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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.
Edwards. Patterson.
Field of Grayson Reiger.
Henderson. Smith.
Morris.

A quorum was announced present.

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

Pending the reading of the Journal of yesterday,
On motion of Mr. Savage, further reading was dispensed with.

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Carswell, after the morning session until Monday, on motion of Mr. Garrison.
Mr. Hill of Gonzales, after the morning session, until Monday, on motion of Mr. Rogan.
Mr. Pfueffer, until Monday, on motion of Mr. Curry.
Mr. Wallace, after the morning session, until Tuesday, on motion of Mr. Ayers.

On account of committee work:
The Judicial Re-districting Committee, for the morning session, on motion of Mr. Hensley.

On account of sickness:
Mr. Mundine, until Monday, on motion of Mr. Humphrey.

PETITIONS AND MEMORIALS.

By Mr. Randolph:
A petition of all the principal merchants, attorneys and business men of the town of Madisonville, protesting against the passage of the Evans assignment bill.

By Mr. Strother:
A petition of thirty-eight citizens of Garland, same as above.

By Mr. Moore of Lamar:
A petition of fifty-eight merchants and citizens of Blossom, Lamar county, Texas, same as above.

By Mr. Bell:
A petition from ninety per cent of the merchants and business men of Florenceville, same as above.

All the above petitions were read and referred to Judiciary Committee No. 1.

By Mr. Williams:
A petition of the School Board of Waxahachie, Ellis county, against the passage of a uniform text book bill.
Read and referred to the Committee on Education.

By Mr. Gilbough:
A petition from one hundred and ninety-seven taxpayers and voters of Galveston, requesting the passage of House bill No. 504, amending the charter of said city.
Read and referred to the Committee on Towns and City Corporations.

By Mr. Graham:
A petition from forty-two citizens of Henderson county, protesting against the passage of the medical bill.

Referred to the Committee on Public Health and Vital Statistics.

By Mr. Bounds:
A petition from seventy-six citizens of Johnson county, requesting the repeal of the 4-cent passenger fare law.
Read and referred to Committee on Internal Improvements.

BILLS AND RESOLUTIONS.

By Mr. Dies:
House bill No. 587, a bill to be entitled "An act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen and common laborers; to provide a lien and prescribe the payment in lawful money of the United States, providing for attorney's fees in foreclosing such liens, and prescribing the rights of the assignees of such persons, and to repeal all laws in conflict with this act.”
Read first time and referred to Committee on Labor.

By Mr. Smyth:
House bill No. 588, a bill to be entitled “An act to amend article 644, title 21, chapter 2, of the Revised Civil Statutes of the State of Texas, so as to include clause 5 of article 642, same chapter, and to provide for the manner of subscribing the charter of an intended corporation.”
Read first time and referred to Judiciary Committee No. 1.

By Mr. Shropshire:
House bill No. 589, a bill to be entitled “An act to amend article 2313, chapter 4, of the Revised Civil Statutes, 1805, relating to the introduction of certain abstracts of titles as evidence.”
Read first time and referred to Judiciary Committee No. 1.

By Mr. Ayers:
House bill No. 590, a bill to be entitled “An act to regulate the sale of real estate under judicial process, and to require such sales reported to the district court for confirmation.”
Read first time and referred to Judiciary Committee No. 1.

By Mr. Holland of Burnet (by request):
House bill No. 591, a bill to be entitled “An act to restore to and confer
upon the county court of Lampasas county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of Texas, to define the jurisdiction of said court, to conform the jurisdiction of the district court of said county to such change, to fix the time for holding court, and to repeal all laws in conflict with this act."

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

By Mr. Strother:
House bill No. 592, a bill to be entitled "An act to amend section 3, of chapter 132, of the acts of the Twenty-fourth Legislature, establishing a special road law for Dallas, Lamar and Medina counties, prescribing the same fees in county convict cases for the officers in said counties as those allowed officers in similar cases under the general laws of the State."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Mr. Wolters (by request):
House bill No. 593, a bill to be entitled "An act to validate the registration of mortgage deeds acknowledged prior to 1870."

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

By Mr. Childs:
House concurrent resolution No. 15.
Be it resolved, by the House of Representatives, that the regular session of the Twenty-fifth Legislature adjourn sine die at noon on the 12th day of April, A. D. 1897.

Read first time, and goes over one day under the rules.

COMMITTEE REPORTS.

By Mr. Bailey, chairman:
Committee Room,
Austin, Texas, March 11, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 2, to whom was referred
House bill No. 546, a bill to be entitled "An act to forbid and prohibit the taking of fish from the waters of the State of Texas above tidewater otherwise than by means of the ordinary hook and line and trout line, to prohibit the sale of certain game fish, and to provide penalties for the violation 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.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 11, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 2, to whom was referred
House bill No. 544, a bill to be entitled "An act to amend section 3, of chapter 132, of the acts of the Twenty-fourth Legislature, establishing a special road law for Dallas, Lamar and Medina counties, prescribing the same fees in county convict cases for the officers in said counties as those allowed officers in similar cases under the general laws of the State."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Mr. Childs:
House concurrent resolution No. 15.
Be it resolved, by the House of Representatives, that the regular session of the Twenty-fifth Legislature adjourn sine die at noon on the 12th day of April, A. D. 1897.

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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.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 11, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 2, to whom was referred
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."
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.

BAILEY, Chairman.

Committee Room,
Austin, Texas, March 11, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 2, to whom was referred
Senate bill No. 251, a bill to be entitled "An act to prohibit in certain cases the gathering of pecan nuts, and the cutting, injuring or destroying of pecan trees, and prescribing penalties therefore."

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.

BAILEY, Chairman.

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

Your Judiciary Committee No. 2, to whom was referred
House bill No. 580, a bill to be entitled "An act to prescribe the time of holding the terms of the district court in the Twenty-fourth Judicial District."

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.

BAILEY, Chairman.

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

Your Committee on Internal Improvements, to whom was referred
House bill No. 326, a bill to be entitled "An act to revive and restore the charters of private corporations chartered under the laws of the State of Texas, and all permits issued by the State or foreign corporations to transact business in this State, which have, from failure to pay their annual franchise tax, lapsed or been declared forfeited by the Secretary of State."

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

WILLIAMS, Chairman.

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

Your Committee on Internal Improvements, to whom was referred
House bill No. 557, a bill to be entitled "An act to amend title 94 of chapter 10 of the Revised Civil Statutes of the State of Texas, by adding thereto article 4521a, permitting the gate system to be used on railroad trains in this State and providing for shelter for the protection of passengers from the weather, who are required to wait to have their tickets examined and punched, and to provide penalties for a violation of the provisions 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.

WILLIAMS, Chairman.

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

Your Committee on State Affairs, to whom was referred
House bill No. 535, a bill to be entitled "An act to provide for the compensation of jury commissioners in the several county and district courts, and to regulate the manner of paying 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 not pass.

CARPENTER, Chairman.

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

Your Committee on Finance, to whom was referred
Senate bill No. 224, a bill to be entitled "An act to amend article 5175a, chapter 4, title CIV, of the Revised Civil Statutes of 1895, relating to the collection of taxes due on property conveyed by deeds of assignment, trust deeds or other conveyances."

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. 1.

GARRISON, Chairman.

By Mr. Beaird, chairman:
Committee Room,
Austin, Texas, March 12, 1897.
Hon. L. T. Dashiel, Speaker of the House.

Your Committee on County Government and County Finances, to whom was referred
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.”

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.

BEAIRD, Chairman.

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

Your Committee on County Government and County Finances, to whom was referred

House bill No. 390, a bill to be entitled “An act to amend chapter 16, title 17, of the Penal Code of the State of Texas, by adding to the said chapter article 042a, relating to the deposit of State, county or municipal funds with banks and banking corporations, and to prohibit the use of such funds for private purposes.”

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.

BEAIRD, Chairman.

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

Your Committee on County Government and County Finance, to whom was referred

House bill No. 451, a bill to be entitled “An act to amend article 1538 of chapter 2 of title 32, Revised Civil Statutes of the State of Texas, relating to the powers and duties of the commissioners’ court,”

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. 1.

BEAIRD, Chairman.

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

Your Committee on County Government and County Finance, to whom was referred

House bill No. 446, a bill to be entitled “An act to provide for redistricting Menard county into public school districts, and declaring an emergency and imperative public necessity.”

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.

BEAIRD, Chairman.

By Mr. Rogan, Chairman:

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

Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 577, a bill to be entitled “An act to create a more efficient road system for Montague county, in the State of 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 the commissioners’ court of said county, and to provide for the manner of training the hedges along the public roads, and fixing a penalty for the violation of this act, 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, and that this bill be not printed.

ROGAN, Chairman.

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

Your Committee on Roads, Bridges and Ferries, to whom was referred

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.”

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.

ROGAN, Chairman.
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, and that it be not printed.

ROGAN, Chairman.

Committee Room,
Austin, Texas, March 12, 1897.
Hon. L. T. Dashell, Speaker of the House:
Your Committee on Roads, Bridges and Ferries, to whom was referred, Senate bill No. 152, entitled "An act to amend the Collin, Grayson, Williamson, 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."

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

WILL LAMBERT, Secretary.

Hon. L. T. Dashell, Speaker of the House:
Your Committee on Claims and Accounts, to whom was referred, Senate bill No. 7, a bill to be entitled "An act to provide for the Comptroller of the State of Texas to prescribe a uniform system of assessment blanks and tax rolls for the various counties, etc., and to amend article 2839, of title 52, of the Revised 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, and that it be not printed.

ROGAN, Chairman.

By Mr. McFarland, chairman:
Committee Room,
Austin, Texas, March 6, 1897.
Hon. L. T. Dashell, Speaker of the House.
Your Committee on Public Printing, to whom was referred
House bill No. 399, a bill to be entitled "An act to provide for the Comptroller of the State of Texas to prescribe a uniform system of assessment blanks and tax rolls for the various counties, etc., and to amend article 2839, of title 52, of the Revised 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.

McFARLAND, Chairman.

By Mr. Bertram, chairman:
Committee Room,
Austin, Texas, March 11, 1897.
Hon. L. T. Dashell, Speaker of the House.
Your Committee on Claims and Accounts, to whom was referred
The petition of citizens of Newton county for relief on account of failure of corn crop in 1896.

Have had the same under consideration, and I am instructed to report the same back to the House with the information that the Legislature has no constitutional authority to grant the request.

BERTRAM, Chairman.

Committee Room,
Austin, Texas, March 11, 1897.
Hon. L. T. Dashell, Speaker of the House:
Your Committee on Claims and Accounts, to whom was referred, Senate bill No. 213, a bill to be entitled "An act to prevent the payment of any deficiency that may arise in any department of State government or institution of this State unless an estimate of the same has been made out, sworn to and presented to and approved by the Governor, and filed with the Comptroller at least 30 days before such deficiency occurs,"

By the following vote: ayes 26, nays none.

Also,
House bill No. 7, a bill to be entitled "An act to restore and confer the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act."

With amendments, and by the following vote: ayes 26, nays none.

Also,
Senate bill No. 111, a bill to be entitled "An act to regulate the sale of cocaine or morphine or of any salt of cocaine or morphine and of opium and preparations of opium containing 10 per cent or more of the crude drug, and providing a penalty for the violation of this act."

Also hereby requests of the House the return to the Senate of House bill No. 7, a motion having been made, within the rules, to consider the vote by which said House bill No. 7 passed the Senate on yesterday.

Respectfully,

WILL LAMBERT, Secretary.
The above request of the Senate for return of House bill No. 7 was granted.

**SENATE BILL ON FIRST READING.**

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

Senate bill No. 111, to the Committee on Public Health and Vital Statistics.

**BILLS RE-REFERRED.**

House bills Nos. 564, 390 and 541, withdrawn from the Committee on County Government and County Finances and referred to Judiciary Committee No. 2, on motion of Mr. Beaird, seconded by Mr. Shelburne and Mr. Dies.

**TIME EXTENDED.**

For consideration of the following bill:

House bill No. 207, on motion of Mr. Curry, chairman.

**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. 94, entitled "An act to amend article 1036, of chapter 26, 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."

**SPEAKER'S TABLE.**

The Speaker laid before the House, as pending business,

House bill No. 9, the Evans assignment bill, on its engrossment, with amendment by Mr. Tracy (as amended) pending.

Mr. Wolters offered the following substitute for the pending amendment by Mr. Tracy:

Strike out all after the words "be it enacted by the Legislature of the State of Texas," and insert in lieu thereof the following:

"Section 1. That every assignment made by an insolvent debtor, or by one acting in contemplation of insolvency, or by a debtor who is by the making of such assignment rendered insolvent, no matter in what language the same may be expressed, shall be held and construed to convey for the benefit of all creditors of such debtor all of his property, real and personal, not exempted by the Constitution and laws from forced sale. Every assignment shall be approved or acknowledged and certified and recorded as required for conveyances of real estate, in the county of the assignor's residence, if he resides in this State, and in the county in which his principal business was carried on, and in each county in which any real estate conveyed thereby is situated. If any language used in any deed of assignment shall conflict with the true intent and meaning of this act, then such language shall be disregarded and the assignment given effect to, as required herein.

"Sec. 2. The debtor shall annex to such assignment an inventory containing the following amendment:

"1. A full and true account of all the creditors and of such debtor or debtors.

"2. The place of residence of each creditor, if known to such debtor or debtors; and if not known, that fact to be so stated.

"3. The sum owing to each creditor, if known; if not, so state, giving a description of the nature of each debt or demand, whether arising on written security, account or otherwise executed.

"4. The true cause and consideration of such indebtedness in each case, and the place where such indebtedness arose.

"5. A statement of any existing judgment, mortgage, collateral or other security for the payment of any such debt.

"6. A full and true inventory of all such debtor's estates at the date of such assignment, both real and personal, in law or equity, and in the incumbrance existing thereon, and of all vouchers and securities relating thereto, and the value of each estate, according to the best knowledge of such debtors.

"7. An affidavit shall be made by such debtor or debtors and attached and delivered with such inventory or schedule, that the same is in all respects just and true, according to the best of such debtor's or debtors' knowledge and belief. Nothing contained in this act shall affect the assignor's right to retain all such of his property as is by the Constitution and laws of this State, exempt from execution, but such list and inventory shall not be conclusive, except as against the debtor or making the same.
"Sec. 3. Should the assets of the debtor be sufficient to pay 33 1/3 per cent of all the claims of all the accepting creditors, he shall stand discharged from all further liability to such accepting creditors on account of their respective claims, and when paid to them, each accepting creditor shall execute and deliver to the assignor for the debtor a release therefrom.

"Sec. 4. Every assignee shall, within ten days after the execution of the assignment, give public notice of his appointment in some newspaper printed in the county where the assignor resides, or where his principal business was conducted, or if no newspaper be printed therein, then in the newspaper published nearest such place of residence or business, and which notice shall be published for three successive weeks, and so far as he can the assignee shall give personal notice, or notice by mail, to each of the creditors of the assigning debtor.

"Sec. 5. The creditors of the assignor who desire to participate in the distribution of the assets shall, within four months after the publication of the notice assigned in the preceding section, give notice to the assignee in writing that he accepts said assignment, but any creditor who had no actual notice of such assignment may make known his assent at any time before any distribution of the assets has been made. No creditor who does not accept the assignment shall receive any benefit thereunder. The receipt by a creditor of any portion of his claim from the assignee shall be conclusive evidence of his assent to such assignment.

"Sec. 6. Every such assignee shall be a resident of this State and the county in which the property assigned is situated, or in which his principal business is conducted, and shall, within five days after the execution and delivery of the deed of assignment, execute a bond in an amount double the amount of the estimated value of the estate, to be fixed by the judge approving said bond, with two or more good and sufficient sureties to be approved by the county judge of the county in which the assignor resides, or by the district judge of the judicial district in which such county is situated, conditioned that he will faithfully discharge his duties as such assignee and make pro rata distributions of all the net proceeds of the estate among the creditors entitled thereto, which bond shall be made payable to the State of Texas, and be filed with the county clerk of the county in which such assignee resides. Said bond shall inure to the benefit of the assignor, and the creditors who may maintain an action against the assignee in his or her name, jointly or severally, for any damage he or they may sustain by reason of any breach thereof, or violation of this law. Upon the filing and approval of said bond the assignee shall take possession of said property and proceed to execute the assignment. If such assignee shall fail or refuse to execute such bond within five days from the delivery of the deed of assignment, such deed of assignment shall, nevertheless, take effect, as against the assignor, and it shall be the duty of the county or district judge aforesaid, upon the application of the assignor or any creditor, to appoint another competent assignee, which appointment shall be in writing, who shall, upon the execution and approval of such bond, as herein provided, take charge of such property and execute the assignment in the same manner as if he had been appointed in such deed of assignment. No fraudulent act, intent or purpose of the assignor or assignee shall have the effect to defeat the assignment, or to deprive the creditors consenting thereto, of the benefits thereof; but any such fraudulent act, intent or purpose of the assignee shall be sufficient cause of his removal, and any consenting creditor may become a party to prosecute or defend any suit or proceeding for the enforcement of his rights, or for the protection of his interests in the assigned property.

"Sec. 7. Every creditor consenting to an assignment shall, within six months from the time of the first publication of the notice of the appointment of the assignee, file with such assignee a distinct statement of the particular claim or portion of his claim against the debtor, which claim or portion of his claim against the debtor shall be supported by an affidavit of the creditor, his agent or attorney, that the statement is true, that the debt is just, and that there are no credits or offsets that should be allowed against the claim except as shown by the statement, and no creditor shall take any benefit under any assignee whatever who neglects to file such statement.

"Sec. 8. Any creditor consenting not
to the assignment may garnishee the assignee for any excess of such estate remaining in his hands, after the payment to the consenting creditors the amount of their debts and their costs, and expenses of executing the assignment.

"Sec. 9. All property conveyed or transferred to the assignor, previous to and in contemplation of the assignment, with the intent or design to defeat, delay or defraud creditors, or to give preference to one creditor over another, shall pass to the assignee by the assignment, notwithstanding such transfer; and the assignee, or in case of his neglect or refusal, any creditor or creditors, may in his name, upon securing such assignee against cost of liability, sue for, recover, collect and cause the same to be applied for the benefit of creditors, as other property belonging to the debtor's estate in the hands of the assignee; but it shall appear in such action that the purchaser of any such property bought the same of the assignor in good faith, and for a valuable consideration, and without reason to believe that the debtor was conveying or transferring the same with the intent or design aforesaid, such purchaser shall be held to have acquired as against the assignee and creditors aforesaid, a good and valid title to such property.

"Sec. 10. No assignment shall be declared fraudulent or void for want of an inventory or list, as provided herein, but the absence of the same shall be deemed prima facie evidence that the assignor or debtor has concealed or secreted some of his estate from his assignee or creditors; and whether the said list and inventory be prepared and filed or not, the judge of the district or county court in whose court the proceedings shall have been filed, and having jurisdiction of the estate assigned, may, on the application of the assignee or any creditor of the assignee or debtor, or without such application, if the judge see fit, at all times require, upon such reasonable notice as the judge may direct, the assignor or debtor or any other person, to attend and submit to an examination on oath of all matters relating to the disposition made, or status of the property of the estate assigned, including all transactions in the past, bearing upon the right of the assignee or creditors with respect to the estate assigned, as contemplated by law. The judge may require attendance and obedience to the orders made by a writ or order directed to the sheriff or any constable, commanding the arrest of the persons referred to in the writ of order, to be brought before the judge at the time named, for the purpose of examination as provided herein, and such examination shall be in writing, and shall be signed by the persons examined, sworn to before the judge and attested and filed with the clerk of such county or district court wherein the proceedings are pending, for the use of those interested in the estate; provided, nevertheless, that no assignor or debtor shall be prosecuted or punished for any matter or thing disclosed by him on such examination as had above. The costs of such proceedings to be paid out of the estate assigned or by the applicant for the examination, as the judge in each case may deem right and proper to order.

"Sec. 11. The statement of a creditor, verified and filed with the assignee, as hereinafter provided, shall be sufficient prima facie evidence to justify the assignee in allowing it as a valid claim against the estate, and it shall be so allowed and such creditor entitled to receive the same, or to divide in the bankrupt's estate, unless the assignor or other creditors disputing the same shall, within sixty days after the expiration of the time within which the creditors are required by this act to file their statement, institute an action in the district or county court of the proper county to set aside the payment and to restrain the payment thereon, for which purpose the said assignor or any disputing creditor or creditors may have remedy jointly or severally, by injunction or other proper action, to try the justice and validity of the claim; and if it appears that an action could not be successfully maintained at law by the creditor against the assignor upon such claim, or any disputed part thereof, the same shall be disallowed, in whole or in part, as the case may be, and the assignee paid out of the estate assigned, or such portion thereof as may be disallowed; and for the information of the assignors and creditors, it is further provided that the assignee shall allow them, or any of them, to take a copy of any creditor's statement of his claim that has been filed with such assignee as hereinafter provided.

"Sec. 12. Claims that are not due may be allowed as follows: If they bear no interest before maturity, their present value shall be ascertained by discounting the due rate of interest mentioned in the contract, if any, otherwise at the legal rate. If such claim bear interest before maturity,
which is running at the time the claim is presented, then to be treated as if it were due. If any creditor holds collateral security of less value than his debt, the value of such security shall be estimated by the assignee and only the difference between such estimated value and the amount of the debt shall be allowed.

"Sec. 13. If any assignee becomes unsuitable to perform the trust, refuses or neglects so to do, or mismanages the property, the county judge or judge of the district court may, upon application of the assignor, or one or more creditors, or one or more of the assignee's sureties, upon reasonable notice to all parties interested, by publication or otherwise, as such judge may direct, remove such assignee, and in case of vacancy, by death or otherwise, shall appoint another in his place, who shall have the same powers and be subject to the same liabilities as the original assignee.

"Sec. 14. Whenever an assignee shall have in his hands funds sufficient to pay 10 per cent of the debts due by the assignor, he shall make a pro rata distribution of the same among the creditors, and the assignee shall be entitled to a reasonable compensation for his services, not exceeding 2½ per cent of the amount, and his necessary costs and expenses, and his attorney's fees, which attorney's fees shall not exceed 2½ per cent of the estate, all to be allowed by the county judge or judge of the district court.

"Sec. 15. Whenever any assignee shall have fully performed the duties of his trust, and it is to be finally discharged therefrom, he may make a report of his proceedings under the assignment, showing the moneys and assets that have come into his hands, and how the same have been disbursed and disposed of, the truth of which shall be proved by his affidavit, and such report shall thereupon be filed and recorded in the office of the county clerk of the county in which the assignment is recorded, and no action shall be brought against such assignee by reason of anything done by him under the assignment, as shown by his report, unless the same be brought within twelve months from the time of the filing thereof, as aforesaid; and any moneys or funds on hand shall be deposited in the district court, subject to be paid out upon the decree of said court.

"Sec. 16. Every mortgage, deed of trust, or other form of lien attempted to be given by the owner of any stock of goods, wares or merchandise daily exposed to sale in parcels, in the regular course of business of such merchandise, and contemplating a continuance of possession of said goods and control of said business by sale of said goods by said owner, shall be deemed fraudulent and void."

"Sec. 17. Any attempted preference of one creditor or creditors of such assignor or mortgagor shall be deemed fraudulent and without effect.

"Sec. 18. The receiver shall be allowed by the court a reasonable compensation for his services, not exceeding 2½ per cent of the value of the assets; also reasonable attorney's fees, where the employment may have been approved by the court, not exceeding 2½ per cent of the value of the assets, which attorney's fees, together with the costs of the court, shall be first paid out of the funds in the hands of the receiver.

"Sec. 19. That hereafter, when any insolvent debtor, or debtor in contemplation of insolvency, shall execute a mortgage or deed of trust of certain preferred creditors, and shall include in the list of preferred creditors any creditor whose claim or account is fictitious or fraudulent, a receiver of such mortgaged property may be appointed by any judge of any court of competent jurisdiction, as hereinafter provided.

"Sec. 20. Any creditor of such insolvent debtor whose claim has not been preferred, and who desires a receiver of such mortgaged property, may present an application therefor to any judge having jurisdiction of the subject matter, in addition and on occasion. Such application shall state the amount and nature of his claim, the names and residence, if known, of all the preferred creditors, and the amounts of their respective claims; the names and residence, if known, of the mortgagor, and the value of the mortgaged estate, and where situated, if known, and shall specify the particular claim or claims alleged to be fraudulent or fictitious. Such application may contain a prayer for an injunction restraining such mortgagee or trustee from disposing of the mortgaged property, pending a final hearing of the application; provided, after any application for the appointment of a receiver has been made, any other of the non-preferred creditors of such insolvent debtor may make themselves parties to the original proceedings by filing a statement in writing, declaring that they support and adopt the original application as
presented, and that they make themselves equally liable with the original applicant or applicants; and upon the filing of such ancillary application, the parties thereto shall be held equally liable with the original applicant or applicants for all damages and costs that may be adjudged against them, or either of them, upon final hearing.

"Sec. 21. Upon presentation of the application herein provided for, the judge having jurisdiction thereof shall direct that a citation be issued and served upon the mortgagor and mortgagee, and the creditor or creditors whose claim or claims are alleged to be fraudulent or fictitious, commanding them and each of them to appear on a day certain to answer such application.

"Sec. 22. Should such application contain a prayer for injunction, the judge to whom the same is presented shall issue a writ of injunction, restraining the mortgagor or trustee from further action under the mortgage or trust deed, and from selling or otherwise disposing of such mortgaged property, pending a hearing of such application. The writ of injunction herein provided for shall be issued and served as in other cases; provided, that no writ of injunction shall issue until applicant shall have executed a bond, as herein provided.

"Sec. 23. Before an injunction shall issue, as provided for in the preceding section, the applicant shall execute a bond, with two or more good and sufficient sureties, to be approved by the judge issuing the writ, in such amount as the judge shall fix, payable to the creditors named in the mortgage; and conditioned that the applicant will pay all such costs and damages as may be adjudged against him for wrongfully suing out such injunction.

"Sec. 24. If, upon final hearing, it shall be made to appear to the satisfaction of the judge trying the case that any of the claims preferred are fictitious or fraudulent, a receiver shall be appointed, and thereafter such mortgaged estate shall be administered under the order of the court appointing the receiver.

"Sec. 25. When a receiver is appointed under the provisions of this act, and before he enters upon his duties, he shall be sworn to faithfully perform them, and shall be required to execute a bond, with two or more good and sufficient sureties, to be approved by the judge appointing him, in double the amount of the mortgaged estate, and conditioned that he will faithfully discharge all duties required of him as such receiver, and that he will obey the orders of the court appointing him.

"Sec. 26. Upon giving the bond and taking the oath provided for in the preceding section, such receiver shall immediately take possession of the mortgaged property, and shall at once dispose of the same as directed by the court, and if claims, accounts, notes or other evidences of indebtedness are included in the mortgage or trust deed, he shall use due diligence to collect the same, and from the proceeds of such sale and collections he shall pay: 1st. All costs incurred in the appointment of a receiver. 2d. The fees or commission of the receiver as fixed by the court. 3d. The creditors named in the mortgage or deed of trust along with the order therein named; provided, that no claim that has been adjudged fraudulent or invalid, either in whole or in part, shall be paid. 4th. The debt of the original applicant for the receivership. 5th. The debts of the ancillary applicants, if any, in the order of filing of such applications; provided, that if two or more creditors join in the original application for receivership and the funds in the hands of the receiver, after the payment of the costs, commissions and the preferred creditors, be not sufficient to pay each creditor in full, then each original applicant shall be entitled to a pro rata share of such funds, in proportion to the amount of their respective claims; and provided further, that a like rule in the distribution of the funds in the hands of the receiver, after the payment of the claims of the original applicants, shall apply to all creditors, who join in any ancillary application.

"Sec. 27. Should the mortgagor or trustee fail or refuse to deliver possession of the mortgaged property to the receiver hereunder appointed, the judge or court issuing same shall issue a writ of possession therefor, directed to the sheriff of the proper county, commanding him to receive such mortgaged property and to deliver the same into the hands of the receiver.

"Sec. 28. Whenever any insolvent debtor in contemplation of insolvency, shall execute a mortgage, deed of trust or other instrument in
writing, preferring any claim, account, promissory note or other debt, which at the time of the execution of such instrument is barred by the statutes of limitation, or shall appoint as trustee or mortgagee any former clerk, employee or relative of such insolvent debtor; or shall fail to attach to such instrument a sworn inventory and appraisement of such mortgaged property; or shall fail to file therewith a sworn statement of all his liabilities, setting forth the names and residences of his creditors, the amounts owing to each creditor, and the nature, character, cause and consideration of each debt; or shall fail to acknowledge such instrument before some officer authorized by law to take acknowledgments; or shall fail to cause such instruments to be recorded in the record of bonds and mortgages in the county or counties where such property is situated, and wherein said instrument was executed, then or in either of the above events such fact shall be deemed sufficient grounds for the removal of such trustee or mortgagee and the appointment of a receiver, in the first instance, upon the application of any non-preferred creditor of such insolvent debtor.

"Sec. 29. Whenever any insolvent debtor, such as is mentioned above, shall execute any such instrument as described in the preceding section, and shall include in the list of preferred creditors the claim, debt or account of any relative within the third degree of consanguinity or affinity, the proofs of such relationship shall be deemed prima facie evidence that such claim is fraudulent and fictitious, and thereafter the burden of proving the genuineness of such claim, debt or account shall be cast upon the creditor whose claim is contested, and the fact that such preference has been made shall be deemed sufficient grounds for the appointment of a receiver of such mortgaged property upon any application of any of the creditors of such insolvent debtor.

"Sec. 30. If any creditor of any insolvent debtor, whose claim has not been preferred, shall at the time of presenting the application provided for in section 2 of this act, file therewith his affidavit in writing, stating that he has reason to believe and does believe that certain preferred creditors' claims, naming them, are fictitious or fraudulent, the judge to whom such petition or application is presented may immediately appoint a temporary receiver of such mortgaged property, and at the same time may issue the injunction provided for in section 4, upon the applicants giving bond provided for in section 5; provided, that such temporary receiver, before he enters upon the discharge of his duties, shall qualify as such temporary receiver as provided for in section 7 of this act, and thereafter such temporary receiver shall exercise the authority and powers herein conferred, subject to the orders of the court making the appointment.

"Sec. 31. Before any temporary receiver shall be appointed as herein provided, the applicant or applicants shall execute a bond with two or more good and sufficient sureties, to be approved by the judge making such appointment, in such an amount as the judge may fix, payable to the defendants named in the application, and conditioned that applicant or applicants will pay all such damages and costs as may be adjudged against them or either of them on final hearing.

"Sec. 32. In all cases when the application for the appointment of a receiver, either permanent or temporary, as herein provided for, shall be accompanied by the affidavit of the applicant as provided for in section 30 of this act, the burden of proving the genuineness and validity of such contested claim shall rest upon the creditors whose claims are alleged to be fraudulent or fictitious.

"Sec. 33. At any time within twenty days after the appointment of any temporary receiver, under the provisions of this act, such appointment may be vacated upon motion, in writing, signed and sworn to by the mortgagor and the creditor or creditors whose claims are contested, alleging the validity of such contested claims and accompanied by satisfactory proof of the genuineness thereof.

"Sec. 34. Whenever any such mortgagee, deed of trust or other instrument in writing as is mentioned in section 19 of this act shall have been executed and the trustee or mortgagee therein named shall fail or neglect within five days thereafter to execute a bond in double the value of such mortgaged property, to be approved by the county judge of the county wherein such property is situated or wherein such instrument was executed, payable to such county judge and his successors in office, conditioned for the faithful discharge of his duties as such mortgagee or trustee, such fact and the proof thereof shall be deemed sufficient grounds for the appointment of a receiver upon the application of any
of the creditors of such insolvent debtor.

"Sec. 35. Upon the presentation of an application for the appointment of a receiver under any of the provisions of this act, the applicant or applicants entitled, and the court, shall examine ex parte the mortgagor, mortgagee or the preferred creditor or creditors whose claims are contested, or all of them, upon interrogatories filed with the application, or subsequent thereto, and in such case it shall not be necessary to give notice of the filing of such interrogatories or to serve a copy thereof on the person or persons whose answers are sought before the commission shall issue; nor shall it be any objection to such interrogatories that they are leading in character.

"Sec. 36. Hereafter, if any insolvent debtor or debtors, in contemplation of insolvency, shall execute any mortgage or trust deed, whereby any of his creditors are preferred above others, and shall include among such preferred claims any debt that is fraudulent or fictitious, either in whole or in part; or if any mortgagee or trustee of such debtor, acting under any such preference mortgage or deed of trust, shall pay any claim of any creditor named therein, knowing same to be fraudulent or fictitious, in whole or in part; or if any creditor named in such preference mortgage or deed of trust shall demand or accept any benefit thereunder, knowing his claim to be fraudulent or fictitious, in whole or in part, then such mortgagor, mortgagee or creditor, as the case may be, shall be deemed guilty of a felony and upon conviction shall be punished by confinement in the State penitentiary for a term of years not less than two nor more than ten.

"Sec. 37. Hereafter it shall be unlawful for any mortgagee or trustee acting under any mortgage or trust deed to pay any claim of any preferred creditor, which claim is not verified by the affidavit of such creditor, stating that such claim is just, true and correct, and that all lawful payments and credits have been allowed therein; and likewise it shall be unlawful for any preferred creditor of any insolvent debtor to demand, accept or receive payment of his claim, or any part thereof, without having filed with such mortgagee or trustee his affidavit in writing as above prescribed; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum equal to the amount of said claim, debt or account.

"Sec. 38. In all other respects the disposition provided for in the preceding section shall be governed by the rules of evidence and the provisions of articles 2747 to 2754, inclusive, chapter 3, title 40, of the Revised Civil Statutes of this State.

"Sec. 39. In all other respects the receivership provided for under this act shall be governed by the general law of this State, providing for the appointment of receivers, and this act is hereby declared to be cumulative of other remedies given by law to creditors.

"Sec. 40. That any debtor hereafter executing any chattel mortgage or trust deed, who shall in said trust deed or chattel mortgage, make any preferred creditor, said chattel mortgage or trust deed shall be void, unless such failing debtor or assignor shall attach to said trust deed his affidavit in writing, stating the claims and the names of the parties and the amounts of said claims and the date of which debt or debts were preferred, and the same shall not be admitted to record or shall not be evidence of any indebtedness, which affidavit shall be sworn to by some officer authorized to administer oaths under the laws of the State of Texas.

"Sec. 41. That no preferred creditor named in any chattel mortgage or trust deed hereafter made in the State of Texas shall receive from the trustee or any other parties executing the terms of said trust deed or chattel mortgage unless said preferred creditor shall file with said trustee his affidavit in writing, stating that the claim is just and bona fide, giving the date of the origin of said claim and the circumstances under which said claim originated. Any preferred creditor failing to file such affidavit shall, unless he may have to his claim against said estate, and such forfeiture shall inure to the benefit of all the creditors of said estate.

"Sec. 42. Any creditor of said assignor a maker of any deed of trust or chattel mortgage, who desires to have the right at any time within thirty days from the date of execution of said trust deed or mortgage, to file his application with any court within the State of Texas having competent jurisdiction of the amount in controversy, in which he shall state that he hereby believes that some of the preferred creditors named in said deed of trust or mortgage, giving the names
and amounts, are fraudulent; and upon the filing of such complaint, it shall be the duty of court, either in term time or vacation, to at once issue citation to the assignor, the trustee or other party in charge of said estate, and to the preferred creditor, commanding them to at once come before the court and bring all the notes, accounts and other papers, which notes, accounts, books and other papers may be examined in open court; and upon the failure of the assignor, trustee or other officer in charge of said estate, or preferred creditor, to appear before the court and make an exhibit of their notes, accounts, books or other papers, it shall be prima facie evidence of fraud on their part; either party may have processes for witnesses returnable to the court at the day fixed by the court for the hearing of the case; and the court will proceed to try said cause as other cases; provided, that in all such preferences the burden of proof shall be upon such preferred creditor to show the justness of his claim.

"Sec. 43. That the trustee or other person taking charge of the estate shall, within five days from the date of the execution of said trust deed or chattel mortgage, make a complete inventory, his bond equal in amount to said stock, with two or more sufficient sureties to be approved by the county judge of said county.

"Sec. 44. If any person shall make any false affidavit to any chattel mortgage or deed of trust, or to any claim preferred therein, he shall be deemed guilty of a felony and upon conviction thereof shall be confined in the State penitentiary at hard labor for a term of not less than two nor more than five years. The trustee shall receive in full for his services the amount fixed by the court, not to exceed 25 per cent of the estate so assigned, and the attorney may receive the amount fixed by the court, not to exceed 25 per cent of the value of the estate so assigned.

"Sec. 45. That an act entitled 'An act in relation to assignments for the benefit of creditors and to regulate the same and proceedings thereunder,' approved March 24, 1879; approved April 7, 1883, be and the same is hereby repealed.

"Sec. 46. That all laws and parts of laws in conflict with this act be and the same are hereby repealed." (Signed—Blair, Fisher, Ward and Wolters.

Mr. Wolters moved to postpone further consideration of House bill No. 9 until next Tuesday, March 16, at 3 o'clock p.m.

Mr. Childs moved to table the motion to postpone, and the motion to table was lost.

Mr. Fields moved the previous question on the motion to postpone, and the main question was ordered.

Yea's and nays were demanded by Mr. Evans of Hunt, Mr. Childs and Mr. Neighbors.

The motion to postpone prevailed by the following vote:

Yeas—82.


Nays—21.


Mr. Doyle (present), who would vote "nay," with Mr. Brigance (absent), who would vote "yea."

Mr. Dies called up House bill No. 213, relating to civil and criminal jurisdiction of the county court of Hardin county, with Senate amendment, same being the emergency clause.

The amendment was adopted by the following vote:

Yeas—104.


Excused.


Evans of Hunt. Absent.


Excused.


Excused.

Mr. Fisher, by consent, withdrew his substitute, and
s Mr. Welch offered the following substitute for the amendment by Mr. Rogan:
Amend by striking out all after the enacting clause and insert in lieu thereof the following:
Sec. 1. Be it enacted by the Legislature of the State of Texas: That no corporation, company or individual shall blacklist, or publish, or cause to be blacklisted or published, any employe, mechanic or laborer with the intent and for the purpose of preventing such employe, mechanic or laborer from engaging in or securing similar or other employment from any other corporation, company or individual.
Sec. 2. If any officer or agent of any corporation, company or individual, or other person, shall blacklist or publish, or cause to be blacklisted or published, any employe, mechanic or laborer with the intent and for the purpose of preventing such employe, mechanic or laborer from engaging in or securing similar or other employment from any other corporation, company or individual, or shall in any manner conspire or contrive, by correspondence or otherwise, to prevent such employe, mechanic or laborer from securing employment, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 nor more than $500 or be imprisoned not less than 30 nor more than 90 days, or by both such fine and imprisonment, and such corporation, company or individual shall be liable in both actual and exemplary damages to such employe, mechanic or laborer so prevented from obtaining employment, to be recovered by him or her in a civil action.
Sec. 3. The near approach of the end of the session, and the great number of bills before the Legislature, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted, and this act shall take effect from and after its passage.
Mr. Rogan, by consent, withdrew his amendment.
Mr. Freeman moved to postpone further consideration of the bill until 10 a. m. to-morrow.
On motion of Mr. Love, the motion to postpone was tabled.
Mr. Shropshire offered the following amendment to the amendment by Mr. Welch:
Amend the amendment as follows:

"Sec. 2. The provisions of this act shall not apply to any private individual or officer or agent of a corporation who may give truthful information concerning any employe of any corporation or individual."

Mr. Maxwell moved to table the amendment by Mr. Shropshire, upon which yeas and nays were demanded by Mr. Shropshire, Mr. Tucker and Mr. Mercer.
Lost by the following vote:

Yea's-36.
Beard. Logan.
Brewster. Love.
Browne. Manson.
Carpenter. Maxwell.
Childs. Moore of Lamar.
Crawford. Morton.
Crowley. Neighbors.
Cureton. O'Connor.
Curry. Reubell.
Doyle. Savage.
Evans of Hunt. Shelburne.
Evans of Grayson. Skillern.
Fields. Sluder.
Fisher. Stanley.
Harris. Tracy.
Holland of Harris. Vaughan of Collin.
Jones. Wallace.
Lillard. Welch.

Nays-67.
Alexander. Martin.
Barrett. McGaughey.
Bell. McKamy.
Benson. McKellar.
Bertram. Meade.
Bird. Melton.
Blackburn. Mercer.
Blair.
Bounds. Moore, Fort Bend.
Burns. Oliver.
Callan. Peery.
Pitts.
Carswell. Porter.
Conoly. Randolph.
Dennis. Rhea.
Dickinson. Robbins.
Dies. Rogan.
Drew. Seabury.
Edwards. Shropshire.
Ewing. Smyth.
Flint.
Freeman. Staples.
Garrison. Strother.
Gillibough. Thaxton.
Gilbody. Thomas.
Good. Thompson.
Graham. Tucker.
Hensley. Turner.
Hill of Gonzales. Vaughan, Guadalupe.
Hill of Travis. Wall.
Holland of Burnet. Ward.
Humphrey. Wilcox.
Kimbell. Wolters.
Kirk. Wood.
Bailey. 
Brigance. 
Bumpass. 
Burney. 
Dean. 
Green. 
Henderson. 

Absent.

Barbee. 
Bean. 
Boyd. 
Collier. 
Dorroh. 
Feild. 
Morris. 
Mundine. 
Patterson. 
Pfeuffer. 

I vote "aye" because the same restriction is incorporated in the substitute for the original bill, SAVAGE.

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

On the amendment to the amendment, yeas and nays were demanded by Mr. Love, Mr. Welch and Mr. Browne.

Adopted by the following vote:

Yeas—65.

Alexander. 
Ayers. 
Bailey. 
Barrett. 
Bell. 
Benson. 
Bertram. 
Bird. 
Blackburn. 
Blair. 
Bounds. 
Burns. 
Callan. 
Carswell. 
Conoly. 
Curry. 
Dickinson. 
Dies. 
Doyle. 
Drew. 
Edwards. 
Ewing. 
Fisher. 
Flint. 
Freeman. 
Gilbough. 
Good. 
Hill of Gonzales. 
Hill of Travis. 
Humphrey. 
Kimbell. 
Kirk. 
Lotto. 

Yeas--23.

Ayers. 
Bailey. 
Barrett. 
Blair. 

Question next recurred on the amendment as amended, and it was lost.

The bill was lost.

Mr. Shropshire moved to reconsider the vote by which the House refused to engross House bill No. 236, and to table the motion to reconsider.

The motion to table was lost, and the motion to reconsider was spread upon the Journal.

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

House bill No. 22, a bill to be entitled "An act to provide for the redemption of real estate sold for debt," with adverse majority report, and minority favorable report thereon.

Mr. Bell moved to adopt the majority report.

Mr. Sluder moved to substitute the minority report for the majority report.

Pending consideration,

Mr. Blair moved to adjourn until 9:30 o'clock a. m. to-morrow; and Mr. Love until 3 o'clock p. m. to-day.

Question being on the longest time first, yeas and nays were demanded by Mr. Carpenter, Mr. Love and Mr. Welch.

Lost by the following vote:

Yeas—23.

Ayers. 
Bailey.

Nays—30.

Brewster. 
Browne. 
Carpenter. 
Childs. 
Fields. 
Garrison. 
Harris. 
Holland of Burnet Rhea. 
Holland of Harris. Savage. 
Jones. 
Lillard. 
Logan. 
Love. 
Maxwell. 
Melton. 
Moores of Lamar. 
Morton. 
Neighbors. 

Excused.

Barbee. 
Bean. 
Boyd. 
Collier. 
Dorroh. 
Feild. 
Morris. 
Mundine. 
Patterson. 
Pfeuffer. 

Yeas—65.

Excused.

Barbee. 
Bean. 
Boyd. 
Collier. 
Dorroh. 
Feild. 
Morris. 
Mundine. 
Patterson. 
Pfeuffer. 

Yeas—23.
The motion of Mr. Love prevailed, and the House, at 12:53 p.m., adjourned until 3 p.m. to-day.

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**AFTERNOON SESSION.**

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

Speaker Dashiel in the chair.

Roll called and the following members present:

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The motion of Mr. Love prevailed, and the House, at 12:53 p.m., adjourned until 3 p.m. to-day.
Holland of Harris. Schlick.
Kirk. Smith.
Moore, Fort Bend. Stokes.
Reiger. Wallace.
Rogers. Williams.
Rudd.

Excused.
Barbee. Hill of Gonzales.
Bean. Morris.
Boyd. Mundine.
Collier. Patterson.
Dorroh. Pfeiffer.

A quorum was announced present.

On motion of Mr. Morton, Mr. Stokes was excused for this evening, on account of sickness.

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

On motion of Mr. Garrison, the Finance Committee was excused for thirty minutes, on account of important committee work.

BILLS INTRODUCED.

(By unanimous consent.)

By Mr. Welch:
House bill No. 504, a bill to be entitled "An act appropriating $2500 for the building and maintaining of a branch experimental station at Del Rio, Val Verde county, Texas."
Read first time and referred to Committee on Finance.

By Mr. Crawford:
House bill No. 505, a bill to be entitled "An act to amend article 615, title 18, chapter 11, of the Revised Civil Statutes of the State of Texas, relating to the abolishing of the corporate existence of towns and villages."
Read first time and referred to Committee on Towns and City Corporations.

By Mr. Blackburn:
House bill No. 506, a bill to be entitled "An act to amend title 98, chapter 2, article 4839, of the Revised Civil Statutes of the State of Texas, and to provide for the forfeiture of pay for time lost in negligently failing to perform the duties of district judge."
Read first time and referred to Judiciary Committee No. 1.

By Mr. Bailey:
House bill No. 507, a bill to be entitled "An act to amend article 4017 of chapter 16, title 76, of the Revised Statutes, 1895, relating to charters of cities, towns and villages, and applying the provisions of articles 4013 to 4016 to cities and towns organized and incorporated under the general laws."
Read first time and referred to Committee on Towns and City Corporations.

By Mr. Humphrey:
House bill No. 598, a bill to be entitled "An act to compel railroad companies to run separate passenger and freight trains, except accommodation trains, and to prohibit the running of mixed passenger and freight trains; providing for exceptions, and fixing adequate penalties for violation of the provisions of this act."
Read first time and referred to Committee on Internal Improvements.

COMMITTEE REPORT.

By Mr. McGaughey, chairman:
Committee Room,
Austin, Texas, March 5, 1897.
Hon. L. T. Dashiel, Speaker of the House:
Your Committee on Education, to whom was referred
House bill No. 500, a bill to be entitled "An act to provide for the employment of joint county and town superintendents of public instruction, and to prescribe their duties and compensation."
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.
McGAUGHEY, Chairman.

MESSAGE FROM THE SENATE.

Senate Chamber.
Austin, Texas, March 12, 1897.
Hon. L. T. Dashiel, 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. 109, a bill to be entitled "An act relating to the presence of minors in court rooms."
Senate bill No. 33, a bill to be entitled "An act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen and common laborers; to provide a lien and to prescribe the time of payment, and in lawful money of the United States; providing for attorneys' fees in foreclosing such liens, and prescribing the rights of the assignees of such persons, and to repeal all laws in conflict with this act."
By a two-thirds vote: yeas 21, nays none.
Senate bill No. 162, a bill to be entitled "An act granting permission to M. T. and M. C. Chapman, or their assigns, to bring suit against the State
of Texas in the district court of Kauf­
man county, to ascertain the amount,
if any, the State is indebted to said
M. T. and M. C. Chapman, or their as­
signs, on account of the sinking of an
artesian well for the State at the North
Texas Insane Asylum, Terrell, Texas."

By the following vote: yeas 20,
nays 2.

Senate bill No. 189, a bill to be enti­
tled "An act for the relief of B. F.
Gholson of Lampasas county, provid­
ing for the payment of the said B. F.
Gholson for service rendered the State
of Texas as a ranger on the frontiers." By
the following vote: yeas 20, nays 6.

Senate bill No. 199, a bill to be enti­
tled "An act to repeal article 491, of
chapter 2, title 13, of the Penal Code
of the State of Texas of 1885, relating
to offenses pertaining to public roads
and irrigation." Senate bill No. 211, a bill to be enti­
titled "An act to amend article 358
(805), title 18, chapter 1, of the Penal
Code of the State of Texas, relating
to conspiracy to commit murder, rape,
etc." Senate bill No. 217, a bill to be enti­
titled "An act to amend article 1851, in
chapter 18, of title 30, of the Revised
Statutes of Texas, relating to the time
of filing statements of facts."

Senate bill No. 246, a bill to be enti­
titled "An act to validate the
incorporation of cities or towns of 1000
inhabitants or over, incorporated since
March 30, 1865, which have heretofore
attempted to be made under certain
conditions."

Respectfully,

WILL LAMBERT, Secretary.

SENATE BILLS ON FIRST READING.

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

Senate bills Nos. 33 and 217, to Judi­
ciciary Committee No. 1.
Senate bills Nos. 109, 199 and 211, to
Judiciary Committee No. 2.
Senate bill No. 189, to the Committee
on Claims and Accounts.
Senate bill No. 246, to the Committee
on Towns and City Corporations.

The House resumed consideration
of pending business, same being
House bill No. 22, on its second read­
ing, with majority adverse and
minority favorable reports thereon.

Pending question—motion of Mr. Bell
to adopt the majority report, and sub­
stitute therefor by Mr. Sluder to adopt
the minority report.

(Mr. Seabury in the chair.)

After consideration,
Mr. Ewing moved the previous
question, and the main question was or­
dered.

On the motion to adopt the minority
report, yeas and nays were demanded
by Mr. Sluder, Mr. Bird and Mr. Car­
penter.

Adopted by the following vote:

Yeas—71.


Nays—17.


Absent.

March 12, 1897

HOUSE JOURNAL.

McFarland. Schlick.
Moore, Fort Bend. Smith.
O'Connor. Smyth.
Reiger. Thomas.
Robbins. vaughan, Guadalupe.
Rogers. Williams.
Rudd.

Excused.

Barbee. Holland of Harris.
Bean. Morris.
Boyd. Mundine.
Collier. Patterson.
Dorroh. Peuffer.
Hill of Gonzales. Stokes.

The minority report being adopted, the bill was placed on its engrossment.

Mr. Ayers offered the following amendment:

Amend by adding after the word "debt," in line 10, section 1, the words: "by any trustee under any deed of trust or power of sale," and by striking out all of said section 1 after the word "sale," in line 11.

Mr. Turner offered the following substitute for the amendment by Mr. Ayers:

Amend by striking out all after the enacting clause, and substituting the following in lieu thereof:

"Section 1. All real estate hereafter sold by any trustee or mortgagee under and by virtue of an instrument in writing authorizing such sale may be redeemed by the original debtor at any time within two years after such sale, by paying to the purchaser or the vendee or assignee of such purchaser the amount bid or paid therefor at such sale, with interest thereon at the rate fixed in the original obligation. Provided, if the purchaser be the beneficiary of the original mortgage or trust deed or the owner and holder of the original obligation, secured by such mortgage or trust deed, then before the debtor can redeem such land or interest therein, he shall pay to such purchaser the full amount of the original obligation and interest thereon as therein fixed, and all lawful charges and expenses incurred in the foreclosure of such mortgage or deed of trust, including the commissions. If any, paid such mortgagee or trustee."

Tabled on motion of Mr. Carpenter.

Mr. Fisher offered the following amendment to the amendment:

Amend by adding to the amendment the following words:

"That in all judicial sales of real estate no title shall pass to the purchaser unless the said real estate shall bring at such sale two-thirds of its value, and not then until such sale shall have been approved by the court."

Mr. Bertram moved to table both the amendments.

Mr. Rogan called for a division.

Question first recurring on the amendment to the amendment, it was tabled.

The amendment by Mr. Ayers was tabled.

Mr. Thaxton offered the following amendment:

Strike out the words "of 6 per cent" whenever they occur in the bill, and insert in lieu thereof the words "provided for in the original contract."

Adopted.

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

On engrossment of the bill, yeas and nays were demanded by Mr. Dickinson, Mr. Neighbors and Mr. Conoly.

House bill No. 22 was engrossed by the following vote:

Yeas—62.

Alexander. McGaughey.
Barrett. McKamy.
Beard. McKellar.
Benson. Meade.
Bertram. Melton.
Blackburn. Mercer.
Brewster. Moore of Lamar.
Bumpass. Morton.
Burney. Oliver.
Carpenter. Peery.
Crawford. Pitts.
Curry. Porter.
Dennis. Reubell.
Dyes. Robbins.
Doyle. Rogan.
Evans of Hunt. Savage.
Field. Shelburne.
Fields. Shropshire.
Fisher. Skillern.
Freeman. Sluder.
Graham. Stamper.
Harris. Staples.
Hensley. Strother.
Hill of Burnet. Thaxton.
Humphrey. Thompson.
Jones. Tracy.
Lillard. Tucker.
Lotto. Wall.
Love. Welch.
Maxson. Wolters.
Martin. Wood.

Nays—24.

Ayers. Crowley.
Bell. Dickinson.
Bounds. Ewing.
Burns. Flint.
Callan. Good.
Childs. Green.
Conoly. Kimbell.
Neighbors. Turner.
Randolph. Vaughan, Guadalupe
Rhea. Vaughan, Collin.
Rudd. Wallace.
Seabury. Ward.

**Absent.**

Bird. Logan.
Blair. Maxwell.
Brigance. McFarland.
Browne. Moore, Fort Bend.
Carswell. O'Connor.
Cureton. Reiger.
Dean. Rogers.
Drew. Schlick.
Edwards. Smith.
Evans of Grayson. Smyth.
Garrison. Thomas.
Gilbough. Wilcox.
Henderson. Williams.
Hill of Travis.

**Excused.**

Barbee. Holland of Harris.
Bean. Morris.
Boyd. Mundine.
Collier. Patterson.
Dorroh. Pfeuffer.
Hill of Gonzales. Stokes.

Mr. Peery moved to reconsider the vote by which House bill No. 22 was ordered engrossed, and to table the motion to reconsider.

The motion to table prevailed.

**GRANTED LEAVE OF ABSENCE.**

On account of important business:
Mr. Schlick until Monday, and Mr. Kirk until Wednesday, on motion of Mr. Wolters.

Mr. Rogers from last Tuesday morning indefinitely, on motion of Mr. Good.

Mr. Lotto until Monday, on motion of Mr. Carpenter.

Mr. Barrett after Saturday morning indefinitely, and Mr. Blackburn until next Tuesday, on motion of Mr. McGaughey.

Mr. Kimbell until Monday, on motion of Mr. Wood.

Mr. Edwards until Monday, on motion of Mr. Evans of Hunt.

On account of sickness in their families:
Mr. Williams and Mr. Dorroh until Monday, on motion of Mr. Beard.

Mr. Bounds indefinitely, on motion of Mr. Pitts.

Mr. Martin moved to adjourn until 9 a.m. to-morrow, and the motion was lost.

The Speaker laid before the House, on its engrossment, House bill No. 176, a bill to be entitled “An act to quiet titles to lands located and surveyed by virtue of land certificates granted under the act of the Legislature of the State of Texas, entitled an act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or of the Confederate States, a certificate for 1280 acres of land, approved April 9, 1881, and to validate patents issued on such locations and surveys.”

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

Whereas, the patient House is tired
Of the perpetual jaw
Which is so uniformly fired
At each prospective law;
And whereas, too, some are accused
Of assaulting bills that pass
With the very weapon Sampson used—
The jawbone of an ass;
And whereas, now the day has come
When our per diem shrinks
To such a small and paltry sum
It will not pay for drinks.
Therefore resolved, that we will hold
Two sessions every day,
And, whether it be hot or cold,
Will try to earn our pay.

The resolution was read, and went over one day under the rules.

Pending consideration of House bill No. 176, on its engrossment,

On motion of Mr. Ewing, Mr. McGaughey yielding the floor, the House at 5:20 p.m., adjourned until 9 o'clock a.m. to-morrow.

**FORTY-FOURTH DAY.**

Hall House of Representatives,
Austin, Texas,
Saturday, March 13, 1897.

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

Speaker Dashiel in the chair.

The roll was called, and there was not a quorum present, whereupon

Mr. Seabury moved a call of the House, which was seconded, and the Clerk was directed to call the roll to ascertain who were absent without leave.

The second roll call showed the following members present:

Alexander. Benson.
Ayers. Bertram.
Bailey. Bird.
Barrett. Blair.
Beaird. Brewster.