Mr. Lillard moved to reconsider the vote by which House bill No. 396 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Meade, the regular order of business was suspended to take up and place on its third reading and final passage, 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 read third time, and passed.

Mr. Meade moved to reconsider the vote by which House bill No. 337 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Harris, Mr. Childs was excused indefinitely, on account of important business.

Mr. Evans of Grayson moved to adjourn until 9 o'clock a. m. next Monday; and Mr. Ward moved to adjourn until 10 o'clock a. m. next Monday.

Question recurring on the longest time first, the motion prevailed, and the House, at 12:57 p. m., adjourned until 10 o'clock a. m. next Monday.

THIRTY-NINTH DAY.

Hall House of Representatives, Austin, Texas.

Monday, March 8, 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. Carpenter.
Ayers. Carswell.
Bailey. Collier.
Barbee. Crawford.
Barrett. Cureton.
Beaird. Curry.
Bell. Dean.
Benson. Dennis.
Bertram. Dickinson.
Bird. Dies.
Blair. Doyle.
Bounds. Drew.
Boyd. Edwards.
Brewster. Evans of Hunt.
Brigance. Evans of Grayson.
Browne. Ewing.
Bumpass. Field.
Burney. Fields.
Burns. Fisher.
A quorum was announced present.

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

Pending reading of the Journal of Saturday,

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

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Pitts indefinitely, on motion of Mr. Brigance.

Mr. Moore of Fort Bend until Thursday, on motion of Mr. Meade.

Mr. Blackburn for to-day, on motion of Mr. Vaughn of Collin.

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

Mr. Mundine indefinitely, on motion of Mr. Stokes.

Mr. Dies for to-day, on motion of Mr. Collier.

Mr. Kirk for to-day, on motion of Mr. Bumpass.

Mr. Callan until next Wednesday, on motion of Mr. Melton.

On account of sickness in his family:
Mr. Reiger indefinitely, on motion of Mr. McKamy.

Mr. Fisher, by consent of the House, sent up for publication in the Journal the following:

Last week, when House bill No. 9 was under consideration, a call of the House was ordered. The question before the House was “Shall the main question be put?” The roll call developed the presence of two-thirds of the members elected; whereupon I moved that we proceed with the consideration of House bill No. 9, as the purpose of the call was to secure a quorum for the transaction of business. This motion Mr. Speaker overruled and an appeal was taken to the House and his ruling was sustained. I herewith submit my reason for the motion and point of order and for my vote against sustaining the ruling, and ask that same be spread upon the Journal, to-wit:

A rule of the House requires when a call of the House is made all members of the House not excused must be present and that business in relation to the particular bill upon which the call is made must be suspended until all the members, not excused, are present.

My contention is that this rule violates section 10, article 3, of the State Constitution, which says “that two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide.” I claim, in other words, that under article 10, two-thirds of all members elected is the Legislature for all working purposes; this is an affirmative constitutional declaration of legislative power, at the same time a limitation, which restricts this body from either dispensing with a less number than two-thirds as a working body or of requiring more than that number as a working body for any purpose, this limitation being upon the latter...
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number as well as upon the former. It is claimed, however, that section 11, article 3, destroys this limitation, as it authorizes each House to determine the rules of its own proceedings. My contention is that a rule can only affect the mode of procedure and can not in any way affect jurisdiction, neither enlarge nor diminish.

Section 5, article 1, of the Constitution of the United States, is almost identical with section 10, article 3, of the State Constitution of the State of Texas. The only difference between the two is that under the Constitution of the United States a majority constitutes a quorum, while under that of Texas two-thirds makes a quorum.

Congress, in the adoption of its rules, evidently placed the same construction upon sections 5 and 6 of the United States Constitution that I contend should be placed upon sections 10 and 11, article 30, of the Constitution of this State. (See rule 15, page 298, Digest of the Rules and Proceedings of the House of Representatives of the United States.) This rule provides that when a quorum appears the call shall be dispensed with.

Now, the rules of this House virtually say that when a call is made the presence of every member of the House is necessary to pass a bill. This is the logical and practical effect; yet the Constitution says that a quorum of two-thirds is sufficient to pass a bill. When can a call be made? The question is answered by section 10 itself, viz., when two-thirds of the House is not present "a smaller number may compel the attendance of absent members in such manner and under such penalties as each House may provide." What is the object of a call of the House? The only reasonable object which can be stated is to enable the House to have enough members on the floor to proceed with business; in other words, to obtain a quorum — that is, to obtain two-thirds. When you have present every member constitutionally necessary to do business and pass a bill, what reason can be given for suspending action on the bill? None on earth that I can see. The rule is not only not constitutional, but nonsensical. The framers of the Constitution evidently did not intend that a call could be ordered when a quorum is present; because it expressly limits this power to a number less than two-thirds in order to obtain a quorum. (I speak only of a call technically.) I do not deny the power of the House to compel absent members to attend at any time, but I do deny that a rule which requires all members to be present before a particular bill can be considered is constitutional. I will put a crucial test to this rule: The House being under call, suppose we, notwithstanding that fact, pass this bill, No. 9. The bill becomes a law and is taken before the Supreme Court. The law is attacked upon the ground that the House is under call, and the Supreme Court for that reason is asked to hold that this bill is not legally passed. The Journals of the House at this time show two-thirds of the members voting; can anyone doubt for a moment that the Supreme Court will hold that the bill was passed by a constitutional quorum, and that the rule of the House must be subordinated to this constitutional law, fixing the quorum at two-thirds? Which must prevail, the Constitution, which fixes two-thirds as a working Legislature, or a rule which requires all the members to be present as a working Legislature?

It certainly can not be, ought not to be, claimed that it was the intention of the framers of the Constitution to empower the Legislature to make a rule by which the business, or any business, before this body can be indefinitely delayed by the action of a few members when two-thirds of the House is present and constitutionally prepared to go on with all of the business of the House. Such a rule would be unreasonable and would defeat the very object of the call. The framers of the Constitution did not engraft upon either section 10 or 11 any exception by which any part of the business of the House could be thus delayed when two-thirds of the House elected is present; but, upon the contrary, provides that two-thirds is a quorum for business empowered to do any and all business before the House. The rule is elementary that it is beyond the power of either the Legislature or the courts to engraft an exception upon any provision of the Constitution regulating jurisdiction or power when no such exception is placed there by those who framed the Constitution, and the people who adopted it. And this principle can not be varied by the power conferred to make a rule, as a rule only relates to the mode of procedure or practice and must therefore be construed as dealing power or jurisdiction. The question of power or jurisdiction must flow from a law either organic or legisla-
tive, and no one house of a Legislature can make a law, while either may make a rule. The only object of a call can be to obtain a working body so that laws may be made or bills passed; when such a working body is obtained, the reason for call having ceased, the call itself should be discharged. Under a similar provision of the Constitution of the State of Pennsylvania, the Legislature of that State, upon a similar question before the House, so held, and a quorum appearing, ordered the vote (Journal of the House of Representatives 1885, page 1024). Believing as I do that the rule of this House is unconstitutional, I respectfully submit the above as my reasons for raising the point of order. Respectfully submitted.

FISHER.

BILL SIGNED BY SPEAKER.

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

House bill No. 110, "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 2537 of said title, relating to forcible entry and detainer."

House bill No. 87, "An act to amend article 4069, chapter 4, title 87, of the Revised Civil Statutes of the State of Texas, relating to county surveyors, requiring them to give bond," etc.

PETITIONS AND MEMORIALS.

By Mr. Moore of Lamar:
A petition and memorial of twenty-one citizens of Paris and Lamar county, protesting against the passage of the Evans assignment bill.
Referred to Judiciary Committee No. 1.

By Mr. Maxwell:
A petition of twenty citizens of Eastland county, against the creation of a new county out of Eastland and other counties.
Read and referred to the Committee on Counties and County Boundaries.

By Mr. Shelburne:
A petition of seventeen ginners of Denton county, Texas, asking for the passage of a law giving ginners a lien on the cotton ginned by them.
Read and referred to Judiciary Committee No. 2.

By Mr. Doyle:
A petition from the officers of Rusk county, protesting against the passage of the Wayland fee bill.

Read and referred to Committee on State Affairs.

By Mr. Burns:
A petition from eighty-five citizens of Brown county, protesting against striking out section 3, of Senate bill No. 28, relating to defining the duties of the Railroad Commission as to the compression of cotton.

By Mr. Tracy:
A petition from eighty citizens of Milam county, same as above.
Read and referred to the Committee on Internal Improvements.

BILLS AND RESOLUTIONS.

By Mr. Welch:
House bill No. 559, a bill to be entitled "An act to prohibit the manufacture and sale of oleomargarine in this State, and providing a penalty therefor."
Read first time and referred to Committee on Public Health and Vital Statistics.

By Mr. Turner:
House bill No. 560, a bill to be entitled "An act to amend articles 5232d to 5232n, inclusive, of the Revised Civil Statutes of the State of Texas, relating to the collection of delinquent taxes, and to provide for the correction of errors in the delinquent tax record, prepared by the Comptroller."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Hensley:
House bill No. 561, a bill to be entitled "An act to amend article 4750 of the Revised Civil Statutes of the State of Texas, by adding thereto article 4750a, relating to work on public roads, and to provide for the manner of selecting guards for convicts while working thereon."
Read first time and referred to Committee on Roads, Bridges and Ferries.

By Mr. Crawford:
House bill No. 562, a bill to be entitled "An act to appropriate seventy-one dollars and fifty cents for the relief of I. T. Stanfield, and to direct the Comptroller to draw his warrant for same."
Read first time and referred to Committee on Claims and Accounts.

By Mr. Moore of Lamar and Mr. Love:
House bill No. 563, a bill to be entitled "An act to amend section 6, of chapter 132, of the Acts of the Twenty-fourth Legislature of the State of Texas, as passed at the regular session thereof, and entitled an act to create a more efficient road system for Dallas, Lamar
and Medina counties, Texas, and making county commissioners of said counties ex-officio road commissioners and prescribing their duties as such and providing for their compensation as road commissioners, and defining the duties and powers of such county commissioners," etc.

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

By Mr. Shelburne:
House bill No. 564, a bill to be entitled "An act to amend article 276, chapter 6, title 8, of the Penal Code of the State of Texas, relating to the duties of the Commissioners' Court, and to provide a penalty for a failure of such court or any member thereof to discharge their duty in certain cases."

Read first time and referred to Committee on County Government and County Finance.

By Mr. Bertram:
House bill No. 565, a bill to be entitled "An act to amend article 3984, of the Revised Civil Statutes of the State of Texas (1895), relating to the disposition of the available school fund, and prescribing purposes for which such fund may be used, and to provide penalties for violations of this act, and repealing article 3989 and all laws in conflict with this act."

Read first time and referred to Committee on Education.

By Mr. Smith:
House bill No. 566, a bill to be entitled "An act to amend article 4907, title 100, of the Revised Civil Statutes of the State of Texas (1895), relating to the issuance of the writ of requisition."

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

By Mr. Field:
House bill No. 567, a bill to be entitled "An act to amend sections 9, 11, 18, 19, 21, 32, and 44, of an act to incorporate the City of Denison, and to fix the boundaries thereof, etc., passed March, 1891, to provide for the election of aldermen and other officers of said city, by the people, and for fixing their compensation; providing for the filling of vacancies in said offices; prescribing the duties of the city secretary, and for fixing his compensation; to vest in the city council, only, the power to contract debts for the city, and to appropriate money to pay the same, and to repeal all laws and parts of laws in conflict with this act."

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

By Mr. Turner:
House bill No. 568, a bill to be entitled "An act to amend article 4585a, of chapter 14, title 94, of the Revised Civil Statutes of the State of Texas, limiting the issuance of indebtedness on the part of railroad corporations when same is secured by a lien upon the property and franchises of such corporation."

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

By Mr. Doyle:
House bill No. 569, 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 5171a, relating to delinquent taxes, and to provide a fee for the collection of same."

Read first time and referred to Committee on Revenue and Taxation.

By Mr. Gilbough:
House bill No. 570, a bill to be entitled "An act to authorize cities to require property owners to connect with sewers constructed or provided for by such cities."

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

By Mr. Turner:
House bill No. 571, a bill to be entitled "An act prescribing the time of holding the terms of the district court in the Twenty-eighth, Thirty-sixth and Forty-ninth Judicial Districts of the State of Texas, and to repeal all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Judicial Districts.

By Mr. McKamy:
House bill No. 572, a bill to be entitled "An act to give jurisdiction to the several Courts of Civil Appeals over cases transferred from one of such courts to another under the direction of the Supreme Court, and providing for the transfer of such cases."

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

By Mr. McKamy:
House bill No. 573, a bill to be entitled "An act to provide for the removal and distribution among the Courts of Civil Appeals and the Court of Criminal Appeals of the State of Texas, of the law library belonging to the State, now situated at Tyler, Texas."

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

By Mr. Hill of Gonzales:
House bill No. 574, a bill to be entitled "An act to amend article 1587, title 104, chapter 4, of the Revised
Civil Statutes of the State of Texas, relating to taxation, and to prescribe the manner of redeeming real estate sold for taxes."

Read first time and referred to Committee on Revenue and Taxation.

By Mr. McGaughey:
Resolved, that the Hon. J. L. M. Curry be invited to a seat within the bar of the House.

Read second time and adopted.

On motion of Mr. Carpenter, 100 extra copies of substitute House bills Nos. 5, 6, 36, 118 and 141, the fee bill, were ordered printed for use of the House.

FURTHER TIME GRANTED.

For consideration of the following bills:
House bills Nos. 321, 326 and 484, on motion of Mr. Williams, chairman.

BILL RECOMMITTED.

Senate bill No. 105 (reported adversely), to Judiciary Committee No. 1, on motion of Mr. Ward, chairman.

MESSAGE FROM THE SENATE.

Senate Chamber.
Austin, Texas, March 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.

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

Senate bill No. 152, entitled "An act to amend the Collin, Grayson, Waller, Lamar and Bell county road law, said law passed by the Twenty-third Legislature, by amending section 10, in regard to the payment of commissioners when acting as road commissioners."

Also,

Senate bill No. 226, entitled "An act to amend article 22, title 4, of the Revised Civil Statutes of the State of Texas (1895)."

By a two-thirds vote: yeas 21, nays 1.

Also,

Senate bill No. 198, entitled "An act to provide for and regulate suits for taxes by counties, cities, towns, school districts and school corporations."

By a two-thirds vote: yeas 21, nays 1.

Also,

Senate bill No. 77, a bill to be entitled "An act to amend article 119, title IX, chapter 1, of the Revised Civil Statutes, relating to the admission of idiots and epileptics to the insane asylums of this State."

Also,

Senate bill No. 100, a bill to be entitled "An act transferring to the available university fund the unexpended balance of the United States direct tax fund remaining in the State treasury on the third day of March, A. D. 1897, and appropriating the same to the construction and completion of buildings and in making of other permanent improvements of and for the University."

By the following two-thirds vote: yeas 21, nays 4.

Also,

Senate bill No. 58, a bill to be entitled "An act to amend article 3982, chapter 13, title 86, of the Revised Statutes of Texas, adopted at the regular session of the Twenty-fourth Legislature, relating to the transfer of children in district schools."

By the following vote: yeas 17, nays 4.

I am further instructed by the Senate to inform the House that the Senate adheres to its amendment to

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, school house, church, church house, store house, hotel or other public or private building, sailboat or steamboat in this State."

Grants the request of the House for a free conference committee, and that Senators Gough, Stafford, Darwin, Terrell and Colquitt have been appointed as such committee upon the part of the Senate.

Also, that the Senate adheres to its amendments to

House bill No. 13, a bill to be entitled "An act to validate certain illegal sales of public school, university and asylum lands sold under section 22, chapter 86, of the Acts of 1887, and the amendments thereto, sold as isolated and detached lands, which were not in fact isolated and detached."

Grants the request of the House for a conference committee, and that Senators Rogers, Beall, Dibrell, Goss and Lewis have been appointed as such committee upon the part of the Senate.

Also, that the Senate refused to concur in House amendments to

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,

Asks for a conference committee, and that Senators Colquitt, Burns, Beall, Terrell and Woods have been appointed as such committee upon the part of the Senate.

Also, that the Senate does concur in House amendments to

Senate bill No. 36, a bill to be entitled "An act to amend article 722, 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."

Respectfully,

WILL LAMBERT, Secretary.

SENATE BILLS ON FIRST READING.

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

Senate bills Nos. 236 and 198 to Judiciary Committee No. 1.
Senate bill No. 100 to the Committee on Finance.
Senate bill No. 58 to the Committee on Education.
Senate bill No. 77 to the Committee on State Asylums.
Senate bill No. 152 to the Committee on Roads, Bridges and Ferries.

On motion of Mr. Logan, the request of the Senate for a conference committee to adjust the differences between the two Houses on Senate bill No. 52 was granted.

COMMITTEE REPORTS.

By Mr. Seabury, acting chairman.

Committee Room,

Austin, Texas, March 8, 1897.

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

Your Committee on Enrolled Bills have carefully examined and compared

House bill No. 87, "An act to amend article 4069, chapter 4, title 87, of the Revised Civil Statutes of the State of Texas, relating to county surveyors, requiring them to give bond," etc.

And find the same correctly enrolled, and I have this day, at 10:30 o'clock a.m., presented the same to the Governor.

SEABURY, Acting Chairman.

Committee Room,

Austin, Texas, March 8, 1897.

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

Your Committee on Enrolled Bills have carefully examined and compared

House bill No. 110, "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 2537 of said title, relating to forcible entry and detainer."

And find the same correctly enrolled, and I have this day, at 10:30 o'clock a.m., presented the same to the Governor.

SEABURY, Acting Chairman.

SPEAKER'S TABLE.

The Speaker laid before the House, as pending business, House bill No. 9, the Evans assignment bill, with the following amendment by Mr. Rogan pending:

Amend section 18 by adding thereto the following: "This section shall not be construed to prohibit preferences in favor of landlords for three months' rent; in favor of employes for three months' wages; in favor of estates, heirs and wards for debts due as executors, administrators and guardians; in favor of the State, county and city or town for taxes; and in favor of creditors holding vendor's, mechanic's or improvement liens on the homestead,"

And the following amendment to the amendment by Mr. Blair pending:

Amend by adding after "administrator" the following: (1) "Accommodation makers, and (2) endorsers' legatees."

Pending question the amendment to the amendment upon which a division was called for by Mr. Wolters.

(Mr. Bailey in the chair.)

Pending consideration, Mr. Mcgaughey, by unanimous consent, offered the following resolution:

Resolved, that the Senate be and are hereby invited to seats in this hall to-night at 8 o'clock to hear a lecture by the Hon. J. L. M. Curry on the subject of education, March 8, 1897.

Read second time and adopted.

Pending consideration of House bill No. 9,

On motion of Mr. Blair, the House at 12:33 p.m. took recess until 3:30 o'clock p.m. to-day.

AFTERNOON SESSION.

The House was called to order by the Speaker at 3:30 p.m.

Pending question, House bill No. 9, on its engrossment, with pending amendments.
Mr. Oliver, by unanimous consent, offered the following resolution:

1. Resolved, by the House of Representatives, that the Hon. Norman G. Kittrell of Houston, the son of a Confederate officer, be and he is hereby invited to address the Legislature upon the subject of the "South's Battle Abbey," the Confederate Memorial Hall to be located during the Confederate reunion in Nashville, Tenn., in June, 1897.

2. Resolved, that for the purpose of this address the use of the Hall of the House is hereby set apart for Saturday evening, March 13, at 8 o'clock and the general public is cordially invited to attend.

3. Resolved, that the Chief Clerk of the House is instructed to transmit at once a copy of these resolutions to the Hon. Norman G. Kittrell at Houston, Texas.

Read second time and adopted.

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

House joint resolution No. 35, to amend section 3, article 11, of the Constitution of the State of Texas, relating to the subsidizing of railroads by counties without railroads, and providing for the issuance of bonds for the construction of such roads in counties having none.

Read first time and referred to Committee on Constitutional Amendments.

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. 248, "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 125 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, 102a, 102b, 102a, 104a, 106a, 106b, 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, 105m, 105n, 105o and 105p, and to repeal all laws and parts of laws in conflict with this act."

SPECIAL ORDER FIXED.

House bill No. 90, the dentistry bill, for next Friday, March 12, at 9:30 o'clock a.m., on motion of Mr. Fields.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 8, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Sir: I am directed by the Senate to inform the House that the Senate has passed Senate bill No. 248, 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."

By the following vote: yeas 18, nays 3.

Senate bill No. 83, a bill to be entitled "An act to regulate the compensation of certain State, district, county and precinct officers in this State, and to repeal all laws and parts of laws in conflict therewith."

Familiarly known as "Wayland's fee bill," by the following vote: yeas 18, nays 3.

Senate bill No. 153, a bill to be entitled "An act to amend article 271, of chapter 6, title 8, of the Penal Code of the State of Texas, adopted in 1895, relating to the approval of official bonds, and to repeal all laws and parts of laws in conflict with the same."

Respectfully,
WILL LAMBERT,
Secretary Senate.

SENATE BILLS ON FIRST READING.

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

Senate bill No. 248 to Judiciary Committee No. 1.
Senate bill No. 153 to Judiciary Committee No. 2.
Senate bill No. 83 to the Committee on State Affairs.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 5, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Revenue and Taxation, to whom was referred
Resolved, that in the death of Hon. T. P. McNeil the people of Texas have lost the services of a most faithful, true and patriotic citizen.

Resolved further, that we hereby tender our condolences and sympathy to the family of deceased, and in token thereof forward a copy of these resolutions, attested by the signatures of the Speaker and Chief Clerk of the House, and that a page of the House Journal be appropriately inscribed to his memory.

Respectfully submitted by BERTRAM, Chairman.

The report was adopted.

By Mr. Fields, acting chairman:

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

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

Your Committee on Engrossed Bills have carefully examined and compared

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 conform the Jurisdiction of the District Court of said county to such change.”

And find the same correctly engrossed.

FIELDS, Acting Chairman.

The House returned to consideration of House bill No. 9, on its engrossment, with amendments pending.

On Mr. Blair's amendment to the amendment by Mr. Rogan, yeas and nays were demanded by Mr. Wolters, Mr. Fields and Mr. Love.

Mr. Wolters, by consent, withdrew his request for a division of the question.

The amendment was lost by the following vote:

Yeas—47.

Ayers. Holland of Burnet.
Bailey. Holland of Harris.
Bell. Humphrey.
Bertram. Logan.
Bird. Lotto.
Blair. Maxwell.
Brigance. McKamy.
Burns. McKellar.
Crawford. Moore of Lamar.
Cureton. Neighbors.
Dennis. O'Connor.
Evans of Grayson. Oliver.
Flint. Patterson.
Gilbough. Porter.
Good. Randolph.
Green. Rogers.
Consecrated to the Memory

of

T. P. McNeill

of Live Oak County

Who served the State with Fidelity and Distinction

as a Member of

of the

House of Representatives

of the

Twenty-fourth Legislature of Texas.
Rudd. Turner.
Smyth. Vaughan of Collin.
Staples. Wallace.
Strother. Ward.
Thaxton. Wilcox.
Tracy. Wood.
Tucker.

Nays—55.
Barbee. Kimbell.
Barrett. Kirk.
Benson. Lillard.
Bounds. Love.
Boyd. Meade.
Brewster. Melton.
Browne. Morris.
Bumpass. Morton.
Burney. Peery.
Carpenter. Reubell.
Carswell. Rhea.
Collier. Robbins.
Curry. Savage.
Dean. Schlick.
Dickinson. Seabury.
Doyle. Shelburne.
Edwards. Shropshire.
Evans of Hunt. Skiller.
Ewing. Smith.
Feld. Stamper.
Fields. Stokes.
Fisher. Thomas.
Freeman. Thompson.
Garrison. Wall.
Graham. Welch.
Hensley. Williams.
Hill of Travis. Wolters.
Jones.

Absent.
Beard. Martin.
Dorroh. McGaughey.
Drew. Pfeuffer.
Harris. Rogan.
Henderson.

Excused.
Bean. Manson.
Blackburn. Mercer.
Callan. Moore, Fort Bend.
Childs. Mundine.
Crowley. Pitts.
Dies. Vaughan, Guad'up.

PAIRED:
Mr. Sluder (present), who would vote "nay," with Mr. Reiger (absent) who would vote "yea."

I vote "no" upon the Blair amendment for the following reasons:
First, because it is admitted by both those who advocate and those who oppose the preference feature of the assignment law, that the system of preference as now practiced, can be and has been used as a cloak for fraud, and this amendment defeats the object of this bill.

Second, because I see neither justice or equity in a principle that gives a merchant an opportunity to prefer a creditor that tided him out of a financial difficulty to the detriment of another creditor, who, prior to this, advanced him goods the equivalent in all fairness of the cash or goods advanced later. To differentiate the first creditor or "out of court," in order that the second might be paid in full, is a touching and beautiful illustration of the old saw, "robbing Peter to pay Paul."

Third, because honest merchants, who have a business reputation and treasure it, find themselves unable to compete with merchants of question­able honesty, who buy goods which coth them nothing, by failing and preferring, and sell them at 40 cents on the dollar, thus enabling the buyer of such goods to undersell the honest merchant, engaged in the same line of business, but follow open, fair and square methods.

Fourth, because I believe now, as I have always believed, that "honesty is the best policy," and that for nations and states, as well as for individuals, "a good name is rather to be chosen than great riches, and loving favor rather than silver and gold."

SMITH.

Mr. Blair moved to reconsider the vote by which the amendment was lost, and asked to have that motion spread upon the Journal.

Mr. Wolters called up the motion to reconsider, and moved to lay it on the table, upon which motion yeas and nays were demanded by Mr. Gilbough, Mr. Blair and Mr. Wolters.

The motion to reconsider was tabled by the following vote:
Yeas—56.
Barbee. Fields.
Barrett. Fisher.
Benson. Freeman.
Bounds. Garrison.
Boyd. Graham.
Brewster. Hensley.
Browne. Hill of Travis.
Burney. Jones.
Burnett. Kimbell.
Carpenter. Kirk.
Carswell. Lillard.
Collier. Love.
Cureton. Meade.
Curry. Melton.
Dean. Morris.
Dickinson. Peery.
Doyle. Reubell.
Edwards. Rhea.
Ewing. Savage.
Feld.
The House was called to order by the Speaker, pursuant to recess.

**Seats on the rostrum were occupied by**

- Dr. T. D. Wooten, Dr. Geo. T. Winston.

**Hon. J. L. M. Curry was introduced to the audience by Mr. McGaughy, and addressed the people on the subject of education.**

At the close of the address, Speaker Dashiell thanked the orator on behalf of the Legislature for his presence and patriotic words.

On motion of Mr. Hill of Travis, the house adjourned until 9 o'clock a.m. tomorrow.

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### FORTIETH DAY.

**Hall House of Representatives,**

Austin, Texas,

Tuesday, March 9, 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:

|-----------|-------|--------|------|------|-------|------------|-------|-----------|-------|---------------|---------------|------|----------|-------|-------|----------------|-----------------|------------------|-----------|-------|------------------|--------|--------|---------|---------|--------|---------|---------|---------|---------|---------|---------|

Mr. Sluder (present), who would vote "yea," with Mr. Reiger (absent), who would vote "nay."

Question next recurred on the amendment by Mr. Rogan.

Pending which, On motion of Mr. Blair, the House took recess until 8 o'clock p.m., today, the hour set apart to listen to the address by Hon. J. L. M. Curry.

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**EVENING SESSION.**

The House was called to order by the Speaker, pursuant to recess.