March 25, 1897

HOUSE JOURNAL.

Nays—45.

Bailey.
Beaird.
Blackburn.
Bumpass.
Burns.
Carpenter.
Childs.
Crawford.
Curry.
Dies.
Drew.
Ewing.
Fields.
Freeman.
Green.
Harr.
Hill of Gonzales.
Hill of Travis.
Kimbell.
Lillard.

Absent.

Bell.
Brewster.
Edwards.
Moore, Ft. Bend.

Excused.

Bean.
Callan.
Crowley.
Dickinson.
Dorothy.
Doy.
Evans of Hunt.
Fisher.

HOUSE BILLS WITH SENATE AMENDMENTS.

The Speaker laid before the House, with Senate amendments, the following bills:

House bill No. 67, a bill to be entitled "An act to amend article 635, title 20, of the Revised Civil Statutes of the State of Texas, relating to the acknowledgment of married women as to the conveyance of their separate property."

On motion of Mr. Lillard, the House concurred.

House bill No. 15, a bill to be entitled "An act to amend article 822, chapter 4, title 17, of the Penal Code, relating to counties exempted from the provisions of articles 813-821, Penal Code."

On motion of Mr. Henderson, the House concurred.

House bill No. 68, a bill to be entitled "An act to amend article 636, title 20, of the Revised Civil Statutes of the State of Texas, relating to the acknowledgment of married women to the conveyance of the homestead."

On motion of Mr. Holland of Harris, the House concurred.

On motion of Mr. Blair, the House, at 5:20 p. m., adjourned until 9:30 o'clock a. m. to-morrow.

FIFTY-FOURTH DAY.

Hall House of Representatives, Austin, Texas,
Thursday, March 25, 1897.

The House met at 9.30 o'clock a. m., pursuant to adjournment.

Speaker Dashiell in the chair.

Roll called and the following members present:

Alexander.
Ayers.
Bailey.
Baybee.
Barrett.
Beaird.
Bell.
Benton.
Bertram.
Bird.
Blackburn.
Blair.
Bounds.
Boyd.
Brigance.
Browne.
Bumpass.
Burney.
Burns.
Carpenter.
Carswell.
Childs.
Collier.
Crawford.
Cureton.
Dean.
Dennis.
Dies.
Dorothy.
Drew.
Evans of Grayson.
Ewing.
Fields.
Fisher.
Freeman.
Garrison.
Gilbough.
Good.
Green.
Harris.
Henderson.
Hill of Gonzales.
Hill of Travis.
Holland of Burnet.
Holland of Harris.
Humphrey.
Jone.
Kimbell.
Kirk.
Lillard.
Logan.
Lotto.
Love.
Martin.
Maxwell.
McFarland.
McKa.
McKellar.
Meade.
Melton.
Mercer.
Moore of Lamar.
Morris.
Morton.
Mundine.
Neighbors.
O'Connor.
Oliver.
Patterson.
Peery.
Pfeuffer.
Pitts.
Porter.
Randolph.
Reiger.
Reubell.
Rhea.
Robbins.
Rog.
Savage.
Schlick.
Seabury.
Shelburne.
Shropshire.
Skillern.
BILLS AND RESOLUTIONS.

By Mr. Crawford:

House bill No. 635, a bill to be entitled "An act to amend article 509, title 18, chapter 11, of the Revised Statutes of the State of Texas, relating to taxation in towns and villages, and to fix the rate of same."

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

COMMITTEE REPORTS.

By Mr. Garrison, chairman:

Committee Room,
Austin, Texas, March 24, 1897.

Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Finance, to whom was referred
Senate bill No. 257, a bill to be entitled "An act to amend article 5172 of the Revised Civil Statutes of the State of Texas, relating to commissions of tax collectors."

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.

GARRISON, Chairman.

Committee Room,
Austin, Texas, March 24, 1897.

Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Finance, to whom was referred
House bill No. 584, 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."

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.

GARRISON, Chairman.

Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Finance, to whom was referred
Senate bill No. 20, a bill to be entitled "An act to require city and county treasurers to report condition of interest and sinking funds to the State Comptroller; to prohibit them from diverting said funds, and providing penalties."

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.

GARRISON, Chairman.
By Mr. Holland of Harris, chairman:

Committee Room,

Austin, Texas, March 24, 1897.

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

Your Committee on Judicial Districts, to whom was referred

House bill No. 633, a bill to be entitled "An act to amend section 42, article 22, of the Revised Civil Statutes of the State (1895), providing for the reorganization of the Forty-second Judicial district, and to fix the time of holding court therein."

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

HOLLAND of Harris, Chairman.

By Mr. Reiger, chairman:

Committee Room,

Austin, Texas, March 24, 1897.

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

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

House bill No. 509, a bill to be entitled "An act to amend an act entitled 'An act to incorporate the city of Austin, to grant it a new charter and to extend its boundaries,' passed by the Twenty-second Legislature in April, 1891, by amending section 71 of said act, relating to the creation and election of the officers of said city other than the mayor, by prescribing the terms of office and manner of election of the city marshal, city attorney, city clerk, city assessor and collector, city physician, city treasurer, city recorder, city engineer, and a superintendent of streets, and repealing all laws in conflict with the provisions of this amendment."

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

REIGER, Chairman.

By Mr. Dennis, Acting Chairman:

Committee Room,

Austin, Texas, March 24, 1897.

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

Your Committee on Engrossed Bills have carefully examined and compared

House bill No. 295, a bill to be entitled "An act to provide for the payment of tax assessors for taking agricultural statistics for the year 1895."

And find the same correctly engrossed.

DENNIS, Acting Chairman.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 25, 1897.

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

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

House bill No. 432, entitled "An act to restore and confer upon the county court of Jefferson 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 of holding court, and to repeal all laws in conflict with this act," with amendments, by a two-thirds vote: yeas 28, nays none.

House bill No. 577, 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," by the following vote: yeas 25, nays none.

House bill No. 140, entitled "An act to amend article 4744, title XVII, chapter 4, of the Revised Civil Statutes of Texas, relating to powers and duties of overseers of public roads."

Senate bill No. 134, entitled "An act to amend article 856, chapter 4, title 9, of the Code of Criminal Procedure, relating to the hiring and working of convicts on the public works where such convict is convicted of a felony or misdemeanor and his punishment is assessed at a pecuniary fine, and he makes oath in writing that he is unable to pay such fine and costs."

Respectfully,

R. E. DODSON,
Assistant Secretary.

SENATE BILL ON FIRST READING.

The above reported Senate bill No. 134 was read first time, and referred to Judiciary Committee No. 2.
The following communication was received from his Excellency, the Governor:

Executive Office,
Austine, Texas, March 25, 1897.

To the House of Representatives:

House bill No. 85 is herewith returned without approval. The bill is an act directing the Comptroller to draw his warrant on the State treasury against the school fund apportioned to Greer county in 1895-96 for $4,122.01, which is to be delivered to the county treasurer of Hardeman county, who is to disburse the fund by payment to teachers named in the act in the proportion there specified. The method adopted for guarding the disbursement is a provision in the bill that the treasurer of Hardeman county be held under his present bond as treasurer of the county for the faithful performance of the duties imposed by the act. The treasurer is under bond for the faithful performance of his official duties. The duties here imposed are extra-official, are arbitrary in character, and have no natural or necessary relation to this office, for under our system the county treasurer disburses no funds except in his own county. The act adds to the obligation of the bond and the undertaking of the sureties without their consent, and is therefore not binding upon them. Were it to become a law, the money would be handled without bonded security. Besides this, the bill provides for $4,122.01, while there is only $4001 of the apportionment to the county remaining unpaid. For these reasons the act can not be approved or allowed to become a law, but it is deemed proper to place before you other considerations bearing upon the subject.

The act provides that when this money is paid, the members of the Congress from this State be requested to seek reimbursement from the United States, and seems to indicate that in the opinion of the Legislature the obligation upon this State is doubtfull. Greer county was created in 1860, and organized in 1886. Throughout that time the State of Texas and the United States claimed the territory and exercised varying jurisdiction. The people of the county, with rare exception, refused to pay State taxes for general or school purposes, and as they were sustained in this by the Federal courts what small taxes were paid were purely voluntary. For the year 1895-96 the school money apportioned to the county, as reported by the Educational Department, was $6895, of which $2394 has been paid, and there was paid in school taxes by the county only $1124.95. From 1892 to 1896, inclusive, the total apportionment to this county was $40,565.50, and total school taxes paid by it only $10,399.34. It is true that in some other counties more money has been apportioned for school purposes than the counties paid taxes, but that resulted not so much from a refusal or indisposition to pay taxes as in this case, but from meagre taxable values.

On July 18, 1887, the State patented to Greer county four leagues of land for free school purposes, situated in Cochran county. Of this grant, it is understood that one league has been sold, and the authorities of the Territory of Oklahoma, to which Greer county has been attached by the United States, are reported to be attempting to sell the remainder, notwithstanding the complete reversal of governmental conditions upon which the grant was based, and upon which alone it ought to stand. In view of these facts, it is matter of serious inquiry by the Legislature if we have not already discharged more than our just measure of obligation to this county and its people.

C. A. CULBERSON.

SPEAKER'S TABLE.

The Speaker laid before the House, on its third reading and final passage, Senate bill No. 115, a bill to be entitled "An act to amend article 616, chapter 11, title 18, of the Revised Civil Statutes of the State of Texas, relating to abolished town and city corporations."

The bill was read third time, and passed.

The Speaker laid before the House on its second reading, Senate joint resolution No. 8, "To amend section 3 of the Constitution, article 11, so as to authorize certain counties to give aid in the construction of railways."

The resolution was read second time. Mr. Freeman offered the following amendment:

Amend by striking out the words "and any other county in this State which the Legislature may hereafter designate," wherever it occurs in section 1 and engrossed rider.

(Mr. Moore of Lamar in the chair.)

After consideration,
Mr. Blair moved the previous question on the amendment by Mr. Freeman, and the main question was ordered. Yeas and nays were demanded by Mr. Bertram, Mr. Randolph and Mr. Burney.

Adopted by the following vote:

Yeas—80.


Nays—26.


Absent.


Excused.


Mr. Smyth offered the following amendment:

Amend by adding after the word "river," in line 26, page 1, also in lines 3 and 11, page 3, "also all those counties west of Hardeman, Knox and Haskell and north of Fisher, Scurry, Borden, Dawson and Gaines."

Adopted.

Mr. Lillard offered the following amendment:

Amend section 2, page 1, by inserting after the word "voters," in line 31, the words "who are freeholders."

Tabled on motion of Mr. Beaird.

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

Yeas and nays were demanded by Mr. Bumpass, Mr. Stokes and Mr. Thomas.

(Speaker in the chair.) Senate joint resolution No. 8 passed to a third reading by the following vote:

Yeas—98.


Mr. Lillard offered the following amendment:

Adopted.
An act to amend an act entitled "An act to authorize the collection of taxes on lands delinquent for taxes since January 1, 1885, which may be returned delinquent or reported sold to the State, or to any county, city or town to satisfy the lien thereon, as enacted by the regular session of the Twenty-fourth Legislature, being chapter 5a, of title CIV, of the Revised Civil Statutes of 1895, relating to delinquent taxes, and to repeal all laws in conflict with this act."

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

Mr. Blair moved that the bill be considered by sections, and the motion prevailed.

Section 1 was read, and passed.

Section 2 was read, and passed.

Section 3 was read, and

Mr. Harris offered the following amendment:

Amend by striking out the words "and furnished," in line 13, page 3. Adopted.

Mr. Gilbough offered the following amendment:

Amend by striking out in lines 23 and 24, page 3, the words "shall forward to the county judge the necessary blank forms to be used."

Lost.

Mr. Ward moved to reconsider the vote by which the amendment by Mr. Harris was adopted.

Mr. Wolters moved to table the motion to reconsider, upon which motion yeas and nays were demanded by Mr. Wolters, Mr. Gilbough and Mr. Tracy. Lost by the following vote:

Yea's--39.

Ayers. Logan.
Beaird. Martin.
Blair. McKamy. Oliver.
Brigance. Peer.
Burney. Riegel.
Carswell. Rudd.
Collier. Schlick.
Dennis. Shelburne.
Dies. Smyth.
Evans of Grayson. Stamper.
Fields. Staples.
Harris. Vaughan, Guad'lupe.
Holland of Burnet. Wallace.
Holland of Harris. Wolters.
Kimbell. Wood.

Nays--55.

Barbee. Brewster.
Barrett. Bumpass.
Bell. Burns.
Benson. Carpenter.
Bird. Childs.
Blackburn. Conoly.
Bounds. Cureton.
Boyd. Curry.
March 25, 1897

HOUSE JOURNAL.

Dean.
Dorothy.
Drew.
Ewing.
Freeman.
Henderson.
Hensley.
Hill of Gonzales.
Hill of Travis.
Humphrey.
Lillard.
Love.
Maxwell.
McGaughey.
McKellar.
Melton.
Mercer.
Moore of Lamar.
Morton.
Mundine.

O'Connor.
Peery.
Pfeiffer.
Randolph.
Rhea.
Robbins.
Rogan.
Savage.
Shropshire.
Skilern.
Sluder.
Thomas.
Tucker.
Turner.
Vaughan of Collin.
Wall.
Ward.
Williams.

Absent.
Bailey.
Crawford.
Feild.
Fisher.
Garrison.
Greer.
Good.
Jones.
Mande.
Morris.
Neighbor.
Patterson.
Pitts.
Seabury.
Smith.
Stokes.
Thompson.
Welch.
Wilcox.

Excused.
Bean.
Callan.
Crowley.
Dickinson.
Doyle.
Edwards.
Evans of Hunt.
Flint.
Graham.
Manon.
McFarland.
Moore, Fort Bend.
Reuben.
Rogers.
Thaxton.

Resolved, that our Senators are hereby instructed, and our Representatives in Congress are hereby requested, to use every effort possible to secure such amendments to the Dingley bill, now pending and under consideration, as will incidentally afford protection to cattle, wool and hides against competition in the open markets of the world.

Resolved further, that a copy of this resolution be forwarded to Hon. J. W. Bailey, that he may present it as a memorial from the people of Texas to Congress, and that copies also be forwarded to Hon. J. W. Bailey, that he may present it as a memorial from the people of Texas to Congress, and that copies also be afternoon, on account of important committee work.

On motion of Mr. Robbins, Mr. Moore of Lamar was excused until next Wednesday, on account of important business.

BILLS AND RESOLUTIONS.

(By unanimous consent.)

By Mr. Patterson:
House bill No. 636, a bill to be entitled "An act to prevent insurance companies from writing policies in territory assigned by them to agents, and to punish violations of this act."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Mr. Bailey:
House concurrent resolution No. 18½.

Whereas, at a previous session of Congress, the Republican party of America, in possession of every department of our national government, placed hides upon the free list, thereby crippling one of the leading industries of our State, and discriminating against the raw material of our section and in favor of the manufactured products of the North and East; and

Whereas, the national Democratic platform demands that tariff duties should be levied for purposes of revenue, such duties to be adjusted so as to operate equally throughout the country and not discriminate between class or section, and that taxation should be limited by the needs of the government honestly and economically administered; therefore, be it

Resolved by the House of Representatives of the Twenty-fifth Legislature of the State of Texas, the Senate concurring, that it is due the people of Texas that in the adjustment of the tariff now pending before Congress in special session convened, that cattle, wool and hides should incidentally be protected, as well as the manufactured articles of other sections of our country, if there is to be any protection of other articles.

Resolved further, that our Senators are hereby instructed, and our Representatives in Congress are hereby requested, to use every effort possible to secure such amendments to the Dingley bill, now pending and under consideration, as will incidentally afford protection to cattle, wool and hides against competition in the open markets of the world.

Resolved further, that a copy of this resolution be forwarded to Hon. J. W. Bailey, that he may present it as a memorial from the people of Texas to Congress, and that copies also be
sent to our United States Senators and to our Congressmen.

Read first time, and goes over under the rules.

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:

House bill No. 67, "An act to amend article 635, title 20, of the Revised Civil Statutes of the State of Texas, relating to the acknowledgments of married women as to the conveyance of their separate property."

COMMITTEE REPORTS.

(By unanimous consent.)

By Mr. Fields, chairman:

Committee Room,

Austin, Texas, March 24, 1897.

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

Your Committee on Rules, to whom was referred the following resolution amending Rule 18 of the Rules of the House of Representatives,

Be it resolved by the House of Representatives, that Rule 18 of the Rules of the House, be amended so as hereafter to read as follows:

"18. Every member who is in the House when the question is put shall give his vote, unless the House, for reasons assigned, shall excuse him; and any member who is present and shall fail and refuse to vote, after being requested to do so by the Speaker, shall be recorded, under the direction of the Speaker, as present for the purpose of making a quorum, but not voting. No member shall be allowed to make any explanation of a vote he is about to give, or ask to be excused from voting, after the Clerk, under the order of the House, shall have commenced calling the ayes and nays."

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

FIELDS, Chairman.

Committee Room,

Austin, Texas, March 24, 1897.

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

Your Committee on Rules, to whom was referred the substituted bill as passed by the Senate, as follows:

"An act to amend the charter of the city of Galveston," etc.,

House bill No. 583, a bill to be entitled "An act to amend the charter of the city of Galveston," etc.,

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

REIGER, Chairman.

Mr. Turner, chairman, on part of the House, submitted the following report:

Committee Room,

Austin, Texas, March 25, 1897.

Hon. L. T. Dashiell, Speaker of the House, and Hon. George T. Jester, President of the Senate:

Your free conference committee, to whom was referred the differences between the two houses on

Senate bill No. 248, a bill to be entitled "An act to authorize and permit the Aransas Pass Harbor Company to purchase from the State of Texas Har-
March 25, 1897

HOUSE JOURNAL.

On motion of Mr. Turner, the report was adopted.

Mr. Turner moved to reconsider the vote by which the above report was adopted, and to table the motion to reconsider.

The motion to table prevailed.

SENATE MESSAGE.

Senate Chamber,

Austin, Texas, March 25, 1897.

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

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

House bill No. 443, entitled “An act to create a more efficient road system for Hopkins county, and to make the county commissioners’ court of Hopkins county ex officio road commissioners, and to define their duties as such, and for the working of county convicts, and for fees of office, witness fees, etc.,” by a two-thirds vote: yeas 21, nays none.

House bill No. 107, entitled “An act to define cold storage in local option counties, precincts, cities, towns or subdivisions, and affix penalties for keeping same.”

Also that the Senate has adopted

House concurrent resolution No. 18, providing a room in the department of Insurance, Statistics and History for relics of the Republic of Texas, and designating the Society of Daughters of the Republic as custodians.

Also, that the Senate has passed

Senate concurrent resolution No. 16, requesting the Texas delegation in Congress to secure the passage of an act indemnifying certain citizens of Washington county.

Respectfully,

R. E. DODSON,
Assistant Secretary.

BILLS SIGNED BY THE SPEAKER.

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

Senate bill No. 115. “An act to amend article 616, chapter 11, title 18, of the Revised Civil Statutes of the State of Texas, relating to abolished town and city corporations.”

Senate bill No. 31, entitled “An act to amend article 888, chapter 6, title 17, of the Penal Code of the State of Texas, defining the crime of burglary.”

Senate bill No. 105, entitled “An act to secure a system of drainage along the public roads of the

bor Island, certain shoal waters and flats in front thereof, and in Red Fish Bay, on the Gulf coast of Texas, in order to encourage the procuring and maintenance of deep water at Aransas Pass.

Have had the same under consideration, and recommend that the House do adhere, and the Senate concur, in the following House amendments to said bill:

Amend by striking out the words “hereof constructed,” in line 25, on page 1, and the word “or,” at beginning of line 26, on same page.

Amend by striking out the words “not be permitted to purchase or acquire under this act,” in lines 25 and 26, page 2, and insert in lieu thereof the following: “be permitted and authorized to excavate a free channel 100 feet wide at the bottom, and navigable throughout to ocean-going vessels along and through,” and amend further, by striking out the word “end,” in line 27, same page.

Amend by striking out the word “said,” in line 11, page 2, and insert the word “this” in lieu thereof.

Amend the caption by inserting between the words “Redfish bay” and the word “on,” in line 15, page 1, the following: “and to excavate a free channel along and through Turtle Cove, between Corpus Christi bay and the deep water harbor or channel at or near Aransas Pass.”

Your free conference committee further recommend that the original bill be amended as follows:

Amend by inserting after the word “channel,” in line 28, section 1, the following: “and extending to the shore of Redfish bay at and near the present town site of Aransas Pass; and provided further, that any channel so constructed in Redfish bay shall be throughout at least 60 feet wide at the bottom and 5 feet deep; and provided further, that said company shall not be permitted to purchase any flats or shoal waters in Redfish bay lying within one-half mile of any private holdings fronting on said Redfish bay on the side next to the present town site of Aransas Pass.”

Respectfully submitted,

DIBRELL, Chairman,
KERR,
ATLEE,
LINN of Victoria,
Committee on part of Senate.

TURNER,
BELL,
HARRIS,
BLAIR,
Committee on part of House.
State by excavating ditches and drains on either side thereof leading into the natural waterways crossed by or adjacent to such roads, and to provide for the making of lateral drainage ditches to empty into the same by the owners of lands adjacent to such roads, and to provide for the payment of expense incurred therefor, and for the collection of assessments from adjoining land owners benefited by such drainage system.

House bill No. 140, entitled "An act to amend article 4744, title XCVII, chapter 4, of the Revised Civil Statutes of Texas of 1895, relating to powers and duties of overseers of public roads."

House bill No. 577, entitled "An act to create a more efficient road system for Montague, Red River and Wichita counties, in the State of Texas, and making county commissioners of said counties ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and defining the powers and duties of the commissioners' courts of said counties, and fixing a penalty for the violation of this act and to repeal all laws in conflict with this act."

House bill No. 432, entitled "An act to restore the criminal jurisdiction to the county court of Jefferson county."

House bill No. 15, entitled "An act to amend article 822, chapter 4, title 17, of the Penal Code, relating to counties exempted from the provisions of articles 813-821, Penal Code."

House bill No. 68, entitled "An act to amend article 636, title 20, of the Revised Civil Statutes of the State of Texas, relating to the acknowledgment of married women to the conveyance of the homestead."

House bill No. 75, entitled "An act to amend article 581 of the Penal Code of the State of Texas, relating to theft of horses, asses and mules, so as to fix the punishment thereof at confinement in the penitentiary for not less than two nor more than ten years."

House bill No. 402, entitled "An act to authorize the Comptroller of Public Accounts and the State Treasurer to transfer the sum of $20,000 from organized county tax fund to State revenue account."

Also, House joint resolution No. 7, ratifying and confirming the action of the attorneys representing the State of Texas in compromising its claim to its University lands in McLennan county, Texas.

House concurrent resolution No. 17, relating to the Afro-American Fair and Interstate Exposition.

**BILL RECOMMENDED.**

House bill No. 543, a bill to be entitled "An act to authorize the Galveston, La Porte and Houston Railway Company to acquire by purchase, lease or otherwise all rights, privileges, franchises and property of the Galveston and Western Railway Company."

On motion of Mr. Williams, chairman.

**SPEAKER'S TABLE.**

Returning to consideration of Senate bill No. 240, on its passage to a third reading, the House considering the bill by sections, and section 3 being the one under consideration.

The motion of Mr. Ward to reconsider the vote by which the amendment by Mr. Harris to said section was adopted, prevailed.

Question then recurring on the amendment.

On motion of Mr. Ward, it was tabled.

Mr. Robbins offered the following amendment:

Amend section 3, page 2, line 30, by inserting after the word "Comptroller" the following, "and assessment rolls or books on file in the collector's office."

Adopted.

Mr. Drew offered the following amendment:

Amend section 3 by inserting after the word "county," in line 12, page 3, the following, "by the county collector of taxes thereof."

Adopted.

Mr. Robbins offered the following amendments:

Amend section 3, page 3, line 1, by inserting after the word "assessing" the following, "levying of all the taxes therein mentioned."

Adopted.

Amend section 3, page 3, line 31, by adding after the word "assessing" the following, "and that the amount alleged against said real estate is a true and correct charge; and in cases in which the description of the property in said list or assessment rolls or books..."
is not sufficient to properly identify the same, and of which property there is a sufficient description in the inventories in the assessor’s office, then said inventories shall be admissible as evidence of the description of said property.”

Adopted.

Amend section 3, page 3, line 32, by adding after the word “whatsoever” the following, “and that the amount alleged against said real estate is a true and correct charge.”

Adopted.

Section 4 was read, and Mr. Turner offered the following amendment:

Amend section 4 by adding after the word “respectively,” in line 6, the following, “shall certify the same to the commissioners’ court for examination and correction, and shall thereafter.”

Adopted.

Mr. Mercer offered the following amendment:

Amend by striking out the word “to,” in line 6, section 4.

Adopted.

Section 5 was next read, and Mr. Robbins offered the following amendment:

Amend section 5, page 4, by adding to the end of section 5 the following, “and said publication, and any other publications in a newspaper provided for in this act, may be proved by the affidavit of the printer of the newspaper in which the publication was made, his foreman or principal clerk, annexed to a copy of the publication, specifying the times when and the paper in which the publication is made.”

Adopted.

Mr. Turner offered the following amendment:

Amend section 5 by adding to said section the following: “Provided, that all corrections made in said record under this section be noted in the minutes of the commissioners’ court, and shall be certified by the county clerk to the Comptroller, who shall note the same upon his delinquent tax record.”

Adopted.

Section 6 was next read, and Mr. Robbins offered the following amendment:

Amend section 6, page 5, by adding to the end of section 6, “the county collector, county clerk and county assessor shall furnish all affidavits, certified copies of the records of their respective offices, and such other evidence as may be in their possession by virtue of such office as may be applied for by the county attorney.”

Adopted.

Section 7 was next read, and Mr. Wood offered the following amendment:

Amend in line 16, page 6, by striking out the words “and costs.”

Tabled on motion of Mr. Patterson.

Section 8 was next read and passed.

Section 9 was next read and Mr. Randolph offered the following amendment:

Amend section 9, page 7, in line 24, by inserting between the word “suits” and the word “where” the following: “Instituted by them.”

Adopted.

Mr. Drew offered the following amendment:

Amend section 9, page 7, by inserting after the word “office,” in line 25, the following: “The collector of taxes for preparing the delinquent list and separating the property previously sold to the State from that reported to be sold as delinquent for the preceding year, and certifying the same to the commissioners court, shall be entitled to a fee of one dollar for each correct assessment of the land to be sold, said fee to be taxed as costs against the delinquent.”

Adopted.

Mr. Ward offered the following amendment:

Amend section 9, page 7, by striking out lines 15, 16, 17 and the words “but in,” in line 18.

Mr. Beaird offered the following substitute for section 9:

“Section 9. The collector of taxes of each county shall represent the State and county in all suits brought against delinquent taxpayers under the provisions of this act, and to bring and prosecute all suits and to execute all citations, notices, etc., as are necessary to defendants, and others; and when judgments are obtained in favor of the State or county, or both, he shall make all sales, deeds, etc., as shall be necessary to carry out the purposes of this bill, and to make proper deeds to the purchasers of lands sold for taxes; and for all such services the collector of taxes shall be entitled to receive a sum equal to 10 per cent on the taxes collected, to be assessed as costs against the defendant, in addition to the taxes due and recoverable by the suit; and 10 per cent on the amount of said taxes so collected shall be for the State and county, to be divided equally between the State and county as damages for
failure of defendant to pay said tax when the same should have been paid under the law.”

The amendment by Mr. Ward was adopted.

Mr. Drew offered the following amendment:

Amend section 9, page 7, by inserting after the word “suit,” in line 29, the following: “And the county clerk shall receive one dollar for his services in each delinquent tax case, to be taxed as cost of suit.”

Lost.

Mr. Blair offered the following amendment:

Amend by striking out in line 19, page 7, the words “five dollars” and insert the following: “Fifteen per cent of the amount collected.”

Mr. Randolph offered the following substitute for the amendment by Mr. Blair:

Amend section 9, page 7, line 19, by adding after the words “five dollars,” the following: “When the amount does not exceed $25, and in case the amount collected exceeds $25, then he shall be entitled to 15 per cent on the first $200 collected and the sum of 10 per cent on all amounts collected over $200.”

Tabled on motion of Mr. Blair.

On the amendment by Mr. Blair yeas and nays were demanded by Mr. Blair, Mr. Bumpass and Mr. Henderson.

Adopted by the following vote:

Yeas—59.

Ayers. Wilcox. Wood.
Barrett. Holland of Burnet.
Beard. Kimbell.
Bird. McGaughey.
Blackburn. McKamy.
Blair. Mercer.
Bounds. Morris.
Boyd. Mundine.
Brigance. O'Connor.
Burney. Oliver.
Carswell. Pfeuffer.
Conoly. Pitts.
Crawford. Porter.
Cureton. Randolph.
Curry. Reiger.
Dennis. Robbins.
Drew. Rogan.
Ewing. Savage.
Field. Schlick.
Fisher. Shelburne.
Garrison. Shropshire.
Gilbough. Smith.
Green. Stamper.
Harris. Strother.
Hensley. Turner.
Hill of Gonzales. Vaughan, Guadalupe.
brought by the State against delinquents to recover tax due by them to the State and county, the said delinquent may pay the amount of the tax, interest, penalties and all accrued costs to the county collector during the pendency of such suit, and the county attorney shall receive as compensation therefor three dollars for the first tract and one dollar for each additional tract embraced in said suit, and the district clerk shall receive only one dollar and the sheriff only one dollar in each case; but these fees shall be in lieu of the fees provided for such officers where suits are brought as hereinafore provided."

Adopted.

Mr. Drew offered the following amendment:

Amend section 9, page 7, line 28, by striking out the words "three dollars," and insert "one dollar," and in line 25 by striking out "two" and insert "one."

Adopted.

Mr. Bumpass offered the following amendment:

Amend by adding after the word "office" and before the word "the," in line 25, page 7, the following words, "when the fees of the county attorney shall reach the amount of $500, the remainder of the 15 per cent he receives for collecting such taxes shall be paid into the county treasury to the credit of the school fund."

Mr. Blair moved to table the amendment by Mr. Bumpass, upon which motion yeas and nays were demanded by Mr. Blair, Mr. Tracy and Mr. Dennis.

Tabled by the following vote:

Yeas—51.


Nays—46.

way Company as a part of its own line, with the right to extend the same, and to construct branches therefrom, by amendment of its charter under the general laws of the State of Texas,"

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

Mr. Dies moved to suspend the institutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 288 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-89.
Alexander.
Ayres.
Barbee.
Barrett.
Beaird.
Benson.
Bertram.
Bird.
Blackburn.
Blair.
Bounds.
Boyd.
Brewster.
Brigance.
Browne.
Bumpass.
Burney.
Carpenter.
Carswell.
Collier.
Conoly.
Crawford.
Curry.
Dean.
Dennis.
Dies.
Ewing.
Field.
Fields.
Fisher.
Freeman.
Garrison.
Gilbough.
Good.
Harris.
Henderson.
Hensley.
Hill of Gonzales.
Hill of Travis.
Holland of Burnet.
Humphrey.
Kimbell.
Logan.
Lotto.
Martin.

Nays—1.
Lillard.

Absent.
Bailey.
Childs.
Cureton.
Dorothy.
Drew.
Evans of Grayson.
Evans of Hunt.

Excused.
Bean.
Bell.
Burns.
Callan.
Crowley.
Dickinson.
Doyle.
Edwards.
Evans of Hunt.

Mr. Dies moved to suspend the institutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 288 be put on its third reading and final passage.

The motion prevailed by the following vote:

Yeas-94.
Alexander.
Ayres.
Barbee.
Barrett.
Beaird.
Bell.
Benson.
Bertram.
Bird.
Blackburn.
Blair.
Bounds.
Boyd.
Brewster.
Brigance.
Browne.
Bumpass.
Burney.
Carpenter.
Carswell.
Collier.
Conoly.
Crawford.
Curry.
Dean.
Dennis.
Dies.
Ewing.
Field.
Fields.
Fisher.
Freeman.
Garrison.
Gilbough.
Good.
Harris.
Henderson.
Hensley.
Hill of Gonzales.
Hill of Travis.

Yeas-89.
Alexander.
Ayres.
Barbee.
Barrett.
Beaird.
Bell.
Benson.
Bertram.
Bird.
Blackburn.
Blair.
Bounds.
Boyd.
Brewster.
Brigance.
Browne.
Bumpass.
Burney.
Carpenter.
Carswell.
Collier.
Conoly.
Crawford.
Curry.
Dean.
Dennis.
Dies.
Ewing.
Field.
Fields.
Fisher.
Freeman.
Garrison.
Gilbough.
Good.
Harris.
Henderson.
Hensley.
Hill of Gonzales.
Hill of Travis.

Skinburne, Shropshire.
Stamper, Smith.
Staples, Smith.
Strother, Smith.
Stokes, Smith.
Strother, Smith.

Skinburne, Shropshire.
Stamper, Smith.
Staples, Smith.
Stokes, Smith.
Mr. Fields moved to reconsider the vote by which Senate bill No. 288 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Blair moved to adjourn until 9:30 o'clock a.m. to-morrow; and Mr. Bertram until 9 o'clock a.m. to-morrow.

The motion of Mr. Blair prevailed, and the House at 5:50 p.m. adjourned accordingly.

FIFTY-FIFTH DAY.

Hall House of Representatives, Austin, Texas, Friday, March 26, 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:


A quorum was announced present.

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

Pending reading of the Journal of yesterday.

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

GRANTED LEAVE OF ABSENCE.

On account of important business:

Mr. Wallace for this evening until Tuesday, on motion of Mr. Seabury.