Accordingly the House at 6:25 p. m. adjourned until 9 o'clock a. m. to­mor­row.
FURTHER TIME GRANTED.

For consideration of House bill No. 657, on motion of Mr. Humphrey, chairman.

SPEAKER'S TABLE.

The Speaker laid before the House, on its third reading and final passage, House substitute for Senate bill No. 1, a bill to be entitled "An act to define who are and who are not fellow-servants in the employment of railway companies and other corporations, or in the employment of the receivers or managers of railways and other corporations, and to prohibit contracts exempting employers from liability."

The bill was read third time.

Mr. Dies offered the following amendment:

Amend by striking out the words "and other corporations" wherever they occur in the bill.

After consideration by the House, Mr. Bailey moved the previous question, and the main question was ordered.

The amendment by Mr. Dies was lost.

The bill was passed.

Mr. Evans of Hunt moved to reconsider the vote by which House substitute for Senate bill No. 1 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. 366, a bill to be entitled "An act for the establishment of a public park on the site of the battle field of San Jacinto, and providing for the purchase and condemnation of a sufficient amount of land upon which to establish said park, and making an appropriation therefor."

The bill was read third time, and passed.

Mr. Bailey moved to reconsider the vote by which Senate bill No. 366 was passed, and to table the motion to reconsider.

The motion to table prevailed.

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

Senate bill No. 362, being "An act to amend article 1537, chapter 2, title 92, of the Revised Civil Statutes of Texas, adopted and established by the Twenty-fourth Legislature in regular session, 1895, relating to the powers and duties of commissioners courts."

With majority adverse report there-
on, and minority favorable report, with the amendment.

The bill was laid before the House, and was read second time.

On motion of Mr. Randolph, the minority report was adopted.

Mr. Seabury moved the previous question, and it was not seconded.

Mr. Bumpass offered the following amendment:

Amend by adding after “counties” in line 23, on page 2, “provided, no commissioners court shall have power to compromise or settle with a defaulting officer of the county at less than the full amount of the claim until all the property of the sureties on said bond subject to execution has been exhausted.”

Mr. Fields offered the following substitute for the amendment:

Amend by adding after the word “counties” in line 23, page 2, the following: “provided, that no debt or claim due or owing to any county shall be so compromised or compounded until the proposition for such compromise or compounding, stating the terms and conditions, shall first have been submitted to a vote of the qualified electors of such county and shall be approved by a majority of such electors.”

After consideration by the House, Mr. Fisher moved the previous question, and the main question was ordered.

On the substitute by Mr. Fields, yeas and nays were demanded by Mr. Fields, Mr. Mercer and Mr. Lotto. Lost by the following vote:

Yeas—24.


Nays—83.


Absent.


Excused.


Question next recurring on the amendment by Mr. Bumpass, yeas and nays were demanded by Mr. Bumpass, Mr. Burney and Mr. Skillern. Lost by the following vote:

Yeas—48.

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Nays-44.

Ayers.  McKamy.
Barbee.  McCrellar.
Barrett.  Meade.
Beaird.  Moore of Lamar.
Bean.  Morris.
Bell.  Neighbors.
Blair.  O'Connor.
Blair.  Oliver.
Brigrance.  Patterson.
Conoly.  Peery.
Crawford.  Pfeuffer.
Dickinson.  Randolph.
Doyle.  Reiger.
Ewing.  Rudd.
Fields.  Schlick.
Fisher.  Sluder.
Garrison.  Smyth.
Gilbough.  Staples.
Green.  Strother.
Harris.  Thaxton.
Henderson.  Thompson.
Holland of Travis.  Tracy.
Holland of Burnet.  Turner.
Jones.  Vaughan, Guad’lup
Kimbell.  Wall.
Logan.  Wallace.
Manson.  Williams.
Martin.  Wolters.
McGaughey.  Wood.

Absent.

Bailey.  Good.
Benson.  Hensley.
Childs.  Moore, Fort Bend.
Crowley.  Pitts.
Cureton.  Rogers.
Edwards.  Stamper.

Excused.

Callan.  Flint.
Dennis.  Rhea.
Dorrough.

On passage of the bill to a third reading, yeas and nays were demanded by Mr. Carpenter, Mr. Welch and Mr. Love. Passed to third reading by the following vote:

Yeas-60.

Ayers.  Barrett.
Bailey.  Beaird.

73—House.
Mr. Barbee (present), who would vote "yea," with Mr. Holland of Harris (absent), who would vote "nay."

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

Senate bill No. 158, a bill to be entitled "An act to amend article 338 of chapter 4, title 66, of the Revised Statutes of the State of Texas, and article 4651, chapter 3, title 96, of the Revised Statutes of the State of Texas, by providing for the place of record of certain written contracts, for the conditional sale, lease or hire of railroad equipment and rolling stock."

The bill was laid before the House, and was read second time.

Mr. Seabury in the chair.

Mr. Fisher offered the following amendment:
Amend by adding after the word "record," on line 15, page 3, the following, to-wit:

"Sec. 2. The fact that the existing chattel mortgage law in such cases is a great public inconvenience, that the close of the present session of the Legislature is drawing near, and that the crowded condition of the calendar in both houses renders it impossible that this bill can be reached in the regular order, creates an emergency; and an imperative public necessity exists requiring that the constitutional rule that all bills should be read on three several days in each house be suspended, and it is so suspended."

Adopted.

The bill was passed to a third reading.

Mr. Fisher moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 158 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—83.

Alexander. 
Ayers. 
Bailey. 
Barbee. 
Barrett. 
Beard. 
Bean. 
Bertram. 
Blackburn. 
Blair. 
Bounds. 
Brewster. 
Brigance. 
Fields. 
Fisher. 
Freeman. 
Garrison. 
Gilbough. 
Green. 
Harris. 
Hensley. 
Hill of Gonzales. 
Hill of Travis. 
Holland of Burnet. 
Humphrey. 
Jones. 
Kimbell. 
Lotto. 
Love. 
Manson. 
Maxwell. 
McGaughey. 
McKamy. 
McKeller. 
Mclean. 
Moore of Lamar. 
Morris. 
Morton. 
O'Connor. 
Oliver. 
Patterson. 
Peery. 
Porter. 
Randolph. 
Reiger. 
Robbins. 
Rudd. 
Savage. 
Schlick. 
Seabury. 
Shelburne. 
Shropshire. 
Skilletn. 
Smiley. 
Smith. 
Staples. 
Strother. 
Thaxton. 
Thomas. 
Thompson. 
Tracy. 
Tucker. 
Turner. 
Vaughan, Guadalupe. 
Wall. 
Wallace. 
Ward. 
Wilcox. 
Williams. 
Wolters. 
Wood. 
Boyd. 
Carpenter. 
Edwards. 
Good. 
Bell. 
Benson. 
Bird. 
Burney. 
Carswell. 
Crowley. 
Cureton. 
Dean. 
Drew. 
Evans of Hunt. 
Evans of Grayson. 
Graham. 
Henderson. 
Holland of Harris. 
Kirk. 
Lillard. 
Logan. 
Martin. 
Nays—4.

Boyd. 
Carpenter. 
Edwards. 
Good. 
Bell. 
Benson. 
Bird. 
Burney. 
Carswell. 
Crowley. 
Cureton. 
Dean. 
Drew. 
Evans of Hunt. 
Evans of Grayson. 
Graham. 
Henderson. 
Holland of Harris. 
Kirk. 
Lillard. 
Logan. 
Martin.

Senate bill No. 158 read third time.

On motion of Mr. Rudd, the House, at 11:50 a. m., took recess for 20 minutes in honor of the delegates to the Woman's Christian Temperance Union, now in session in this city, who were visiting the hall.

After recess the House was called to order by the Speaker.
Pending question, Senate bill No. 158, on final passage. The bill was passed.

Mr. Fisher moved to reconsider the vote by which Senate bill No. 158 was passed, and to table the motion to reconsider.

The motion to table prevailed.

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

Senate bill No. 324, entitled "An act to amend article 594 of chapter 11, title 18, of the Revised Civil Statutes of Texas, so as to confer upon the board of aldermen of towns and villages having a population of 500 inhabitants and over the right to establish, erect, construct, regulate and keep in repair bridges, culverts, sewers, sidewalks, crossings, and to regulate the construction and use of the same, and to make the owner of the lot or lots fronting on a sidewalk responsible for the cost of construction, and creating a lien against said lot or lots for the amount of said cost."

The bill was laid before the House, and was read second time.

(Mr. Seabury in the chair.)

Mr. Rogan offered the following amendment:

Amend line 29, page 1, by inserting after the word "duties" the following: "And cripples and invalids who are not able to perform manual labor."

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

The amendment was adopted.

On passage of the bill to a third reading, yeas and nays were demanded by Mr. Conoly, Mr. Drew and Mr. Wood.

Lost by the following vote:

Yeas—21.
Barrett. O'Connor.
Childs. Reiger.
Doyle. Robbins.
Bolting. Seabury.
Field. Sluder.
Harris. Turner.
Maxwell. Vaughan of Collin.
McFarland. Wall.
McKamy. Wilcox.
Meade. Wolters.
Moore of Lamar.

Nays—68.
Ayers. Bird.
Barbee. Bounds.
Bell. Boyd.
Bertram. Brewer.
Brigance. Martin.
Bumpass. McGaughey.
Burney. Melton.
Burns. Mercer.
Carpenter. Morton.
Conoly. Mundine.
Crawfo. Oliver.
Curtis. Patterson.
Curry. Peery.
Dean. Porter.
Drew. Rogan.
Evans of Grayson. Savage.
Fields. Schlick.
Freeman. Shelburne.
Gilbough. Shropshire.
Good. Skillern.
Graham. Smith.
Gree. Stamper.
Henderson. Staples.
Hensley. Stok's.
Hill of Gonzales. Strother.
Lolland of Burnet. Thaxton.
Lolland of Harris. Thomas.
Humphrey. Thompson.
Jones. Tracy.
Kimbell. Tucker.
Kirk. Vaughan. Guadalupe
Lillard. Wallace.
Love. Ward.
Manson. Wood.

Absent.
Alexander. Hill of Travis.
Bailey. Logan.
Beaird. Lotto.
Bean. McKeller.
Benson. Moore, Fort Bend.
Blackburn. Morris.
Blair. Neighbors.
Brown. Pfeuffer.
Cawley. Pitts.
Collier. Randolph.
Crowley. Reubell.
Dickinson. Rogers.
Doss. Rudd.
Evans of Hunt. Welch.
Fisher. Williams.
Garrison.

Excused.
Callan. Flint.
Dennis. Rhea.
Doroh.

Mr. Reiger moved to suspend the regular order of business to take up and place on its second reading.

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 Kaufman county, to ascertain the amount, if any, the State is indebted to said M. T. and M. C. Chapman, or their assigns, on account of the sinking of an
artesian well for the State at the North Texas Insane Asylum, at Terrell, Texas.

Pending which,
On motion of Mr. Wolters, the House, at 12:45 p. m. took recess until 3 o’clock p. m. to-day.

AFTERNOON SESSION.
The House was called to order by the Speaker at 3 o’clock p. m.
Pending question,
The motion of Mr. Reiger to suspend the regular order of business to take up and place on its second reading, Senate bill No. 162.

BILL INTRODUCED.
By Mr. Shropshire (by unanimous consent):

House bill No. 711, a bill to be entitled “An act to create a more efficient road system for Parker county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the roads of said county, and providing for officers’ fees and rewards for the capture of escaped convicts, and authorizing the working of county convicts partly upon the county convict farm, as well as upon the public roads, or partly upon both, in the discretion of the commissioners court, and making the provisions of this act applicable, so far as practicable, to convicts when worked upon county farms,” etc.

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

SENATE MESSAGE.

Senate Chamber, Austin, Texas, May 5, 1897.

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

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

House bill No. 528, a bill to be entitled “An act to amend articles 579, 580, 586 and 615, title 18, of the Revised Civil Statutes of the State of Texas, so as to increase population necessary to incorporate a town or city, to require record of plot, and to provide for abolishing corporation by majority vote.”

By a two-thirds vote: yeas 24, nays none.

Senate bill No. 360, entitled “An act to amend article 170, title 9, chapter 2, Revised Civil Statutes of 1895, relating to the compensation of the superintendent of the State Orphan Asylum.”

By the following vote: yeas 20, nays 2.

House bill No. 601, a bill to be entitled “An act to provide for the disorganization of the county of Loving, in the State of Texas, and to attach said county to the county of Reeves for judicial and other purposes, and to provide for the assessment and collection of taxes in said county for the payment of outstanding indebtedness of said county.”

With amendments, and by a two-thirds vote: yeas 23, nays none.

House bill No. 157, a bill to be entitled “An act to amend article 2977 of chapter 4, title 55, of the Revised Statutes of the State of Texas relating to divorce, so as to permit the wife to obtain a divorce where the husband shall have left her for one year with intention of abandonment, or for non-support, on the part of the husband, as well as for the continued drunkenness of either the husband or wife, and to repeal all laws in conflict herewith.”

With amendments.

House bill No. 228, entitled “An act to prevent the introduction of disease among sheep in the State of Texas, and to prevent the spread of same,” etc.

By a two-thirds vote: yeas 23, nays none.

House bill No. 124, entitled “An act to provide for the survey of lands to be set apart as a permanent endowment fund for the branch university for colored people of this State.”

House bill No. 667, a bill to be entitled “An act to render more effective and efficient the present road law of the State of Texas in its application and operation in the counties of Galveston, Harris, Brazoria, Wharton,
Calhoun and Victoria, and to authorize and empower said counties to issue bonds for the construction and maintenance of public roads and highways within the said respective counties.

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

House bill No. 463, a bill to be entitled "An act to amend article 802, of chapter 3, of title 17, of the Penal Code of the State of Texas, relating to herding stock on the land of another."

With amendments.

Also, that the Senate concurs in the House amendments to Senate bill No. 366, to purchase the San Jacinto battlefield.

Also, that the Senate refuses to concur in the House amendments to Senate bill No. 33, and asks for a free conference, and that Senators Burns, Gough, Rogers, Presler and Darwin have been appointed as such committee upon the part of the Senate.

Respectfully,

WILL LAMBERT, Secretary.

SENATE BILL ON FIRST READING

Senate bill No. 360, reported above, was read first time and referred to the Committee on Finance.

COMMITTEE REPORTS.

By Mr. Bailey, chairman:

Committee Room,
Austin, Texas, May 5, 1897.

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

Your Judiciary Committee No. 2, to whom was referred

House bill No. 687, a bill to be entitled "An act to amend article 804 of the Revised Criminal Statutes, relating to trespasses on the enclosed posted land of another for purposes of hunting and fishing, and to regulate the penalty therefor."

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.

BAILEY, Chairman.

 Committee Room,
Austin, Texas, May 5, 1897.

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

Your Committee on Labor, to whom was referred

Senate bill No. 308, a bill to be entitled "An act to repeal article 952, of chapter 18, title 17, of the Penal Code of the State of Texas, relating to theft, robbery, and embezzlement in a foreign State or country and bringing the same back to the House with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, May 5, 1897.

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

Your Judiciary Committee No. 2, to whom was referred

Substitute Senate bill No. 163, entitled "An act to amend articles 3984, 3985 and 4028 of the Revised Civil Statutes of 1895, prescribing the penalties for violations of this act, and repealing articles 3986, 3987 and 3989, and 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 be referred to the Committee on Education.

BAILEY, Chairman.

By Mr. McGaughey, chairman:

Committee Room,
Austin, Texas, May 5, 1897.

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

Your Committee on Education, to whom was referred

Substitute Senate bill No. 163, entitled "An act to amend articles 3984, 3985 and 4028 of the Revised Civil Statutes of 1895, prescribing the penalties for violations of this act, and repealing articles 3986, 3987 and 3989, and 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.

MCGAUGHEY, Chairman.

By Mr. Humphrey, chairman:

Committee Room,
Austin, Texas, May 5, 1897.

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

Your Committee on Labor, to whom was referred

House bill No. 657, a bill to be entitled "An act to provide for the protection of certain labor, and to provide for the just and equitable payment for the same."

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass, for the reason that House bill No. 440 on
the same subject has been reported favorably.

HUMPHREY, Chairman.

By Mr. Humphrey, chairman, on the part of the House:

Committee Room, Austin, Texas, April 26, 1897,
Hon. L. T. Dashiel, Speaker of the House of Representatives, and Hon. George T. Jester, President of the Senate.

Your free conference committee on Senate joint resolution No. 13, have had the same under consideration, with amendments thereto, and we beg to report as follows:

First. We recommend that the House adhere to House amendments Nos. 2, 3, 4 and 5, and that the Senate concur therein.

Second. We recommend that the first House amendment be amended by striking out all after the word "thereon" and inserting the following: "Provided, that the owner of land which is in fact agricultural, purchased under former laws, and which land is not subject to forfeiture at the time this law goes into effect, shall not be permitted, in case said land is forfeited, to purchase said forfeited land from the State for a less price per acre than the contract price under the former sale;" and as thus amended we recommend that it be adopted.

Third. We recommend that the sixth House amendment be amended by striking out "and 4218b" and inserting "and" between 4218ff and 4218ff, and inserting after 4218ff the figures and letter "4218b," and as thus amended recommend that it be adopted.

Fourth. We recommend the following substitute for the first House committee amendment: Strike out all after the word "execute" in line 8, on page 4 of printed bill, down to and including the word "inspection" in line 18, said page, and insert the following, "to the lessee in the name and by the authority of the State of Texas, a lease of said land for such time as may be agreed upon, and when satisfied that the lessee has paid to the treasurer of the State the rent for one year in advance, shall deliver said lease to the clerk of the county court of the county in which the land is situated, or of the county to which said county is attached for judicial purposes, and it shall be the duty of the clerk to record in a well bound book, to be kept in his office open to public inspection, a memorandum or abstract of said lease, showing the number of the survey or surveys leased, the name of the original grantee, the amount leased, the name of the lessee, the date of the lease and the number of years it has to run; and for entering said memorandum, the clerk shall be entitled to a fee of twenty-five cents. Upon the payment of said fee, the clerk shall deliver the lease to the lessee; and no other record of leases heretofore made shall be required except said memorandum. All lease contracts heretofore made and not recorded shall be filed.
for record with the clerk of the proper county within three months after this act takes effect, and if any lessee shall fail to have his unrecorded lease so filed for record within said time, the Commissioner of the General Land Office shall disregard said lease and award the land to any other applicant accompanying his application with the certificate of the clerk that no lease of said land is of record in his office. When any of such leases are filed for record, the clerk shall make the memorandum or abstract above provided for; and that the substitute be adopted.

Fifth. We recommend that article 4218c be amended by adding thereto the following, "or upon such other evidence as may be satisfactory to the Commissioner."

Sixth. We recommend that article 4218s be amended by striking out in lines 28 and 29, on page 5 of printed bill, the words, "where the leasehold is by this act made permanent during the term of the lease," and inserting "south and west of the above delineated line."

Respectfully submitted,

GOSS, GREER, TILLETT, ATLEE,
On the part of the Senate.

McGAUGHEY, ROBBINS, BURNEY, SMYTH,
On the part of the House.

The amendments were read, and On motion of Mr. Smyth, the report was adopted.

By Mr. McGAughey, chairman, on part of the House:

Committee Room, Austin, Texas, May 5, 1897.

To the Hon. Geo. T. Jester, President of the Senate, and Hon. L. T. Dashiel, Speaker of the House of Representatives:

Your free conference committee, to whom was referred Substitute House bill No. 413, entitled "An act to amend article 3384, title LXIX of the Revised Civil Statutes of the State of Texas, relating to local option."

With Senate amendments thereto, have had the same under consideration, and respectfully report back the following substitute in lieu of the said bill and amendments, and recommend the adoption of the substitute.

GREER, COLQUITT, KERR,
On part of the Senate.

McGAUGHEY, MORRIS, STATES, BLAIR, DREW.
On part of the House.

Free conference committee substitute for substitute House bill No. 413:

A bill to be entitled "An act to amend article 3384, title LXIX of the Revised Civil Statutes of the State of Texas, relating to local option.

Section 1. Be it enacted by the Legislature of the State of Texas, that article 3384, of title LXIX, of the Revised Civil Statutes of the State of Texas, be and the same is hereby amended so as hereafter to read as follows:

"Article 3384. The commissioners court of each county in the State, whenever they deem it expedient, may order an election to be held by the qualified voters of said county of or of any commissioner's or justice's precinct or school district, or any two or more of any such political subdivisions of a county as may be designated by the commissioners court of said county, to determine whether or not the sale of intoxicating liquors shall be prohibited in such county, commissioner's or justice's precinct or school district, or any two or more of any such political subdivisions of such county, or in any town or city; provided, it shall be the duty of said commissioners court to order the election aforesaid whenever petitioned so to do by as many as 250 voters in any county, or 50 voters in any other political subdivision of the county or school district as shall be designated by said court, or in any city or town, as the case may be; provided, that if the precincts designated embrace within the limits an incorporated town or city, then such election shall only be ordered when the petition or same is signed by qualified voters, not less than one-tenth in number of the total vote cast for Governor at the next preceding general election in such incorporated town or city; and in case an election is asked for a subdivision of said county, composed of two or more complete commissioner's or justice's precincts
or school districts, such petition shall describe such subdivision by metes and bounds, as well as by the proper numbers of such precincts or school districts; and said petition and the description of such subdivision shall be recorded in full in the minutes of the commissioners court, and such description shall be embraced in the notice given for such election; provided, that where a school district, city or town, may be composed in part of two or more subdivisions of the county named hereinafter, the right to order and hold an election in such school district, city or town shall not be denied; and provided further, that no city or town shall be divided in holding a local option election for any of the other subdivisions named herein; nor shall any school district which has adopted local option be divided in a subsequent election, held for another of such subdivisions, covering a part of the territory of such school district.

Sec. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 3. That the near approach of the close of this session creates an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Bertram, consideration of the report was postponed until to-morrow.

SPEAKER'S TABLE.

Returning to consideration of the motion of Mr. Reiger to suspend pending business, the motion prevailed.

The Speaker then laid before the House on its second reading, Senate bill No. 162, a bill to be entitled "An act granting permission to M. T. and M. C. Chapman, or any assigns, to bring suit against the State of Texas in the district court of Kaufman county, to ascertain the amount, if any, the State is indebted to said M. T. and M. C. Chapman, or any assigns, on account of the sinking of an artesian well for the State at the North Texas Insane Asylum, at Terrell, Texas."

The bill was read second time.

On passage to a third reading, yeas and nays were demanded by Mr. Bumgoss, Mr. Chapman, and Mr. Henderson.

The original bill being misplaced on the Speaker's table, On motion of Mr. Reiger, the bill was laid on the table subject to call.

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

Senate bill No. 351, a bill to be entitled "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."

The bill was laid before the House, and was read second time.

Mr. Wolters offered the following amendment:

Amend by substituting for section 37 the following:

"Sec. 37. To act as trustee, assignee, executor, administrator, guardian or receiver, when designated by any person, corporation or court so to do, and to do a general fiduciary and depository business; to act as surety and guarantor of the fidelity of employees, trustees, executors, administrators, guardians or others appointed to or assuming the performance of any trust, public or private, under appointment by any court or tribunal, or under contract between private individuals or corporations; also on any bond or bonds that may be required to be filled in any judicial proceeding; to act as executor and testamentary guardian, when designated as such by decedents; or to act as administrator or guardian when appointed by any court having jurisdiction; provided, that when any executor's, administrator's or guardian's bonds, or any bond required to be filed in any judicial proceeding, may be signed as surety by any corporation organized by authority of this section, and if such corporation shall be deemed and considered by the officer charged by law with the duty of accepting and approving such bond as sufficient security for the amount of such bond, such bond may be accepted and approved by the officer charged by law with the duty of accepting and approving the same without being signed by other sureties than such corporation, and any statute or law to the contrary or requiring any such bond to be signed by two or more good and sufficient sureties shall be governed and controlled by the provisions of this section; provided, that nothing herein shall be construed to permit any corporation to go upon any bond of any State or county official in this State; provided, that any corporate organization authorized under this section shall publish in some newspaper of general circulation
in the county where such company is
organized on the 1st day of February
of each year, a statement of its con-
dition on the previous first day of De-
cember. showing under oath its assets
and liabilities, and that a copy of this
statement be filed with the Commissioner
of Insurance, Statistics and His-
tory, and a fee of $25 is paid to that
officer for filing the same, and that an
examination of its affairs be made at
any time by the Commissioner of In-
urance, Statistics and History, such
examination to be at the expense of
the company; provided, that guaranty
and fidelity companies organized un-
der the provisions of this section shall
have a paid-up capital stock of not less
than $100,000, and shall keep on de-
posit with the State Treasurer money,
bonds or other securities in an
amount not less than $50,000, said securities to
be approved by the Commissioner of
Agriculture, Insurance, Statistics and
History, and that this amount be kept
intact at all times."

Mr. Brigance offered the following
amendment to the amendment:
Amend the amendment by striking
out "or to act as administrators or
guardians when appointed by court
having jurisdiction."

Lost.

Mr. Blair moved the previous ques-
tion on the amendment, and the main
question was ordered.

The amendment by Mr. Wolters was
adopted.

Mr. Wolters moved to reconsider the
vote by which the amendment was
adopted, and to table the motion to
reconsider.

The motion to table prevailed.

Mr. Wood offered the following
amendment:
Amend by adding: "33a. For the es-
establishment and maintenance of oil
companies, with authority to contract
for the lease and purchase of the right
to prospect for, develop and use coal
and other minerals and petroleum:
also the right to erect, build and own
all necessary oil tanks, cars and pipes
necessary for the operation of the
business of the same."

Adopted.

Mr. Hensley offered the following
amendment:
Amend by adding after the word
"fish" in line 11, page 6, the word
"oysters."

Adopted.

Mr. Lillard offered the following
amendment:
Amend on page 4, line 12, after the
word "sports" the following, "provid-
ed, no such club chartered under the
provisions of subdivision No. 36 of this
act shall be allowed to purchase, keep
or dispense alcoholic liquors, at cost
or otherwise, to the individual mem-
ers of such clubs or to any other per-
sons."

Mr. Blair moved to table the
amendment, upon which motion yeas
and nays were demanded by Mr.
Dean, Mr. Barbee and Mr. Carpenter.
Tabled by the following vote:

Yeas—51.

Ayers.  McGaughhey.
Balley.  McKamy.
Barrett.  Morris.
Beard.  Mundine.
Bell.  Neighbors.
Blackburn.  O'Connor.
Blair.  Pfeuffer.
Brown.  Randolph.
Burney.  Reiger.
Burns.  Rogan.
Childs.  Rudd.
Crawford.  Savage.
Dews.  Schlick.
Fields.  Seabury.
Fisher.  Smyth.
Gilbough.  Stokes.
Good.  Strother.
Harris.  Thaxton.
Hill of Travis.  Tracy.
Holland of Burnet.  Turner.
Holland of Harris.  Vaughan, Guadalupe.
Humphrey.  Ward.
Jones.  Wilcox.
Kirk.  Williams.
Lotto.  Wolters.
McFarland.

Nays—48.

Alexander.  Hensley.
Barbee.  Hill of Gonzales.
Bean.  Kimbell.
Bertram.  Lillard.
Bird.  Love.
Bounds.  Martin.
Boyd.  Maxwell.
Brewster.  McKellar.
Brigance.  Melton.
Bumpass.  Morton.
Carpenter.  Oliver.
Collier.  Peery.
Conoly.  Porter.
Cureton.  Reubell.
Curry.  Shelburne.
Dean.  Skilern.
Doyle.  Sluder.
Drew.  Thomas.
Evans of Grayson.  Thompson.
Ewing.  Tucker.
Feild.  Vaughan of Collin.
Freeman.  Wall.
Garrison.  Wallace.
Henderson.
Mr. Lillard demanded a poll of the vote. The list of those voting "yea" was called, and found correct. The list of those voting "nay" was called, and found correct. Mr. Hensley offered the following amendment: Amend by adding after the word "vegetables," in line 6, on page 4, the word "oysters."

Mr. Melton called up House bill No. 463, with Senate amendments. The bill, with amendments, was laid before the House, and the Senate amendments were read. Mr. Randolph moved to adjourn until 9 o'clock a.m. to-morrow. Lost.

On motion of Mr. Melton, the House concurred in Senate amendments to House bill No. 463. Mr. Randolph moved to adjourn until 9 o'clock a.m. to-morrow. Lost.

Returning to consideration of Senate bill No. 351, on its passage to a third reading, with amendment by Mr. Hensley pending, Mr. Blair moved the previous question, and it was not seconded. The amendment by Mr. Hensley was adopted. Mr. O'Connor offered the following amendment: Amend page 3, line 5, by adding the following, "provided, that all street or suburban railways engaged in transporting freight shall be subject to the control of the Railroad Commission."

Mr. Blair moved the previous question, and the main question was ordered. The amendment was adopted. On passage of the bill to a third reading, yeas and nays were demanded by Mr. Bertram, Mr. Bumpass and Mr. Thomas.
On motion of Mr. Wood, the House at 6 p. m., adjourned until 9 o'clock a. m. to-morrow.

EIGHTY-SIXTH DAY.

Hall House of Representatives, Austin, Texas.

Thursday, May 6, 1897.

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

Speaker Dashell in the chair.

Roll called and the following members present:

Alexander. Green.  
Ayers. Harris.  
Barbee. Hendley.  
Bear. Hill of Travis.  
Bean. Holland of Burnet.  
Bertram. Holland of Harris.  
Blackburn. Humphreys.  
Blair. Jones.  
Bounds. Kimbells.  
Boyd. Kirk.  
Brewster. Lillard.  
Brigance. Logan.  
Brown. Lotto.  
Bumpass. Love.  
Burns. Manson.  
Carpenter. Martin.  
Childs. Maxwell.  
Collier. McGaughey.  
Conoly. McKamy.  
Crawford. McKellar.  
Cureton. Meade.  
Curry. Melton.  
Dean. Mercer.  
Dennis. Moore of Lamar.  
Dickinson. Morris.  
Dies. Morton.  
Doyle. Neighbors.  
Drew. O'Connor.  
Edwards. Oliver.  
Evans of Hunt. Patterson.  
Evans of Grayson. Peery.  
Ewing. Pfeuffer.  
Fields. Porter.  
Fisher. Randolph.  
Freeman. Relger.  
Garrison. Reubell.  
Good. Rhea.  
Graham. Robbins.  
Rogan. Thaxton.  
Rogers. Thomas.  
Savage. Thompson.  
Schlick. Tracy.  
Seabury. Tucker.  
Sheburne. Turner.  
Shropshire. Vaughan of Collin.  
Skillern. Wall.  
Sluder. Wallace.  
Smith. Ward.  
Smyth. Wilcox.  
Stamper. Williams.  
Staples. Wolters.  
Stokes. Wood.  
Strother.  

Absent.

Bell. Gilbough.  
Benson. McFarland.  
Bird. Moore, Fort Bend.  
Burney. Pitts.  
Carswell. Rudd.  
Crowley. Vaughan, Guadalupe.  
Dorrob. Welch.  

Excused.

Callan.  
A quorum was announced present.

Prayer by Rev. R. J. Briggs of Austin.

Pending reading of the Journal of yesterday,

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

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Carswell until Saturday, on motion of Mr. Garrison.

Mr. Bell until Monday, on motion of Mr. Neighbors.

On account of sickness:

Mr. Dorroh for to-day, on motion of Mr. Crowley.

Mr. Benson until Monday, on motion of Mr. Patterson.

Mr. Moore of Fort Bend for to-day, on motion of Mr. Meade.

Mr. McFarland until Saturday, on motion of Mr. Bailey.

Mr. Smith called up the resolution relating to the suppression of lynching and mob violence, offered by him Tuesday, May 4, which was printed in full in the Journal of that date, and which was read first time and went over under the rules.

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

Mr. Blair moved that it be adopted. Yeas and nays were demanded by Mr. Dickinson, Mr. Burney and Mr. Smith.

Mr. Fields offered the following amendment to the resolution:

Strike out all of the preamble.