HOUSE JOURNAL. March 11, 1897

McGaughey. Seabury.
McKamy. Shropshire.
McKellar. Smith.
Melton. Stamper.
Mercer. Staples.
Moore of Lamar. Stokes.
Morris. Strother.
Neighbors. Thaxton.
O'Conner. Thompson.
Pfeuffer. Vaughan, Guadalupe.
Porter. Vaughan of Collin.
Randolph. Wallace.
Reubell. Ward.
Rogan. Williams.
Savage. Wolters.
Schlick. Wood.

Nays-41.
Bailey. Graham.
Benson. Hensley.
Bertram. Hill of Gonzales.
Brewster. Humphrey.
Bumpass. Lolita.
Carpenter. Love.
Collier. Morton.
Cureton. Mundine.
Curry. Oliver.
Dies. Peery.
Doyle. Rhea.
Edwards. Shelburne.
Evans of Hunt. Sluder.
Evans of Grayson. Smyth.
Ewing. Thomas.
Fields. Turner.
Fisher. Wall.
Flint. Welch.
Freeman.

Absent.
Bird. Pitts.
Childs. Rogers.
Drew. Rudd.
Field. Tracy.
Green. Tucker.

Excused.
Bean. Meade.
Brigance. Moore, Fort Bend.
Burney. Patterson.
Crowley. Reiger.
Dorroh. Robbins.
Good. Wilcox.
McFarland.

I vote to adjourn for the following reason: The Committee on Finance has been excused, and without their presence I do not think we will have a quorum. STOKES.

I vote "aye" now and on many other occasions because I want time to study the important measures before me and upon which I am called to vote, and because I have to attend the meeting of very important committees. SMITH.

Accordingly, the House at 3.25 p. m. adjourned until 9.30 o'clock a. m. tomorrow.

FORTY-SECOND DAY.

Hall House of Representatives, Austin, Texas.
Thursday, March 11, 1897.

The House met at 9:30 o'clock a. m., pursuant to adjournment.

Speaker Dashiell in the chair.

Roll called, and the following members present:

Alexander. Hill of Travis.
Ayers. Holland of Burnet.
Bailey. Humphrey.
Barbee. Jones.
Bell. Kimbell.
Benson. Kirk.
Bertram. Lillard.
Bird. Logan.
Blackburn. Love.
Blair. Manson.
Bounds. Martin.
Boyd. Maxwell.
Brewster. McGaughey.
Brown. McKamy.
Bumpass. McKellar.
Burney. Meade.
Burns. Melton.
Callan. Mercer.
Carpenter. Moore, Fort Bend.
Carswell. Moore of Lamar.
Childs. Morris.
Conoly. Morton.
Crawford. Mundine.
Cureton. Neighbors.
Curry. O'Connor.
Dean. Oliver.
Dennis. Feery.
Dickinson. Pfeuffer.
Dies. Pitts.
Doyle. Porter.
Drew. Randolph.
Edwards. Reubell.
Evans of Grayson. Robbins.
Ewing. Rogan.
Fields. Rudd.
Fisher. Savage.
Flint. Schlick.
Freeman. Seabury.
Garrison. Shelburne.
Gilbough. Shropshire.
Graham. Skiller.
March 11, 1897

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. 513, entitled "An act to dimnish 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."

- Senate bill No. 52, 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."

PETITIONS AND MEMORIALS.

- By Mr. Mercer:
  A memorial of the Hopkins County Teachers' Institute, asking for the passage of a law providing for a uniform system of textbooks.
  Read and referred to the Committee on Education.

- By Mr. Turnr:
  A petition of 33 citizens of Duval county, asking that said county be placed in the Twenty-eighth Judicial District.
  Referred to the Committee on Judicial Districts.

BILLs AND RESOLUTIONS.

- By Mr. Melton (by request):
  House bill No. 582, a bill to be entitled "An act to amend article 2509 of the Revised Civil Statutes of the State of Texas, relating to connecting fences of adjacent owners of land, and to provide the manner of disconnecting such fences."
  Read first time and referred to Judiciary Committee No. 1.

- By Mr. Harris:
  House bill No. 583, a bill to be entitled "An act to amend the charter of the city of Galveston by amending sections 3, 3a, 4a, 5, 6a, 72a, 91, 92, 93, and repealing sections 116 and 174."
  Read first time and referred to Committee on Towns and City Corporations.

- By Mr. Bell:
  House bill No. 584, a bill to be entitled "An act to amend article 3742, title 79, chapter 9, of the Revised Civil Statutes of the State of Texas, relating to workhouses and county convicts, and regulating the fines and costs assessed against county convicts."
  Read first time and referred to Judiciary Committee No. 1.

- By Mr. Thomas:
  House bill No. 585, a bill to be entitled "An act to amend chapter 1, title 23, of the Revised Civil Statutes of the State of Texas, by adding thereto, after article 778, articles 778a, 778b and 778c, requiring that a proposition to detach a portion of existing county containing an area of fifty square miles and 100 resident taxpayers for the purpose of creating a new county, shall be submitted to the qualified voters of such portion sought to be detached."

A quorum was announced present.

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

Pending reading of the Journal of yesterday.

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

GRANTED LEAVE OF ABSENCE.

On account of important business:
- Mr. Morris until Monday, on motion of Mr. McRae.
- Mr. Peery for this morning, on motion of Mr. Hensley.
- Mr. McFarland for to-day, on motion of Mr. Bailey.
- Mr. Barbee until Monday, and Mr. Boyd indefinitely, on motion of Mr. Pitts.
- Mr. Collier indefinitely, on motion of Mr. Dies.
- On motion of Mr. Brewster.
- Mr. Stuart, committee clerk, was excused indefinitely, on account of sickness.

On account of important committee work:
- Mr. Seabury, Mr. Holland of Harris and Mr. Staples, for the morning session, on motion of the Chair.
tached, and providing for an election for such purpose.”

Read first time and referred to Committee on Counties and County Boundaries.

By Mr. McKamey:
House bill No. 586, a bill to be entitled “An act to authorize towns and villages incorporated under chapter 11, title 18, of the Revised Statutes, to condemn right of way over and across the road, and right of way of any railroad company within the limits of such town or village when deemed necessary for opening, widening or extending public streets of such town or village, and to define the duties of such railroad companies when their roadbed or right of way have been condemned for street purposes, and to provide penalties for violations thereof.”

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

By Mr. Robbins:
Whereas, many of the representatives of the stockmen of Texas are in the city; and,
Whereas, the members of the House of Representatives recognize the value of their great industry; therefore
Resolved, that said representatives of the stockmen of Texas be and are hereby invited to seats in this House.
Read second time and adopted.

COMMITTEE REPORTS.

By Mr. Ward, chairman:
Committee Room, Austin, Texas, March 10, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Judicary Committee No. 1, to whom was referred
House bill No. 568, a bill to be entitled “An act to amend article 4684b, 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.”

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.
WARD, Chairman.
Committee Room, Austin, Texas, March 10, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Judicary Committee No. 1, to whom was referred
Senate bill No. 104, a bill to be entitled “An act to amend article 3744 of chapter 10, title 79, of the Revised Civil Statutes of the State of Texas, relating to the hiring out of county convicts.”

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

COMMITTEE REPORTS.

By Mr. Robbins:
Whereas, many of the representatives of the stockmen of Texas are in the city; and,
Whereas, the members of the House of Representatives recognize the value of their great industry; therefore
Resolved, that said representatives of the stockmen of Texas be and are hereby invited to seats in this House.
Read second time and adopted.

COMMITTEE REPORTS.

By Mr. Ward, chairman:
Committee Room, Austin, Texas, March 10, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Judicary Committee No. 1, to whom was referred
House bill No. 573, a bill to be entitled “An act to provide for the removal and distribution among the Courts of Criminal 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.”

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that the author be permitted to withdraw the same from the House for revision.
WARD, Chairman.
Committee Room, Austin, Texas, March 10, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Judicary Committee No. 1, to whom was referred
Senate bill No. 248, “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,
and prescribing certain conditions attaching and following said purchase,"

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

WARD, Chairman.

Committee Room,
Austin, Texas, March 10, 1897.

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

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 227, a bill to be entitled "An act to create a more efficient road system for McLennan county, Texas, and making county commissioners of said county ex officio road commissioners and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of such road commissioners, providing for the appointment of road overseers and defining their duties, and for the working of county convicts on the public roads of said county, and providing for officers' fees, and rewards and penalties for said convicts, and rewards for the capture of escaped convicts, and to provide for the manner of training and maintaining hedges along all public roads, and to provide for the summoning of teams for road work, and for an allowance for time of road service for the same, and fixing a penalty for a violation of this act, and to repeal all 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 pass.

WARD, Chairman.

Committee Room,
Austin, Texas, March 10, 1897.

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

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 79, a bill to be entitled "An act to amend article 2840 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardian."

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 adding after the words "sufficient securities" the words "or on collateral notes secured by vendor's lien notes as collateral, or may purchase vendor's lien notes, provided that at least one-half has been paid on the land for which such notes are given."

WARD, Chairman.

Committee Room,
Austin, Texas, March 10, 1897.

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

Your Judiciary Committee No. 1, to whom was referred

House bill No. 621, a bill to be entitled "An act to amend title 9, chapter 2, of the Revised Civil Statutes of the State of Texas, so as to insert articles 172a, 172b and 172c, providing for the furlough of inmates of the Confederate Home, their burial, regulating the trial of inmates for breach of discipline of the Home, and making the findings and acts of the board of managers in such cases subject to review by the Governor, and providing for the appointment of a physician for said Home, and to repeal all laws in conflict with this act."

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

Amend section 2 by adding thereunto the following: "In case a skilful physician who is an ex-Confederate soldier can not be secured, then in that event the board of managers shall appoint any other skilful physician."

WARD, Chairman.
MAJORITY REPORT.

Committee Room, Austin, Texas, March 10, 1897.
Hon. L. T. Dashiel, Speaker of the House.

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

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.

MINORITY REPORT.

Committee Room, Austin, Texas, March 10, 1897.
Hon. L. T. Dashiel, Speaker of the House.

We, a minority of your Judiciary Committee No. 1, to whom was referred
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 3rd day of March, A. D. 1897, and appropriating the same to the construction and completion of buildings and the making of other permanent improvements of and for the University of Texas."

Do not concur with the majority, and beg leave to report the same back to the House with the recommendation that it do not pass, and recommend that the said funds be appropriated to the common school fund.

DIES, RANDOLPH, AYERS.

By Mr. Holland of Harris, chairman:

Committee Room, Austin, Texas, March 11, 1897.
Hon. L. T. Dashiel, Speaker of the House.

Your Committee on Judicial Districts, to whom was referred
House bill No. 557, a bill to be entitled "An act to amend article 22, title 4, of the Revised Civil Statutes of the State of Texas, so as to extend the terms of the district court in Waller and Fort Bend counties."

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.

HOLLAND of Harris, Chairman.

HOLLAND of Harris, Chairman.
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The Committee on Revenue and Taxation, to whom was referred
House bill No. 518, a bill to be
entitled "An act to amend articles 5243i, 5243j and 5243k, of chapter 9, title 104, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and the manner of forfeiting the charters and permits of such corporations for failure to pay such tax, and of reviving 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.

CURRY, Chairman.

Committee Room, Austin, Texas, March 10, 1897.
Hon. L. T. Dashiel, Speaker of the House.

Your Committee on Revenue and Taxation, to whom was referred
House bill No. 578, a bill to be entitled "An act to amend articles 5243i, 5243j and 5243k, of chapter 9, title 104, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and the manner of forfeiting the charters and permits of such corporations for failure to pay such tax, and of reviving 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.

CURRY, Chairman.

Committee Room, Austin, Texas, March 10, 1897.
Hon. L. T. Dashiel, Speaker of the House.

Your Committee on Revenue and Taxation, to whom was referred
House bill No. 518, a bill to be entitled "An act to amend articles 5243i, 5243j and 5243k, of chapter 9, title 104, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and the manner of forfeiting the charters and permits of such corporations for failure to pay such tax, and of reviving 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.

CURRY, Chairman.

By Mr. Beaird, acting chairman:

Committee Room, Austin, Texas, March 10, 1897.
Hon. L. T. Dashiel, Speaker of the House.
Your Committee on Constitutional Amendments, to whom was referred
House joint resolution No. 31, to amend section 51, article 3, of the Constitution of the State of Texas, so as to authorize the grant of aid to disabled and dependent Confederate soldiers and sailors and their widows, and to grant aid to the establishment and maintenance of a home for said soldiers and sailors. Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass, with the following amendments:

After the word "Texas," in line 1, insert "and who were married to such soldiers or sailors anterior to March 1, 1897; provided, said aid shall not exceed the amount that would have been expended for them had they been members of the Confederate Home."

BEAIRD, Acting Chairman.

MAJORITY REPORT.

Committee Room, Austin, Texas, March 10, 1897.
Hon. L. T. Dashiel, Speaker of the House:
Your Committee on Constitutional Amendments, to whom was referred
House joint resolution No. 31, to amend section 51, article 3, of the Constitution of the State of Texas, by adding thereto a section to be known as section 59 of said article, providing for the passage of a law prohibiting any merchant, trader or other dealer in goods, wares and merchandise, from executing any mortgage, deed of trust or other instrument of writing whereby any of the creditors of such merchant, trader or dealer shall be preferred.

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.

BEAIRD, Acting Chairman.
MINORITY REPORT.

Committee Room,
Austin, Texas, March 10, 1897.
Hon. L. T. Dashiell, Speaker of the House.

A minority of your Committee on Constitutional Amendments, to whom was referred
House joint resolution No. 31, to amend article 3 of the Constitution of the State of Texas by adding to it a section to be known as section 59 of said article, providing for the passage of a law prohibiting any merchant, trader or any other dealer in goods, wares and merchandise from executing any mortgage, deed of trust, or other instrument in writing whereby any of the creditors of such merchant, trader or dealer shall be preferred."

By Mr. Sluder, acting chairman:
Committee Room,
Austin, Texas, March 11, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Tows and City Corporations, to whom was referred
House bill No. 457, a bill to be entitled "An act to incorporate the city of Waco, and to define its boundaries and powers, being chapter 17 of acts of the Legislature of 1889, by defining the powers of the city council in the registration and control of the opening of business houses and other places on Sunday."

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.

SLUDER, Acting Chairman.

Committee Room,
Austin, Texas, March 11, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Towns and City Corporations, to whom was referred
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."

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.

SLUDER, Acting Chairman.

By Mr. Brewster, acting chairman:
Committee Room,
Austin, Texas, March 11, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Engrossed Bills have carefully examined and compared
House bill No. 309, a bill to be entitled "An act to provide for the purchase of public lands in quantities of 20 acres or less, situated on islands, by actual settlers, who have settled on and placed valuable improvements thereon, in good faith, or to their vendees, prior to the first day of January, 1895, and prescribing the price, terms, manner and time of such purchase."

And find the same correctly engrossed.

BREWSTER, Acting Chairman.

By Mr. Dennis, acting chairman:
Committee Room,
Austin, Texas, March 10, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Engrossed Bills have carefully examined and compared
House bill No. 438, a bill to be entitled "An act to prescribe the time of holding the terms of the District Court in the Twenty-fifth Judicial District of Texas."

And find the same correctly engrossed.

DENNIS, Acting Chairman.

By Mr. Lillard, chairman:
Committee Room,
Austin, Texas, March 11, 1897.
Hon. L. T. Dashiell, Speaker of the House of Representatives.

Your Committee on Enrolled Bills
have carefully examined and compared

House bill No. 83, “An act to create a more efficient road system for Raina county, Texas, making provision for the appointment by the commissioners court of said county of a road commissioner for said county, prescribing his duties and compensation; providing for the appointment of road overseers, defining their duties and liabilities; providing for working of county convicts and delinquent poll tax payers upon the public roads of said county, and regulating the same; providing for officers’ fees and rewards in convicting convicts and recapturing escaped convicts; for the summoning of teams and tools for road work, and compensation for same; and providing penalties for the violation of this act, and repeal all laws in conflict with this act; and providing for county commissioners to act as road commissioners.”

And find the same correctly enrolled, and I have this day, at 10:45 a. m. presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, March 11, 1897.

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

Your Committee on Enrolled 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 to conform the jurisdiction of the district court of said county to such change.”

And find the same correctly enrolled, and I have this day, at 10:45 a. m. presented the same to the Governor.

LILLARD, Chairman.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 10, 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. 171, a bill to be entitled “An act to amend article 3582a, title LXXVa, of the Revised Civil Statutes, in regard to the Board of Pardon Advisers.”

Senate bill No. 240, a bill to be entitled “An act to amend an act entitled ‘An act to provide for the collection of taxes heretofore and that may hereafter be levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes since January 1, 1885, which may have been returned delinquent or reported sold to the State, or to any county, city or town for the tax due thereon and not redeemed, or which may hereafter be returned delinquent or reported sold to the State, or to any county, city or town to satisfy the lien thereon,’ as enacted by the regular session of the Twenty-fourth Legislature, being chapter 5a, of title CIV, of the Revised Civil Statutes of 1895, relating to delinquent taxes, and to repeal all laws in conflict with this act.”

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

Also, that the Senate has concurred in the House amendments to

Senate bill No. 36, “An act to amend article 723 of the Code of Criminal Procedure of the State of Texas.”

Also, that the Senate has accepted the invitation of the House to attend the evening session of the House, Saturday, March 13, 1897, upon the occasion of the patriotic address by Hon. Norman G. Kittrell, of Houston, Texas.

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. 171, to Judiciary Committee No. 2.

Senate bill No. 240, to the Committee on State Affairs.

SPECIAL ORDER FIXED.

House bill No. 317, relating to defining a lawful fence, for next Monday, March 15, at 10 o’clock a. m., on motion of Mr. Shelburne.

SPEAKER’S TABLE.

The Speaker laid before the House, on its passage to a third reading

Senate bill No. 55, “An act to amend articles 641 and 642, chapter 2, title XXI, of the Revised Civil Statutes of Texas, relating to the creation of corporations.”

With the following amendment by Mr. Fisher pending:

Amend by striking out all of the subdivisions of article 642 of said bill ex-
cept subdivisions 8, 12, 13, 14, 21, 23, 24, 26, 35, 37 and 38, and change the numbers accordingly.

Mr. Blair offered the following amendment:

Amend by striking out in subdivision 25, page 3, line 18, the words "or wholesale and retail," and also strike out all words in line 23 after the word "dollars."

Mr. Fisher moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Blair, Mr. Gilbough and Mr. Pitts.

Tabled by the following vote:

Yeas—67.

Ayres. Kimbell.
Barbee. Lotto.
Benson. Love.
Bertram. Manson.
Blackburn. McGaughey.
Bounds. McKamy.
Brewster. McKeller.
Bowens. Mercer.
Bumpass. Mercer.
Burney. Morris.
Carpenter. O'Connor.
Carswell. Oliver.
Conoly. Pitts.
Cureton. Porter.
Curry. Randolph.
Dean. Reubell.
Dennis. Rhea.
Dickinson. Rogan.
Doyle. Savage.
Drew. Schlick.
Evans of Hunt. Shelburne.
Ewing. Skillern.
Fields. Studer.
Fisher. Stamper.
Flint. Stokes.
Freeman. Strother.
Graham. Thaxton.
Green. Thomas.
Hanesley. Wallace.
Hill of Gonzales.
Hill of Travis. Wilcox.
Humphrey. Williams.
Jones.

Nays—25.

Alexander. Moore, Fort Bend.
Beard. Moore of Lamar.
Bird. Morton.
Blair. Mundline.
Brigance. Pfenffer.
Burns. Smyth.
Callan. Tracy.
Childs. Turner.
Diez. Vaughan of Collin.
Garrison. Welch.
Gilbough. Wolters.
Harris. Wood.
Holland of Burnet.

Barrett. Absent.
Bell. Melton.
Crawford. Neighbors.
Edwards. Robbins.
Lillard. Rudd.
Logan. Shropshire.
Martin. Thompson.
Maxwell. Vaughan, Guad’lupe.

Excused.
Bean. McFarland.
Boyd. Patterson.
Collier. Peery.
Crowley. Reiger.
Dorrough. Rogers.
Evans of Grayson. Seabury.
Field. Smith.
Good. Staples.
Henderson. Tucker.
Holland of Harris.

Mr. Bailey offered the following amendment:

Amend section 25 by striking out the words "but the limitation upon stock and stockholders in corporations created under subdivision 24 of this article shall not apply to corporations created under this subdivision."

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

The amendment was adopted.

Mr. Moore of Lamar offered the following amendment:

Amend the amendment by adding to the amendment subdivisions of the bill 10, 11, 15, 18, 20, 28, 30, 31, 32, 34, 41, 46, 48, 50, 53, 54 and 55.

On motion of Mr. Ward, all the pending amendments were tabled.

Mr. Humphrey offered the following amendment:

Amend subdivision 37, page 4, line 26, by inserting after the word "decedents," "or to act as administrator or guardian when appointed by the court in the absence of an application and appointment of an individual."

Adopted.

Mr. Dickinson offered the following amendment:

Amend by adding an article, to be known as article 642a, after subdivision 55, as follows: "Corporations may be created for any other purposes not contrary to public policy and good morals."

Mr. Bailey offered the following amendment to the amendment:

Amend the amendment by adding the following: "Except with banking and discounting privileges."

Accepted by Mr. Dickinson.

Mr. Fisher moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Fisher, Mr. Love and Mr. Moore of Lamar.
Tabled by the following vote:

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Nays—10.

| Beaird. | Logan. |
| Callan. | Oliver. |
| Dickinson. | Pfeuffer. |
| Edwards. | Smith. |
| Green. | Vaughan of Guadalupe. |

Absent.

| Bailey. | Martin. |
| Bell. | Maxwell. |
| Brigance. | McLaughlin. |
| Dies. | Rudd. |
| Fields. | Shropshire. |
| Harris. | Thompson. |
| Lillard. | Tracy. |
| Manson. | Turner. |

Excused.

| Barbee. | Dorroh. |
| Bean. | Evans of Grayson. |
| Boyd. | Field. |
| Collier. | Good. |
| Crowley. | Henderson. |

Holland of Harris. Rogers.
McFarland. Seabury.
Patterson. Staples.
Peery. Tucker.
Reiger.

Mr. Fisher offered the following amendment:

Amend by adding, after the word "mentioned," in line 27, page 1: "Provided, that each stockholder of such corporation shall be liable for all the debts of such corporation to the extent of the face value of the stock owned by such stockholder, whether fully paid up or not."

Mr. Ayers moved to table the amendment, upon which motion yeas and nays were demanded by Mr. Blair, Mr. Fisher and Mr. Freeman.

The motion was lost by the following vote:

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Nays—51.

| Barrett. | McLaughlin. |
| Beaird. | Holland of Burnet. |
| Benson. | Lotto. |
| Bertram. | Love. |
| Blackburn. | Manson. |
| Blair. | Maxwell. |
| Brigance. | Mckamy. |
| Browne. | Melton. |
| Bumpass. | Mercer. |
| Burns. | Moore of Lamar. |
| Carpenter. | Mundine. |
| Carswell. | O'Connor. |
| Childs. | Porter. |
| Creton. | Robbins. |
| Doyle. | Rogan. |
| Fields. | Rogers. |
| Fisher. | Savage. |
| Flint. | Schlick. |
| Garrison. | Shelburne. |
| Harris. | Sluder. |
Mr. Blair offered the following amendment to the amendment:
Amend the amendment by adding the following: "Provided, that this shall not apply to quasi public corporations."

Tabled on motion of Mr. Fisher. 

On the amendment by Mr. Fisher, yeas and nays were demanded by Mr. Evans of Hunt, Mr. Fisher and Mr. Love.

Lost by the following vote:

**Yeas—31.**

Barrett. 
Bennett. 
Bird. 
Boards.
Burnett. 
Bumpass. 
Burns. 
Carpenter. 
Cureton. 
Fields. 
Fisher. 
Harris. 
Hill of Gonzales. 
Holland of Burnet. 
Lotto. 
Manson. 
McKeller. 

**Nays—64.**

Alexander. 
Ayres. 
Bailey. 
Bell. 
Benson. 
Bird. 
Blair. 
Brigance. 
Browne. 

**Evans of Hunt.** 
Morris. 
Flint. 
Freeman. 
Garrison. 
Gilbough. 
Green. 
Hensley. 
Hill of Travis. 
Humphrey. 
Jones. 
Kirk. 
Love. 
Martin. 
Maxwell. 
McFarland. 
McGaughhey. 
McKamy. 
Meade. 
Mercer. 
Moore, Fort Bend. 
Moore of Lamar. 

**Absent.**

Burney. 
Conoly. 
Dies. 
Edwards. 
Kimbell. 
Lillard. 

**Excused.**

Barbee. 
Bean. 
Boyd. 
Collier. 
Crowley. 
Dorroh. 
Evans of Grayson. 
Feild. 

**Good.**

Mr. Bailey offered the following amendment to the amendment:
Amend section 56 of the bill by inserting in line 1 thereof, after the
word “created,” the words “for profit and with an authorized capital stock.”

Adopted.

Mr. Blair offered the following amendment:

Amend by inserting after the word “towns,” in line 5, page 3, the following: “for the transportation of freight or passengers.”

Adopted.

Mr. O’Connor offered the following amendment:

Amend line 32, section 54, page 7, by inserting after the words “manufacturing plants” the word “breweries.”

Adopted.

On the passage of the bill to a third reading, yeas and nays were demanded by Mr. Fisher, Mr. Bumpass and Mr. Ewing.

Senate bill No. 55 passed to a third reading by the following vote:

Yeas—79.


Nays—19.

Adopted.


I vote no,

1st. Because I do not believe that anything not of a quasi public nature ought to be incorporated. I sought by amendments to strike out everything from the bill of not such a nature. The House voted the amendments down, and now under this bill, as in fact under the former law, nearly everything that human ingenuity can conceive of can be incorporated. I think this is a bad governmental policy.

2d. I think that when parties are allowed under the law to form themselves into a corporation that they should be made responsible for the debts of the concern to the extent of the face value of the stock, whether fully paid up or not. My amendment to this effect was voted down. The effect is to flood the country with irresponsible corporations and to put them in competition with legitimate trade, which has before, is now and will cause the ruin of such legitimate business. For this reason I desire to record my vote against this bill.

Mr. Blair moved to reconsider the vote by which Senate bill No. 55 was passed, and to table the motion to reconsider.

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

Senate bill No. 144, a bill to be entitled "An act to amend article 749c of chapter 18, of title XXI, of the Revised Civil Statutes, restricting land holdings of certain corporations."

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

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

Senate bill No. 94, a bill to be entitled "An act to amend article 1036 of chapter 20, title 27, of the Revised Civil Statutes of the State of Texas, relating to payment of costs and returning mandates in the Courts of Civil Appeals."

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

Mr. Childs moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 94 be put upon its third reading and final passage.

The motion prevailed by the following vote:

Yeas—96.

Yeas—92.

Nays—1.

Martin. Absent.

Beaird. Garrison.

Brigance. Moore, Ft. Bend.

Bumpass. O'Connor.

Burney. Pfeiffer.

Dean. Wilcox.

Dies. Wolters.

Excused.

Barbee. Henderson.

Bean. Holland, Harris.

Boyd. Morris.

Collier. Patterson.

Crowley. Peery.

Dorroh. Reiger.

Evans, Grayson. Rogers.

Feld. Smith.

Good. Tucker.

Senate bill No. 94 read third time, and Mr. Childs offered the following amendment:

Amend by inserting after the word "adjudged," in line 30, page 1, the following words, "or the successful party interested in the issuance of the mandate."

Adopted.

The bill was passed by the following vote:

Yeas—92.
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HOUSE JOURNAL.  

Flint. Oliver.  
Freeman. Pitts.  
Gilbough. Porter.  
Graham. Randolph.  
Green. Reubell.  
Harris. Rhea.  
Hensley. Rogan.  
Hill of Gonzales. Rudd.  
Holland of Burnet. Savage.  
Humphrey. Schlick.  
Jones. Seabury.  
Kimbell. Shelburne.  
Kirk. Skillern.  
Lillard. Sluder.  
Logan. Stamper.  
Lotto. Stokes.  
Love. Strother.  
Manson. Thaxton.  
Martin. Thomas.  
Maxwell. Thompson.  
McFarland. Tracy.  
McKamy. Turner.  
McKellar. Vaughan, Guadalupe.  
McKellar. Vaughan of Collin.  
Mende. Wall.  
Melton. Wallace.  
Moore of Lamar. Ward.  
Morton. Welch.  
Mundine. Williams.  
Neighbors. Wood.  

Nays—none.  

Absent.  

Brigance. Moore, Fort Bend.  
Burney. O'Connor.  
Callan. Pfeiffer.  
Dean. Robbins.  
Dies. Shropshire.  
Garrison. Smyth.  
Hill of Travis. Wilcox.  
Mercer. Wolters.  

Excused.  

Barbee. Holland of Harris.  
Bean. Morris.  
Boyd. Patterson.  
Coller. Peery.  
Crowley. Reuger.  
Dorrough. Rogers.  
Evans of Grayson, Smith.  
Field. Staples.  
Good. Tucker.  
Henderson.  

Mr. Childs moved to reconsider the vote by which Senate bill No. 94 was passed, and to table the motion to reconsider.  

The motion to table prevailed.  

On motion of Mr. Logan, Mr. Rudd was excused for this evening and to-morrow, on account of important business.  

On motion of Mr. Beard, Mr. Dorrough was excused for to-day, on account of sickness.  

The Speaker laid before the House, on its third reading and final passage, "An act to amend articles 5139 and 5152 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Twenty-fourth Legislature, relating to the assessment and collection of taxes on lands in unorganized counties belonging to non-residents,"  

Pending which,  

On motion of Mr. Blackburn, the House at 12:34 p. m., adjourned until 3 o'clock p. m. to-day.  

AFTERNOON SESSION.  

The House met at 3 o'clock pursuant to adjournment.  

Speaker Dashiell in the chair.  

The roll call showed that there was not a quorum present.  

Whereupon Mr. Fields moved a call of the House.  

The call was seconded, and the clerk was directed to call the roll, whereupon the following members answered to their names:  

Alexander. Jones.  
Ayres. Kimbell.  
Bailey. Lillard.  
Bell. Logan.  
Benson. Love.  
Bertram. Manson.  
Blackburn. Martin.  
Blair. Maxwell.  
Brewster. McGaughey.  
Brown. McKamy.  
Bumpass. McKellar.  
Burney. Meade.  
Burns. Melton.  
Carpenter. Moore of Lamar.  
Carswell. Morton.  
Childs. Mundine.  
Conoly. O'Connor.  
Crawford. Oliver.  
Cureton. Pitts.  
Curry. Porter.  
Dennis. Randolph.  
Dickinson. Reubell.  
Dies. Rhea.  
Doyle. Robbins.  
Ewing. Savage.  
Fields. Schlick.  
Fisher. Seabury.  
Flint. Shelburne.  
Freeman. Skillern.  
Gibbough. Sluder.  
Graham. Smyth.  
Harris. Stamper.  
Hensley. Stokes.  
Holland of Burnet. Strother.  
Humphrey. Thaxton.
A quorum was announced present.

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

Whereas, the Hon. O. M. Roberts, ex-Governor of the State of Texas, ex-chief Justice of the Supreme Court, eminent lawyer, patriot and statesman, is now on a visit to this city, and in attendance upon the Legislature; therefore be it

Resolved, that we welcome him to the deliberations of this House, and that he be invited to a seat upon the Speaker's stand.

Read second time and adopted.

Messrs. McKamy, Fisher and Ward were appointed to escort ex-Governor Roberts to the rostrum.

COMMITTEE REPORTS.

By Mr. Carpenter, chairman:

Committee Room,
Austin, Texas, March 11, 1897.

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

Your Committee on State Affairs, to whom was referred

House bill No. 418, a bill to be entitled "An act to amend article 3081, chapter 3, title 58, of the Revised Civil Statutes of the State of Texas, relating to pooling or association of insurance companies together, and to prevent blacklisting of citizens by insurance companies."

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.

CARPENTER, Chairman.

Committee Room,
Austin, Texas, March 11, 1897.

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

Your Committee on State Affairs, to whom was referred

House bill No. 411, a bill to be entitled "An act to regulate the collection of fire insurance on policies of fire insurance companies in case of loss or damage to property by fire, and repeal all laws in conflict therewith."

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 adding after the words "fire or water," in section 1, line 6, the following: "That clauses in insurance policies or applications requiring a submission to arbitration before suit is brought shall be void, and no violation of any provision in any insurance policy or application shall work a forfeiture of such policy, unless such violation occasioned or materially contributed to the loss, and no breach of a warranty in any policy or application shall avoid such policy unless such breach materially increases the risk."

CARPENTER, Chairman.

By Mr. Kimbell, acting chairman:

Committee Room,
Austin, Texas, March 11, 1897.

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

Your Committee on Counties and County Boundaries, to whom was referred

House bill No. 585, a bill to be entitled "An act to amend chapter 1, title 23, of the Revised Civil Statutes of the State of Texas, by adding thereto after article 778a, articles 778b and 778c, requiring that a proposition to detach a portion of existing county containing an area of fifty square miles and 100 resident tax payers, for the purpose of creating a new county, shall be submitted to the qualified voters of such portion sought to be detached, and providing for an election of such portions."

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.

KIMBELL, Acting Chairman.
Bills 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:

Bill No. 36, "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."

Speaker's Table

The Speaker laid before the House the pending business, same being Senate bill No. 2, on its third reading and final passage.

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

Amend by striking out article 5152 and inserting in lieu thereof the following:

"Article 5152. All county taxes other than taxes collected to pay pro rata of indebtedness to parent county, due unorganized counties collected by the Comptroller, shall be kept by him to the credit of such unorganized county until the total sum to the credit of the county shall reach the sum of $5000; then he shall, upon the demand of the treasurer of the former unorganized county, when the same shall have organized, pay said sum or whatever amount is held to the credit of said county, over to said treasurer. And all county taxes collected by the Comptroller after the amount to the credit of such unorganized county shall reach the amount of $5000 shall be paid into the county treasury of the organized county to which the unorganized county is attached for judicial purposes.

"Article 5152a. Where the amount to the credit of any unorganized county now exceeds $5000, the Comptroller shall keep said sum to be paid to the treasurer of such unorganized county when the same shall organize; and all county taxes other than taxes collected to pay pro rata of indebtedness to parent county, hereafter collected by the Comptroller in such counties, shall be paid into the county treasury of the organized county to which such county is attached for judicial purposes."

Adopted.

Mr. Seabury offered the following amendment:

Amend the caption by adding thereunto the following, "and to add thereto article 5152a."

Amend section 1 by adding after the word "amended," in line 22, page 1, the following, "and a new article, to be known as article 5152a, added."

Adopted.

The bill was passed.

Mr. Seabury moved to reconsider the vote by which Senate bill No. 2 was passed, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Randolph, Mr. Dean and Mr. Brigance were excused until Monday morning, on account of important committee work.

The Speaker laid before the House, on its third reading and final passage, Senate bill No. 15, a bill to be entitled "An act to amend article 2001, chapter 6, title 51, of the Revised Civil Statutes of the State of Texas."

The bill was read third time, and passed.

Mr. Ward moved to reconsider the vote by which Senate bill No. 15 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. 16, a bill to be entitled "An act to amend article 1942, chapter 8, title 39, of the Revised Civil Statutes of the State of Texas of 1895, relating to bonds of administrators and executors, and securities thereon."

The bill was read third time, and passed.

Mr. Wolters moved to reconsider the vote by which Senate bill No. 16 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. 30, a bill to be entitled "An act to enable the Railroad Commission of Texas to make emergency freight rates to prevent the evil effects of interstate rate wars upon the business and interests of the people and railroads of this State."

The bill was read third time, and Mr. Welch moved to postpone further consideration until next Wednesday.

The motion to postpone was lost.

The bill was passed.

Mr. Love moved to reconsider the vote by which Senate bill No. 30 was passed, and to table the motion to reconsider.

On the motion to table, yeas and nays were demanded by Mr. Wolters, Mr. Welch and Mr. Blair.

The motion to reconsider was tabled by the following vote:
Yeas—69.

Barrett. McGaughey.
Beaird. McKamy.
Bell. McKellar.
Benson. Meade.
Bird. Melton.
Blackburn. Moore of Lamar.
Bumpass. Morton.
Burney. Mundine.
Burns. Pitts.
Carpenter. Porter.
Carswell. Randolph.
Childs. Reubell.
Conoly. Rhea.
Cureton. Robbins.
Dickinson. Rogan.
Doyle. Shelburne.
Ewing. Shropshire.
Fields. Skillern.
Fisher. Sluder.
Flint. Smyth.
Freeman. Stamper.
Garrison. Stokes.
Gillibough. Strother.
Graham. Thaxton.
Harris. Thomas.
Hensley. Turner.
Hill of Gonzales. Vaughan, Galito.
Holland of Burnet. Vaughan of Collin.
Humphrey of Wall.
Jones. Wallace.
Lillard. Ward.
Love. Wilcox.
Manson. Williams.
Maxwell.

Nays—23.

Ayres. Kirk.
Bertram. Martin.
Blair. Mercer.
Bounds. O'Connor.
Brewster. Oliver.
Brown. Schlick.
Crawford. Tucker.
Curry. Welch.
Dennis. Wolters.
Dyes. Wood.

Evans of Hunt.

Absent.

Barbee. Moore, Fort Bend.
Callan. Neighbors.
Drew. Pfeiffer.
Green. Rudd.
Hill of Travis. Savage.
Logan. Thompson.
Lotto.

Excused.

Bean. Evans of Grayson.
Boyd. Field.
Brigance. Good.
Collier. Henderson.
Crowley. Holland of Harris.
Dean. Morris.
Dorothy. Patterson.
Edwards. Peery.

Reiger. Smith.
Rogers. Staples.
Seabury. Tracy.

The Speaker laid before the House, on its third reading and final passage, Senate bill No. 32, a bill to be entitled “An act to amend chapter 4, title 7, of the Code of Criminal Procedure, by adding thereto article 524a, providing for the issuance of attachments for witnesses residing in the county of the prosecution when such witness is about to remove therefrom.”

The bill was read third time, and Mr. Rogan offered the following amendment: “Provided, that if the witness shall make oath that he can not give surety, the officer executing the attachment shall take his personal bond.”

Mr. Turner offered the following amendment to the amendment: “Provided further, that this act shall only apply in felony cases.”

Accepted by Mr. Rogan.

Mr. Evans of Hunt moved to table the amendment, upon which yeas and nays were demanded by Mr. Meade, Mr. Evans of Hunt and Mr. Freeman.

The roll call showed that there was not a quorum voting, whereupon Mr. Love moved a call of the House, which was seconded, and the Sergeant-at-Arms was directed to bring in the absentees.

A quorum appearing, the motion to table the amendment was lost by the following vote:

Yeas—42.

Ayres. Lillard.
Bertram. Meade.
Blackburn. Moore of Lamar.
Bounds. Morton.
Brewster. Mundine.
Bumpass. Reubell.
Burney. Rhea.
Carpenter. Robbins.
Cureton. Schlick.
Dean. Shropshire.
Evans of Hunt. Skillern.
Flint. Sluder.
Freeman. Stamper.
Garrison. Stokes.
Gillibough. Thaxton.
Graham. Thomas.
Harris. Vaughan of Collin.
Hensley. Wall.
Holland of Burnet. Wallace.
Kimbell. Welch.
Kirk. Wilcox.

Nays—47.

Bailey. Bell.
Barrett. Bird.
Beaird. Blair.
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**Absent.**

**Excused.**

Mr. Bumpass moved to postpone further consideration of Senate bill No. 32 until next Wednesday, March 16. Pending which, Mr. Blair moved to adjourn until 9:30 o'clock a. m. to-morrow; Mr. Fields until 9 a. m. to-morrow; and Mr. Love until 8:30 a. m. to-morrow. The motion of Mr. Blair prevailed, and the House, at 4:50 p.m., adjourned accordingly.

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**FORTY-THIRD DAY.**

Hall House of Representatives,
Austin, Texas.
Friday, March 12, 1897.

The House met at 9:30 a. m., pursuant to adjournment.
Speaker Dashiell in the chair.