous interest in the intellectual development of the youth of the State by making to the Texas State University a free donation of his magnificent library, consisting of rare volumes, valuable manuscripts and costly works of art; and

Whereas, it is appropriate that, as an inadequate but sincere recognition of this splendid gift, the Legislature of this State, representing the whole people, should give formal expression of the people's gratitude to the Hon. Swante Palm; therefore be it

Resolved by the Senate of the State of Texas, the House concurring, that the people of the State of Texas, without regard to political sentiment, and each constituency speaking through its Senator and member or members of the House of Representatives, hereby tender to the Hon. Swante Palm their profound thanks for his splendid gift.

Resolved, that an enrolled copy of this concurrent resolution, signed in autograph by the President and Secretary of the Senate, and the Speaker and Chief Clerk of the House of Representatives, and countersigned by the Governor and Secretary of State, and bearing the impress of the seal of the State, be presented to the Hon. Swante Palm by a joint committee of two Senators to be appointed by the President of the Senate and three Representatives to be appointed by the Speaker of the House of Representatives.

Read second time and adopted.
The Speaker laid before the House, on its third reading and final passage, Senate bill No. 36, a bill to be entitled “An act to amend article 723, title VIII, chapter 5, of the Code of Criminal Procedure of the State of Texas, relating to the reversal of cases by the Court of Criminal Appeals.”

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

Amend by striking out the word “eight,” in line 24, and inserting the word “six.”

Tabled on motion of Mr. O’Connor.

Mr. Shelburne offered the following amendment:

Amend by striking out after the word “defendant,” in line 27, the words “which error shall be excepted to at the time of trial.”

Tabled on motion of Mr. Conoly.

Mr. Beaird offered the following amendment:

Amend by adding to article 723, section 1 of the bill, the words: “Provided, the defendant was upon his trial represented by counsel.”

Tabled on motion of Mr. Wolters.

Mr. Bailey moved the previous question, and on ordering the main question yeas and nays were demanded by Mr. Fields, Mr. Beaird and Mr. Ayers.

The main question was ordered by the following vote:

Yeas—76.


Nays—23.


Absent.


Excused.


The bill was passed.

Mr. Bailey moved to reconsider the vote by which Senate bill No. 36 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, Senate bill No. 43, a bill to be entitled “An act to amend article 672 of title 8, chapter 3, of the Code of Criminal Procedure of the Revised Statutes of the State of Texas of 1895.”

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

Amend by striking out the words and figures “15,” and insert in lieu thereof the words and figures “20,” and strike out the words and figures “8” and insert in lieu thereof the words and figures “10” where they occur in section 1.

Mr. Bailey moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Hol-
land of Harris, Mr. Turner and Mr. Barbee.

The motion prevailed by the following vote:

Yeas—60.

Ayers. Love.
Bailey. Martin.
Barrett. Maxwell.
Benson. McFarland.
Bertram. McKellar.
Blackburn. Meade.
Bounds. Mercer.
Boyd. Moore, Fort Bend.
Brewster. Moore of Lamar.
Callan. Morris.
Carpeuter. Morton.
Childs. Mundine.
Collier. Patterson.
Curry. Peery.
Dean. Pfeuffer.
Doyle. Porter.
Drew. Reiger.
Feld. Robbins.
Fields. Rogan.
Fisher. Skillern.
Freeman. Smith.
Garrison. Stamper.
Graham. Strother.
Green. Thomas.
Harris. Thompson.
Hensley. Vaughan of Collin.
Hill of Gonzales. Wallace.
Humphrey. Williams.
Jones. Wolters.

Nays—47.

Barbee. Manson.
Beard. McGaughey.
Bell. McKamy.
Bird. Melton.
Blair. Neighbors.
Brigance. O'Connor.
Burney. Randolph.
Burns. Reuben.
Conoly. Rudd.
Crawford. Schlick.
Cureton. Seabury.
Dennins. Shelburne.
Dias. Shropshire.
Dorothy. Shubert.
Edwards. Staples.
Evans of Hunt. Stokes.
Good. Thaxton.
Hill of Travis. Tracy.
Holland of Burnet. Turner.
Holland of Harris, Vaughan, Guadalupe.
Kimbell. Wall.
Lillard. Ward.
Logan. Welch.
Lotto. Wolters.

Absent.

Brown. Pitts.
Dickinson. Excused.
Bean. Carswell.
Bumpass. Crowley.

Evans of Grayson. Rogers.
Ewing. Savage.
Flint. Smyth.
Gilbough. Tucker.
Henderson. Wilcox.
Oliver. Wood.
Rhea.

The bill was passed.

Mr. Bailey moved to reconsider the vote by which Senate bill No. 43 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, Senate bill No. 52, a bill to be entitled "An act to require every express company to keep a general office in this State, and to furnish such information in relation to its property, indebtedness and business as may be required by the Railroad Commission of Texas."

Bill read third time.

On motion of Mr. Fields, Mr. Fisher was excused indefinitely, on account of important business.

Mr. Seabury offered the following amendment:

Amend by adding to the caption the following: "and to provide a penalty for violations of such requirements."

Adopted.

Mr. Lillard offered the following amendment:

Amend by striking out the words "president and secretary," in line 17, page 2, of the bill.

Adopted.

Mr. Stamper offered the following amendment:

Amend section 1, line 18, page 1, by inserting between the words "company" and "shall," the following: "doing business in this State."

Adopted.

Mr. Ayers offered the following amendment:

Amend by inserting after the word "business," in line 21, section 1, the words "or copies thereof," and after the word "contracts," in line 21, section 1, the words "or copies thereof."

Adopted.

The bill was passed.

Mr. Logan moved to reconsider the vote by which Senate bill No. 52 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its second reading, Senate bill No. 67, a bill to be entitled "An act to amend article 689, chapter IV, title 8, of the Code of Criminal Procedure of the State of Texas,
relating to the number of peremptory challenges to jurors allowed to the State and defendant in felony cases not capital.”

The bill was read second time and passed to a third reading.

Mr. Bailey called up House bill No. 65, with Senate amendments, and moved that the House do not concur, and that a free conference committee be requested to adjust the differences between the two Houses on said bill.

The motion prevailed, and the Speaker announced the following committee on part of the House: Messrs. Bailey, Meade, Turner, Love and Reubell.

The Speaker laid before the House, on its third reading and final passage, Senate bill No. 6, a bill to be entitled “An act to prescribe the time when suits for personal injuries and for injuries resulting in death shall be instituted, and to fix the period of limitation in such action.”

The bill was read third time and passed.

Mr. Freeman moved to reconsider the vote by which Senate bill No. 6 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its second reading, Senate bill No. 13, a bill to be entitled “An act to abolish the unorganized counties of Buchel and Foley, and to incorporate their territory into the county of Brewster, to provide for the payment of certain bonds held by the State against such unorganized counties out of funds now held to their credit, etc.”

Bill read second time, and passed to third reading.

Mr. Robbins moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 13 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—96.


Nays—4.


Excused.


Mr. Ayers offered the following amendment:

Amend by adding after the word “State,” in line 3, section 3, the words: “and all other of such bonds to be,” and by striking out the word “and” between the words “State” and “apportioned,” in line 3, section 3.
Mr. Thompson moved to table the amendment, and the motion was lost.
The amendment by Mr. Ayers was adopted, and the bill was passed by the following vote:

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I vote "no" on pending bill because I believe same is unconstitutional in that subdivision 3 of article 9 of the Constitution provides that no part of an existing county shall be absorbed by another existing county unless by a majority of the votes of the inhabitants of such part, cast at an election held for that purpose. If a part of an existing county can only be absorbed by another existing county by a vote of the people, I can not see how the entire county can be otherwise absorbed by or attached to another existing county.

TURNER.

Mr. Robbins moved to reconsider the vote by which Senate bill No. 13 was passed, and asked to have that motion spread upon the Journal.

ADDITIONS TO COMMITTEE ON ENGROSSED BILLS.

Mr. Dies moved that five more members be added to the Committee on Engrossed Bills.

The motion prevailed, and in accordance therewith, the Speaker announced the following appointments: Messrs. Brewster, Dennis, Staples, Love and Drew.

The following communication was read:

Fort Worth, Texas, March 2.

Hon. L. T. Dashiel, Speaker of the House of Representatives, Austin:

Dear Sir: On Tuesday and Wednesday, March 9 and 10, the Cattle Raisers Association of Texas will hold its twenty-first annual meeting at San Antonio, Texas. This association comprises a membership of one thousand cattlemen; is perhaps the largest purely mutual industrial organization in the United States. We feel that nothing is so promotive of an understanding of the needs of an industry by those who legislate concerning it as direct personal intercourse between the people interested and their representatives; hence, I beg through you to extend to the honorable members of the House of Representatives a most cordial invitation to visit us during this meeting.

Yours most truly,

A. P. Bush, Jr.,
President.
On motion of Mr. Bailey, the invitation was accepted.
Mr. Love moved to adjourn until 9 o'clock a.m. to-morrow; Mr. Burney until 3 o'clock p.m. to-day.
The motion of Mr. Love prevailed, and the House adjourned accordingly.

THIRTY-SIXTH DAY.

Hall House of Representatives, Austin, Texas, Thursday, March 4, 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, Holland of Burnet
Bailey, Holland of Harris
Barbee, Jones
Beard, Kimbell
Benson, Kirk
Bertram, Lillard
Bird, Logan
Blackburn, Lotto
Blair, Love
Bounds, Manson
Boyd, Martin
Brewster, Maxwell
Brigance, McFarland
Brown, McGaughey
Burney, McKamy
Burns, McKellar
Callan, Meade
Carpenter, Melton
Carswell, Mercer
Childs, Moore, Fort Bend
Collie, Moore of Lamar
Conoly, Morris
Crawford, Morton
Cureton, Mundine
Curry, Neighbors
Dean, O'Conner
Dennis, O'Jever
Dickinson, Patterson
Dies, Peery
Dorroh, Pfeuffer
Doyle, Pitta
Drew, Porter
Edwards, Randolph
Evans of Hunt, Reiger
Evans of Grayson, Reubell
Field, Robbins
Fields, Rogan
Freeman, Rudd
Garrison, Schlick
Good, Seabury
Graham, Shelburne
Green, Shropshire
Harris, Skillern
Henderson, Sluder
Hensley, Smith
Hill of Gonzales, Stamper

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

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Dorroh, Mr. Strother, Mr. Shelburne, Mr. Maxwell and Mr. Burney, for to-day, on motion of Mr. Garrison.
On account of important committee work:
Mr. Thaxton until Monday, on motion of Mr. McGaughey.

PETITIONS AND MEMORIALS.

By Mr. Mercer:
A petition of 946 citizens of Franklin county, Texas, asking for the restoration of the criminal jurisdiction of the county court of Franklin county.
Read and referred to Judiciary Committee No. 1.

By Mr. Dies:
A protest of fifty citizens of Nueces and San Patricio counties, against the passage of House bill No. 43, being an act to license physicians and surgeons, and to regulate the practice of medicine, etc.
Referred to the Committee on Public Health and Vital Statistics.

By Mr. Staples:
A petition of seventeen citizens of Beaumont, asking the Legislature not to pass the Evans assignment bill.
Referred to Judiciary Committee No. 1.

BILLS AND RESOLUTIONS.

By Mr. Staples:
House bill No. 536, a bill to be entitled "An act to define assignment