Kimbell.
McFarland.
Meade.
Melton.
Moore of Lamar.

(Mr. O'Connor in the chair.)

Question next recurred on the amendment by Mr. Blair.

(Speaker in the chair.)

After consideration, Mr. Wood moved the previous question on the amendment, and the main question was ordered.

Yeas and nays were demanded by Mr. Blair, Mr. Fisher and Mr. Wolters.

Lost by the following vote:

Yeas-29.

Beaird.
Blackburn.
Blair.
Brigance.
Burney.
Burns.
Dennis.
Field.
Fisher.
Good.
Holland of Harris.
Henderson.
Jones.
Lotto.

Nays-62.

Alexander.
Ayres.
Bailey.
Barbee.
Barrett.
Bell.
Bonson.
Bertram.
Bird.
Boyd.
Brewster.
Bumpass.
Carpenter.
Carswell.
Collier.
Conoly.
Crawford.
Cureton.
Curry.
Dean.
Dorroh.
Doyle.
Drew.
Evans of Hunt.
Ewing.
Freeman.
Graham.
Hensley.
Hill of Gonzales.
Hill of Travis.
Humphrey.

Absent.

Bounds.
Browne.
Garrison.
Green.
Holland of Burnet.
Holland of Harris.
Kirk.
Logan.

Excused.

Bean.
Callan.
Childs.
Crowley.
Dickinson.
Dies.
Edwards.
Evens of Grayson.
Flint.
Gilbough.

PAIRED.

Mr. Shropshire (present), who would vote "nay," with Mr. Holland of Harris (absent), who would vote "yea."

Mr. Wall (present), who would vote "nay," with Mr. Rogers (absent), who would vote "yea."

Mr. Drew offered the following amendment:

Amend caption by inserting "104" in lieu of "114;"

Pending which, Mr. Fisher moved to adjourn until 9 o'clock a. m. to-morrow, and Mr. Field until 9:30 a. m. to-morrow.

The motion of Mr. Field prevailed, and the House adjourned accordingly.

FIFTY-SEVENTH DAY.

Hall House of Representatives,
Austin, Texas,
Wednesday, March 31, 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.
Ayers.
Bailey.
Barbee.
Barrett.
Beaird.
Bell.
Bertram.
Blackburn.
Blair.
Bonds.
Boyd.
Mr. Holland of Harris for to-day, on motion of Mr. Shropshire.
Mr. Edwards for this week, on motion of Mr. Seabury.
Mr. Thaxton indefinitely, on motion of Mr. McGaughey.
Mr. Pitts for yesterday evening and to-day, on motion of Mr. Bounds.
Mr. Welch for to-day, on motion of Mr. Dies.

**BILLS SIGNED BY SPEAKER.**

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

House bill No. 457, entitled "An act to amend section 21 of an act entitled an act to incorporate the city of Waco, and to define its boundaries and powers, being chapter 17 of an act of the Legislature of 1889, by defining the powers of the city council to regulate the opening of business houses on Sunday."

House bill No. 387, entitled "An act to restore and confer upon the county court of Orange county the criminal jurisdiction heretofore belonging to it under the Constitution and General Statutes of the State of Texas, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act."

House bill No. 633, entitled "An act to amend section 42 of article 22, of the Revised Civil Statutes of the State of Texas, adopted and approved March 5, 1895, providing for the reorganization of the Forty-second Judicial District, and to fix the time of holding court therein."

House bill No. 443, entitled "An act to create a more efficient road system for Hopkins 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; 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' and witness 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 provisions of act applicable, as far as practicable, to convicts when worked on county farm; and to provide for the manner of training..."
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Hedges along public roads; and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act as to Hopkins county, and providing for the working of delinquent poll tax payers, and prescribing a penalty for failure to work public roads in payment of poll tax by said delinquent poll tax payers."

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 the Daughters of the Republic as custodians.

PETITIONS AND MEMORIALS.

By Mr. Meade:
A petition of the B. of L. E. O. and B. of R. T., held at Texarkana, Texas, asking for the passage of Senate bill No. 1 and House bills Nos. 236, 237 and 420.

Read, and referred to Committee on Internal Improvements.

By Mr. Tracy:
A petition of the Colored Teachers' Institute of Milam county, asking for an appropriation for the support of summer normal institutes.

Read, and referred to the Committee on Education.

By Mr. Bell:
A claim of B. F. Rosser & Co., of Wilson county, Texas, for overpaid taxes on lands.

Read first time, and referred to Committee on Claims and Accounts.

By Mr. Bailey:
An account of John T. Wofford for $42,753 States taxes erroneously collected on the Andrew Lockhart league in De Witt county, Texas.

Read first time, and referred to Committee on Claims and Accounts.

BILLS AND RESOLUTIONS.

By Mr. Fisher:
House bill No. 655, a bill to be entitled "An act to limit the right of teachers and other persons connected with any school, college, university or other institutes of learning, to make rules and regulations for the government and control of any child attending such school, college, university, or other institution of learning, so as not to interfere with the right of the parent to control and manage his or her child, and to provide a penalty for the violation of this act."

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

By Mr. Bell:
House bill No. 656, a bill to be entitled "An act to amend article 857, of chapter 1, title 25, of the Revised Civil Statutes of the State of Texas, relating to the classification of county funds."

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

By Mr. Flint:
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."

Read first time, and referred to Committee on State Affairs.

By Mr. Blair (by request):
House bill No. 658, a bill to be entitled "An act to reclassify section 6, certificate No. 223, issued to Beaty, Seale & Forward, containing 640 acres of land situated in Frio county, Texas, claimed by J. A. Dopyster, of Frio county, Texas."

Read first time, and referred to Committee on Public Lands and Land Office.

By Mr. McKamy:
 Whereas, the people of the great State of Texas, and especially those engaged in agriculture, are being grievously imposed upon by exorbitant freight rates to an extent not fully understood by those not directly engaged in the shipment of goods and products;

Resolved, that for the better understanding of our people on this all-important subject, and for the purpose of calling attention to the representatives of the people of Texas to the unjust discrimination in freight rates, to the end that means may be devised whereby the State Railway Commission may be enabled to act more promptly and with less restriction, permission is hereby granted to hang in the Hall of the House of Representatives a blackboard, whereon comparison is made between local point freight rates in this and other States, and whereon other information of like character is set forth.

Read second time, and adopted.

By Mr. Thomas:
 Whereas, Rule No. 13, of the House of Representatives, is being continually violated by its members in the discussion of questions that come before it; and

Whereas, much of said discussion is unnecessary, and a useless expendi-
tury of time, frequently indulged in for the purpose of defeating important legislation by delay, and is tending to prolong the session an unreasonable length of time; and

Whereas, an early adjournment of this Legislature is desirable on the part of the members, and demanded by the people; therefore, be it

Resolved, that the Speaker should, for the remaining part of the session, rigidly enforce said Rule No. 13.

Resolved, that he be invited to a seat within the bar of this House.

Read second time, and adopted.

COMMITTEE REPORTS.

By Mr. Bailey, chairman:

Committee Room, Austin, Texas, March 30, 1897.

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

Your Judiciary Committee No. 2, to whom was referred

House bill No. 653, a bill to be entitled "An act to prohibit the taking of fish from the waters of Carter's lake, Clinton lake and Caddo lake, and their tributaries in Harrison and Marion counties, in this State, otherwise than by means of ordinary hook and line and trot line; and to prohibit the sale or shipping of game fish in said counties of Harrison and Marion, 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.

By Mr. Lillard, chairman:

Committee Room, Austin, Texas, March 30, 1897.

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

Your Judiciary Committee No. 2, to whom was recommitted

House bill No. 584, a bill to be entitled "An act to amend article 276, of chapter 6, title 8, of the Penal Code of the State of Texas, relating to the duties of the commissioners' courts, 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 do pass.

BAILEY, Chairman.
and I have this day, at 12:30 p. m., presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, March 31, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Enrolled Bills have carefully examined and compared
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 the Daughters of the Republic as custodians.

And find the same correctly enrolled, and I have this day, at 12:30 p. m., presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, March 31, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Enrolled Bills have carefully examined and compared
House bill No. 457, a bill to be entitled “An act to amend sections 1 and 21 of an act entitled an act to incorporate the city of Waco, and to define its boundaries and powers, being chapter 17 of acts of the Legislature of 1889, by defining the powers of the city council in the regulation and control of the opening of business houses and other places on Sunday.”

And find the same correctly enrolled, and I have this day, at 12:30 p. m., presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, March 31, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Enrolled Bills have carefully examined and compared
House bill No. 443, entitled “An act to create a more efficient road system for Hopkins 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; 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’ and witness 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 provisions of act applicable, as far as practicable, to convicts when worked on county farm; and to provide for the manner of training hedges along public roads; and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for a violation of this act, and repeal all laws in conflict with this act as to Hopkins county; and providing for the working of delinquent poll-tax payers, and prescribing a penalty for failure to work public roads in payment of poll-tax by said delinquent poll-tax payers.”

And find the same correctly enrolled, and I have this day, at 12:30 p. m., presented the same to the Governor for his approval.

LILLARD, Chairman.

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, March 31, 1897.
Hon. L. T. Dashiell, Speaker of the House.

I am directed by the Senate to inform the House that the Senate has passed
House bill No. 102, “An act to amend article 183, chapter 1, title 7, of the Penal Code of Texas, relating to disturbance of public worship.”

House bill No. 346, a bill to be entitled “An act to transfer Red River and Fayette counties from the district school system to the community school system, and to authorize and empower the said counties to organize and conduct all of their public free schools under the community system, as provided by the laws now in force.”

By a two-thirds vote: ayes 22, noes 1.

The above reported bill, Senate bill No. 215, was read first time and referred to Judiciary Committee No. 1.

SPEAKER’S TABLE.

The Speaker laid before the House,
as pending business, on its passage to a third reading.

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

The House considering the bill by sections, and section 9 being the one under consideration, with the following substitute for said section by Mr. Beaird pending:

"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 bring and prosecute all suits and execute all citations, notices, etc., as are necessary to defendant 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 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 of 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,

And the following amendment to section 9 by Mr. Fisher pending:

Amend by adding to section 9, after the word "act," in line 17, page 8, the following words: "Provided, that so much of this act which fixes items of cost and fees shall not be construed to fix a lien upon homesteads for such costs and fees."

On motion of Mr. Seabury, pending business was suspended, to take up and place on its third reading and final passage,

Senate joint resolution No. 8, "To amend section 8 of the Constitution, article 11, so as to authorize certain counties to give aid in the construction of railways."

The resolution was laid before the House and was read third time.

Mr. Hensley offered the following amendment:

Amend by adding after the word "Gaines," in engrossed rider, the following: "also the counties of Matagorda and Brazoria."

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

The amendment by Mr. Hensley was adopted.

Senate joint resolution No. 8 passed by the following vote:

Yeas—98.

Mr. Seabury moved to reconsider the vote by which Senate joint resolution No. 8 was passed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Meade called up House bill No. 107, a bill to be entitled "An act to define and prevent cold storage in a local option county, precinct, city, town or subdivision of a county, and to affix a penalty for running, keeping or maintaining them in such county, city, town or subdivision."

With Senate amendments.

The bill, with amendments, was laid before the House.

The amendments were read, and Mr. Meade moved that the House do not concur, and that a free conference committee be requested to adjust the differences between the two houses on said bill.

The motion prevailed, and the Speaker announced the following committee on part of the House: Messrs. Reubell, Williams, Lillard, O'Connor and Moore of Lamar.

On motion of Mr. Burns, pending business was further suspended, to take up and place on its second reading.

Senate bill No. 171, a bill to be entitled "An act to amend article 3582a, title LXXV, of the Revised Civil Statutes, in regard to the Board of Pardon Advisers."

The bill was laid before the House, read second time, and Mr. Freeman offered the following amendment: Amend by striking out the words "three hundred," in line 20, section 1, and insert the words "two hundred."

After consideration, Mr. Bounds moved the previous question, and the main question was ordered.

The amendment by Mr. Freeman was lost.
The bill was passed to a third reading.

Mr. Sluder moved to suspend further pending business, to take up and place on its second reading, Senate bill No. 83, the Wayland fee bill, with majority adverse and minority favorable reports thereon.

Lost.

Mr. Bell moved to suspend further pending business, to take up and place on its second reading, Senate bill No. 3, a bill to be entitled "An act to amend title 14 of the Code of Criminal Procedure of the State of Texas, by creating and adding thereto articles 1068a, 1068b, 1068c, 1068d, 1068e, 1068f, 1068g, 1068h, 1068i, 1068j, 1068k, 1068l, 1068m, 1068n, in relation to the apprehension, identification and conviction of all unknown persons who may be guilty of burglary, and in relation to prescribing a method by which all the circumstances and facts that might lead to the identification and capture of such unknown person shall be reported, preserved and filed in the Adjutant-General of Texas as a secret archive of that office."

Lost.

The house resumed consideration of Senate bill No. 240, the Colquitt delinquent tax bill, on its passage to a third reading, with pending amendments.

On the amendment by Mr. Fisher, yeas and nays were demanded by Mr. Tracy, Mr. Wood and Mr. Sluder.

Adopted by the following vote:

Yeas—69.

Alexander.  Ewing.
Ayres.  Fielld.
Barrett.  Fisher.
Beaird.  Garrison.
Bell.  Gilbough.
Benson.  Graham.
Bertram.  Harris.
Blackburn.  Henderson.
Blair.  Henaley.
Brewster.  Holland of Burnet.
Brigance.  Kimbell.
Bumpass.  Kirk.
Burney.  Lottol.
Burns.  Mannon.
Carswell.  Martin.
Childs.  McGaughey.
Collier.  Mercer.
Conoly.  Mundine.
Crawford.  Neighbors.
Cureton.  O'Connor.
Dennis.  Oliver.
Dorrough.  Patterson.
Doyle.  Randolph.
Evans of Hunt.  Relger.

Rhea.  Thompson.
Rogan.  Tracy.
Savage.  Tucker.
Schlick.  Turner.
Shropshire.  Vaughan, Guadalupe.
Sumper.  Vaughan of Collin.
Staples.  Wall.
Stokes.  Wallace.
Strother.  Wood.
Thomas.

Nays—26.

Barbee.  McKeller.
Boyd.  Meade.
Browne.  Moore, Fort Bend.
Carpenter.  Moore of Lamar.
Curry.  Morton.
Dean.  Pfeuffer.
Drew.  Reubell.
Freeman.  Robbins.
Good.  Shibleburne.
Humphrey.  Skillem.
Logan.  Sluder.
Love.  Smith.
Maxwell.  Ward.

Excused.

Bean.  McFarland.
Bld.  Melton.
Callan.  Morris.
Crowley.  Pitts.
Dickinson.  Porter.
Edwards.  Thaxton.
Evans of Grayson.  Welch.
Flint.  Wilcox.
Holland of Harris.

We vote "no" on this amendment to the Colquitt back-tax bill because we think that the provisions of this back-tax raiser ought to be applicable to everyone alike. Poor people pay their taxes. Rich people sometimes dodge theirs and take refuge under the homestead law. We believe that all people should bear their proportionate share of the burden of keeping up the government, and that the law should have no exempted classes. MORTON, SMITH.

On the Fisher amendment I vote "no," because I believe that the adoption of the amendment will prevent the collection of taxes due on the homesteads, for the reason that the costs of suit would ordinarily amount to more than the taxes due thereon, and the State could not afford to pay.
the larger amount of cost in order to secure the smaller amount of taxes due.

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

The motion to table prevailed.

Question next recurred on the substitute, upon which motion yeas and nays were demanded by Mr. Beaird, Mr. Childs and Mr. Dorroh.

Tabled by the following vote:

Yeas—63.
Ayers.  McGaughy.
Bailey.  McKamy.
Benson.  McKellar.
Bertram.  Mercer.
Blair.  Moore, Fort Bend.
Bouds.  Moore, Lamar.
Boyd.  Morton.
Browne.  O'Connor.
Bumpass.  Patterson.
Burney.  Peery.
Burns.  Randolph.
Carpenter.  Relger.
Coller.  Reubell.
Cureton.  Rhem.
Dean.  Robbins.
Dennis.  Schlick.
Dies.  Seabury.
Drew.  Shelburne.
Ewing.  Shropshire.
Field.  Skillern.
Freeeman.  Sluder.
Garrison.  Smith.
Hill of Gonzales.  Stamper.
Holland of Burnet.  Stokes.
Kirk.  Thomas.
Lillard.  Thompson.
Lotto.  Vaughan of Collin.
Love.  Wall.
Manson.  Ward.
Martin.  Williams.
Maxwell.

Nays—31.
Barrett.  Hensley.
Beaird.  Hill of Travis.
Blackburn.  Kimbell.
Brewster.
Brigance.
Carswell.
Childs.
Conoly.
Crawford.
Curry.
Dorroh.
Doyle.
Evans of Hunt.
Good.
Graham.
Harris.

Absent.
Barbee.
Bell.
Fields.
Fisher.
Gilbough.
Green.
Henderson.
Humphrey.
Jones.

Excused.
Bean.
Bird.
Callan.
Crowley.
Dickinson.
Edwards.
Evans of Grayson.
Flint.

Section 10 was next read, and Mr. Ward offered the following amendment:

Amend section 10, page 8, line 21, by changing the words "a penalty of 10 per cent" to read as follows: "a penalty of 20 per cent."

Mr. Crawford offered the following amendment to the amendment:

Amend the amendment by striking out the words "20 per cent," and insert in lieu thereof the words "6 per cent."

Mr. Blackburn moved to table both amendments.

Mr. Ward called for a division.

Question then first recurred on the motion to table the amendment by Mr. Crawford.

Yea's and nays were demanded by Mr. Crawford, Mr. Feild and Mr. Tucker.

Lost by the following vote:

Yeas—44.
Benson.  Lillard.
Bertram.  Lotto.
Blackburn.  Manson.
Blair.  Maxwell.
Bumpass.  Meade.
Burns.  Mercer.
Carpenter.  Moore, Fort Bend.
Childs.  Moore of Lamar.
Cureton.  Oliver.
Curry.  Reubell.
Dean.  Rhea.
Dennis.  Robbins.
Dies.  Savage.
Doyle.  Seabury.
Drew.  Smith.
Ewing.  Stamper.
Freeman.  Thomas.
Good.  Thompson.
Holland of Burnet Ward.
Kirk.  Williams.
Question next recurscd on the amendment to the amendment, and it was adopted.

Question then being on the motion to table the amendment by Mr. Ward, the motion was lost.

On the amendment by Mr. Ward, as amended,
Yeas and nays were demanded by Mr. Drew, Mr. Peery and Mr. Feld.

Adopted by the following vote:

**Yeas—57.**

Barrett.  Collier.
Beaird.  Conoly.
Blackburn.  Crawford.
Brownie.  Dorroh.
Bumpass.  Doyle.
Burney.  Evans of Hunt.
Carswell.  Field.

**Nays—54.**

Ayers.  Logan.
Bailey.  Love.
Barbee.  Martin.
Barrett.  McKamy.
Beaird.  McKellar.
Bounds.  Morton.
Brewster.  Neighbors.
Brigance.  O'Connor.
Burney.  Patterson.
Carswell.  Peery.
Collier.  Randolph.
Conoly.  Reiger.
Crawford.  Rogan.
Dorroh.  Schlick.
Evans of Hunt.  Shelburne.
Field.  Shrophshire.
Fish.  Skillern.
Garrison.  Smyth.
Graham.  Stokes.
Graham.  Strother.
Green.  Tracy.
Harris.  Vaughan of Collin.
Henderson.  Wall.
Hensley.  Wallace.
Hill of Gonzales.  Wolters.
Humphrey.  Wood.

**Absent.**

Bell.  Rudd.
Fields.  Sluder.
Hill of Travis.  Staples.
Jones.  Tucker.
Mundine.  Turner.
Pfeuffer.  Vaughan, Guad'lup.
Rogers.  

**Excused.**

Bean.  Holland of Harris.
Bird.  Melton.
Callan.  Morris.
Crowley.  Pitts.
Dickinson.  Porter.
Edwards.  Thaxton.
Evans of Grayson.  Welch.
Flint.  Wilcox.

Mr. Childs offered the following amendments: Amend by adding to section 10, line 5, page 9, by inserting after the words 'county clerk' the words: "and record-
ed at the expense of the county in a book kept for that purpose."

Amend section 10, page 9, line 24, by adding after the word "county clerk," the following: And recorded at the expense of the county in a book kept for that purpose."

Mr. Tracy moved to reconsider the vote by which the amendment by Mr. Ward as amended was adopted, and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Wolters, the House, at 12:37 p.m., took a 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., pursuant to recess.

Pending question, Senate bill No. 240, on its passage to a third reading, with amendments by Mr. Childs pending.

On motion of Mr. Freeman, Mr. Bounds was excused for this evening, on account of sickness.

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. 288, entitled "An act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the Texas, Louisiana and Eastern Railroad, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway 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."

- Senate bill No. 291, entitled "An act to amend subdivision 15 of article 22 of the Revised Civil Statutes of the State of Texas, relative to the time of holding the terms of the district court in the Fifteenth Judicial District of Texas, passed by the Twenty-fourth Legislature in the year 1895, and to repeal all laws and parts of laws in conflict with this act."

SENATE MESSAGE.

Senate Chamber,
Austin, Texas, March 31, 1897.

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

Sir: I am instructed by the Senate to inform the House that the Senate refuses to concur in the House amendments to Senate joint resolution No. 8, and asks for a free conference committee to adjust the differences between the two houses on said measure, and that Senators Atlee, Turney, Burns, Rogers and Lewis have been appointed as such committee on the part of the Senate.

Also, that the Senate grants the request of the House for a free conference committee on House bill No. 107, and that Senators Colquitt, Woods, Beall, Goss and Dibrell has been appointed as such committee on the part of the Senate.

And, that the Senate has passed House bill No. 413, a bill to be entitled "An act to amend article 3344, title LXIX, of the Civil Statutes of the State of Texas, relating to local option."

By the following vote: Yeas 21, nays none.

Respectfully,
WILL LAMBERT, Secretary.

The Speaker laid before the House the request of the Senate for a free conference committee to settle the differences between the two houses on Senate joint resolution No. 8.

On motion of Mr. Bailey, the request was granted.

The Speaker then announced the following committee on the part of the House: Messrs. Bailey, Bell, Turner, Blair and Seabury.

COMMITTEE REPORTS.

(By unanimous consent.)

By Mr. Curry, chairman:

Committee Room,
Austin, Texas, March 31, 1897.

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

Your Committee on Revenue and Taxation, to whom was referred House bill No. 608, a bill to be entitled "An act to amend articles 5098, 5099 and 5100, of the Revised Civil Statutes, and to add article 5068a, and to provide the place for the rendition of certain property for taxation, the oath to be required by the assessors of those rendering property for taxation, and defining a penalty and punishment for a failure on the part of tax assessors to require said oath."

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, but
that substitute House bill No. 603, herewith, do pass in lieu thereof.  
CURRY, Chairman.

By Mr. Beaird, acting chairman:

MAJORITY REPORT.

Committee Room,  
Austin, Texas, March 31, 1897.  
Hon. L. T. Dashiell, Speaker of the House:  
Your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 37, a joint resolution to amend section 4, article 7, of the Constitution of the State of Texas, looking to a safe investment of the permanent school fund, and to secure continuous action 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 not pass.  
BEAIRD, Acting Chairman.

MINORITY REPORT.

Committee Room,  
Austin, Texas, March 31, 1897.  
Hon. L. T. Dashiell, Speaker of the House.  
A minority of your Committee on Constitutional Amendments, to whom was referred House joint resolution No. 37, a joint resolution to amend section 4, article 7, of the Constitution of the State of Texas, looking to a safe investment of the permanent school fund, and to secure continuous action thereon,  
Report the same back to the House with the recommendation that it do pass.  
SHELBURNE, GOOD, LOGAN.

BILL RECOMMENDED.

Senate bill No. 287 (reported adversely), on motion of Mr. Smyth.

SPEAKER'S TABLE.

The Speaker laid before the House pending business, same being Senate bill No. 240, on its passage to a third reading, with pending amendments by Mr. Childs.  
The amendments by Mr. Childs were adopted.  
Mr. Robbins offered the following amendments:  
Amend section 10, page 9, line 8, by adding after the word “be” the word “immediately.”  
Adopted.

Amend section 10, page 9, lines 12 to 14, by striking out all between the word “court,” on line 12, and including the word “charge,” on line 14, and insert: “And the assessment rolls or books on file in the collector’s office, or either said list or assessment rolls or books, shall be prima facie evidence that all the requirements of the law have been complied with by the officers or courts charged with any duty thereunder as to the regularity of listing, assessing, levying all taxes therein mentioned, and reporting as delinquent any real estate whatsoever, and that the amount alleged against said real estate is a true and correct charge; and in cases in which the description of the real estate in said list or assessment rolls or books is not sufficient to identify the same, and of which property there is a sufficient description in the inventories of the assessor’s office, then said inventories shall be admissible as evidence of the description of said property.”  
Adopted.

Mr. Childs offered the following amendment:  
Amend by inserting after “list,” in section 10, page 9, line 11, the following: “and record book as furnished by the county clerk or.”  
Adopted.

Section 11 was next read and passed.  
Section 12 was next read and passed.  
Section 13 was next read, and  
Mr. Crawford offered the following amendment:  
Amend lines 16 and 17 by striking out “10 per cent,” and insert in lieu thereof “six per cent.”  
Adopted.

Section 14 was next read and passed.  
Section 15 was next read and passed.  
Section 16 was next read and passed.  
Section 17 was next read and passed.  
Mr. O’Connor offered the following amendment to the bill:  
Amend by adding the following: “Sec. 16a. That in counties in which the subdivisions of surveys are not regularly numbered, and in cities or towns in which the blocks or subdivisions are not numbered, or are so irregularly numbered as to make it difficult or impossible for the assessor to list same, the commissioners’ court of such counties may have all the blocks and subdivisions of surveys platted and numbered so as to identify each lot or tract, and to furnish the assessor with maps showing such numbering; and an assessment of any property by such numbering on said maps.
shall be sufficient description thereof for all purposes, and such maps, or a certified copy of same, or any part thereof, shall be admissible as evidence in all courts."

Mr. Bailey offered the following amendment to the amendment:

Amend the amendment by adding "Provided, that the cost of making said survey and plats shall be defrayed by the county in which said property is situated and of which the said commissioners' court ordered the said surveys and plats made."

Accepted by Mr. O'Connor.

Mr. Peery moved to table the amendment, upon which motion yeas and nays were demanded by Mr. O'Connor, Mr. Blair and Mr. Childs.

Lost by the following vote:

Yeas—36.
Alexander. Hensley. 
Barbee. Holland of Burnet. 
Bertram. Humphrey. 
Blackburn. Kimbell. 
Boyd. Kirk. 
Brewster. Love. 
Browne. Manson. 
Bumpass. Maxwell. 
Burney. Morton. 
Carpenter. Peery. 
Crawford. Rhea. 
Cureton. Schlick. 
Dies. Shelburne. 
Doyle. Skillern. 
Evans of Hunt. Stamper. 
Ewing. Stokes. 
Feld. Thomas. 
Graham. Wall. 

Nays—64.
Ayers. Henderson. 
Bailey. Hill of Travis. 
Barrett. Jones. 
Beard. Lillard. 
Bell. Logan. 
Benson. Lott. 
Blair. Martin. 
Childs. McGaughey. 
Coller. McKamy. 
Conoly. McKellar. 
Curry. Meade. 
Dean. Mercer. 
Dennis. Moore, Fort Bend. 
Dorroh. Moore of Lamar. 
Drew. Mundine. 
Fields. Neighbors. 
Freeman. Oliver. 
Garrison. Pfeuffer. 
Gilbough. Reiger. 
Good. Reubell. 
Green. Robbins. 
Harris. Rogers. 
Rudd. Tracy. 
Savage. Turner. 
Shropshire. Vaughan, Collin. 
Sluder. Wallace. 
Smyth. Ward. 
Staples. Williams. 
Strother. Wolters. 
Thompson. Wood. 

Absent.

Brigance. Rogan. 
Burns. Seabury. 
Hill of Gonzales. Smith. 
Patterson. Tucker. 
Randolph. Vaughan, Guadalupe 

Excused.

Bean. Holland of Harris. 
Bird. Melton. 
Bounds. Morris. 
Callan. Pitts. 
Crowley. Porter. 
Dickinson. Thaxton. 
Edwards. Welch. 
Evans of Grayson. Wilcox. 
Flint. 

Mr. Evans of Hunt offered the following amendment to the amendment:

Amend by adding the following to the amendment:

"Provided, that the cost of any map of a town or city shall be paid by such town or city when ordered by the town or city."

Adopted.

The amendment by Mr. O'Connor, as amended, was adopted.

Mr. Childs offered the following amendment:

Amend by adding section 16b, as follows: "The compensation allowed to county officers, as provided for in section 9, shall apply to section 10, as well as to all other provisions of this act, but only one fee shall be allowed for the same work."

Adopted.

Mr. Hill of Gonzales offered the following amendment:

Strike out section 14, and insert in lieu thereof the following:

"Sec. 14. Where lands are sold under the provisions of this act, the owner or owners of real estate so sold for the payment of taxes, or their heirs or assigns, or legal representatives, may, within two years from date or sale, redeem the estate sold, by paying or tendering to the purchaser or purchasers, their heirs or legal representatives, if, within 30 days after such sale, one and one-fourth times the amount of money paid for the land; if within six months after such sale, one and one-half times the amount of
money paid for the land; if within twelve months after the date of such sale, one and three-fourths times the amount of money paid for the land; if at any time thereafter and within two years from the date of such sale double the amount of money paid for the land."

Yas and nays were demanded by Mr. McGaughey, Mr. Blackburn and Mr. Kimbell.

Adopted by the following vote:

Yeas—56.
Alexander.
Ayers.
Beard.
Benson.
Bertram.
Blackburn.
Brewster.
Bumpass.
Burney.
Burns.
Cureton.
Green.
Harris.
Henderson.
Hill of Gonzales.
Hill of Travis.
Holland of Burnet.
Humphrey.
Jones.
Kimbell.
Kirk.
Lillard.

Nays—44.
Barbee.
Barrett.
Blair.
Boyd.
Brown.
Carpenter.
Carswell.
Childs.
Collier.
Conoly.
Crawford.
Dean.
Dennis.
Dies.
Dorroh.
Drew.
Ewing.
Feld.
Fields.
Flacher.
Freeman.
Garrison.
Garrison.

Absent.
Bailey.
Bell.
Brigance.
McKamy.
Reubell.

Excused.
Bean.
Bird.
Bounds.
Callan.
Crowley.
Dickinson.
Edwards.
Evans of Grayson.
Flint.

Barbee.
Barrett.
Blair.
Boyd.
Brown.
Carpenter.
Carswell.
Childs.
Collier.
Conoly.
Crawford.
Dean.
Dennis.
Dies.
Dorroh.
Drew.
Ewing.
Feld.
Fields.
Flacher.
Freeman.
Garrison.

Good.
Love.
Maxwell.
Meade.
Moore, Fort Bend.
Moore of Lamar.
Morton.
Randolph.
Rhea.
Robbins.
Rogan.
Schlick.
Shellburne.
Shrophshire.
Skillern.
Sluder.
Stamper.
Staples.
Thompson.
Tucker.
Ward.
Wolters.

Holland of Harris.
Melton.
Morris.
Porter.
Rogers.
Thaxton.
Welch.
Wilcox.

Provided, that in the event such delinquent tax record be not published correctly, and in accordance with the copy furnished such newspaper, then no compensation shall be allowed for such publication."
this State, and to have such lists bound in books, to be called 'delinquent tax records,' showing when the lands or lots were reported delinquent or sold to the State for taxes, also the name of the owner at the time of such sale or delinquency, if known, the number of acres, the amount of taxes due when first sold, and the amount of all taxes assessed against the owner thereof and returned delinquent for each year, as shown by the records of his office; and in making up the list or lists contemplated by this act for each county, the Comptroller is hereby required to make corrections and supply omissions in the description of any real estate embraced in said list or lists, so that when the corrections are made and the omissions are supplied the description will be such as is given in the abstracts of all the titled, patented and located lands in the State of Texas, or as required in section 12 of this act, such as may be furnished by the Commissioner of the General Land Office; and the Comptroller is further required, in bulk assessments, to apportion to each tract or lot of land assessed its pro rata share of the entire tax, interest, penalty and costs. The list for each county, when signed by the Comptroller, and assessment rolls or books on file in the collector's office, shall be prima facie evidence that all the requirements of the law have been complied with by the officers charged with any duty thereunder as to the regularity of listing, assessing, levying of all the taxes therein mentioned, and reporting as delinquent, or sold to the State, any real estate whatsoever, 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 of the assessor's office, then said inventories shall be admissible as evidence of the description of said property. This 'delinquent tax record' for each county shall be preserved by the Comptroller in his department, and upon completion of such records the Comptroller shall cause a duplicate of same to be sent to the county clerk of the county for which such 'delinquent tax record' is made, or, if unorganized, then to the clerk of the county to which said unorganized county is attached for judicial purposes, and may require of said county clerk a receipt for the same; provided, that in any county wherein the records are complete and show all sales and delinquencies since January 1, 1885, the commissioners' court thereof shall have power to make provision for having such 'delinquent tax records' compiled in the county from such records, and at the expense of such county, on forms to be prescribed and furnished by the Comptroller. Such 'delinquent tax record' shall be made in duplicate, one copy to be filed with the county clerk of the county and one copy to be sent to the Comptroller of Public Accounts of the State of Texas; provided further, that whenever it shall be determined by any county to compile the 'delinquent tax record,' in accordance with the above provisions, an order to that effect shall be passed and entered by the commissioners' court, at a regular or special session of such court, and a certified copy of such order shall be immediately transmitted to the Comptroller by the county judge, and the Comptroller, upon receipt of such certified copy of the order of the commissioners' court, shall forward to the county judge the necessary blank forms to be used in the preparation of 'delinquent tax record.' The 'delinquent tax records' compiled by counties, as herein provided, shall be certified to as correct by the county judge, and when so certified by the county judge shall have all the force and efficacy as if signed by the Comptroller, and shall be prima facie evidence that all the requirements of law have been complied with by the officers charged with any duty thereunder as to the regularity of listing, assessing, levying of all the taxes therein mentioned, and reporting as delinquent, or as sold to the State, any real estate whatsoever, and that the amount alleged against said real estate is a true and correct charge."

Tabled on motion of Mr. Robbins.

Mr. Blair offered the following amendment:

Amend by striking out section 10 and inserting the following:

"Sec. 10. If any person shall fail or refuse to pay the taxes imposed upon him or his property by law, until the 1st day of January next succeeding the return of the assessment rolls of the county to the Comptroller, a penalty of 10 per cent on the entire amount of such taxes shall accrue, which penalty, when collected, shall be paid proportionately to the State and county, and the collector of taxes
shall, by virtue of his tax rolls, seize and levy upon and sell so much personal property belonging to such person as may be sufficient to pay his taxes, together with the penalty above provided, interest and all costs accruing thereon. If no personal property be found for seizure and sale as above provided, the collector shall, on the 31st day of March of each year for which the State and county taxes for the preceding year only remain unpaid, make up a list of the lands and lots on which the taxes for such preceding year are delinquent, charging against the same all taxes and penalties assessed against the owner thereof. Said list shall be made in triplicate and shall be presented to the commissioners court on or before the first Friday in May of such year, for examination and correction of any errors that may appear, and when so examined and corrected by the commissioners court, such lists in triplicate shall be approved by said court, and one copy thereof shall be filed with the county clerk and one copy retained and preserved by the collector and one copy forwarded to the Comptroller with his annual settlement reports. When such list of lands and lots delinquent for the preceding year only is corrected as provided for in this section, then such list shall be immediately advertised by the county clerk, as provided for in section 5 of this act, and after such advertisement, suit shall be instituted against delinquents for all taxes and penalties due in the district court as above provided, and such list, as furnished by the tax collector and corrected by the commissioners court, and the assessment roll or books on file in the collector's office or either said list or assessment rolls or books shall be prima facie evidence that all the requirements of the law have been complied with by the officers or courts charged with any duty thereunder as to the regularity of listing, assessing, levying all taxes therein mentioned, and reporting as delinquent any real estate whatsoever, and that the amount alleged against said real estate is a true and correct charge; and in cases in which the description of the real estate in said list or assessment rolls or books is not sufficient to identify the same, and of which property there is a sufficient description in the inventories of the assessor's office, then said inventories shall be admissible as evidence of the description of said property. In the counties where the delinquent tax record for former years has not been furnished as provided for in section 3 of this act, the collector of taxes shall also, at the same time, make in triplicate a list of all lands and lots that have been previously sold to the State for taxes of former years, which have not been redeemed, and on which the taxes are delinquent for the preceding year, and shall present the same to the commissioners court for examination and correction of any error that may appear, and when so examined and corrected by the commissioners court, such lists in triplicate shall be approved by said court, and one copy thereof shall be filed with the county clerk, one retained and preserved by the collector, and one copy forwarded to the Comptroller with his annual settlement reports."

Tabled on motion of Mr. Robbins.
Mr. Robbins moved the previous question, and the main question was ordered.
Senate bill No. 240 was passed to a third reading.
Mr. Brigance moved to adjourn until 9 a.m. to-morrow.
Lost.
Mr. Love moved to suspend the regular order of business to take up and place on its second reading.
Senate bill No. 83, the Wayland fee bill.

On the motion to suspend, yeas and nays were demanded by Mr. Boyd, Mr. Bertram and Mr. Barbee.
The motion prevailed by the following vote:

Yeas—67.

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Patterson.  Staples.
Porter.  Strother.
Rhea.  Thomas.
Robbins.  Tracy.
Savage.  Tucker.
Shelburne.  Vaughan of Collin.
Skillern.  Wall.
Sluder.  Wallace.
Stapler.  

Blair.  Meade.
Boyd.  O'Conner.
Brewster.  Reiger.
Brigance.  Reubell.
Carpenter.  Rudd.
Collier.  Shropshire.
Dies.  Smyth.
Ewing.  Thompson.
Fisher.  Vaughan, Gaulupe.
Good.  Ward.
Green.  Williams.
Hensley.  Wood.
Hill of Travis.  

Nays—25.

Absent.

Ayers.  Pfeuffer.
Beaird.  Randolph.
Graham.  Rogan.
Logan.  Schlick.
Lotto.  Seabury.
Manson.  Smith.
McFarland.  Stokes.
McGaughey.  Turner.
Peery.  Wolters.

Excused.

Bean.  Holland of Harris.
Bird.  Melton.
Bounds.  Morris.
Callan.  Pitts.
Crowley.  Rogers.
Dickinson.  Thaxton.
Edwards.  Welch.
Evans of Grayson.  Wilcox.
Flint.  

The Speaker laid before the House on its second reading,
Senate bill No. 83, a bill to be enti-
tled "An act to regulate the compensa-
tion of certain State, district, county
and precinct officers in this State, and
to repeal all laws and parts of laws in
conflict therewith,"

With majority adverse and minority
favorable reports thereon,
The bill was read second time,
Mr. Carpenter moved to adopt the
majority report.
Mr. Love moved to substitute the
minority report for the majority re-
port.
Pending consideration,
Mr. Wolters moved to reconsider the
vote by which the resolution by Mr.
McKamy was adopted this morning.
Mr. Patterson moved to adjourn un-
til 9 a. m. to-morrow; Mr. Fields until
7:30 p. m. to-day; and Mr. Gilbough
until 9:30 a. m. to-morrow.

Question recurring on the longest
time first, yeas and nays were de-
manded by Mr. Fields, Mr. Henderson
and Mr. Mercer.
The motion prevailed by the follow-
ing vote.

Yeas—75.

Ayers.  Logan.
Bailey.  Lotto.
Barbee.  Love.
Barrett.  Manson.
Bell.  Martin.
Blackburn.  McKamy.
Blair.  McKellar.
Bounds.  Meade.
Brigance.  Moore of Lamar.
Brownie.  Neighbors.
Carswell.  Patterson.
Childs.  Porter.
Collier.  Randolph.
Conoly.  Reiger.
Crawford.  Reubell.
Curtton.  Rhea.
Curry.  Robbins.
Dean.  Rogan.
Dennis.  Rudd.
Dies.  Schlick.
Dorroh.  Seabury.
Doyle.  Shropshire.
Drew.  Skillern.
Evans of Hunt.  Sluder.
Ewing.  Smyth.
Feild.  Stamper.
Fisher.  Staples.
Garrison.  Stokes.
Gilbough.  Strother.
Good.  Thompson.
Green.  Tracy.
Harris.  Tucker.
Hensley.  Turner.
Hill of Travis.  Vaughan, Gaulupe.
Holland of Burnet.  Ward.
Kimbell.  Williams.

Nays—23.

Beaird.  Hill of Gonzales.
Benson.  Humphrey.
Bertram.  Kirk.
Brewster.  Mercer.
Bumpass.  Morton.
Burney.  Oliver.
Burns.  Thomas.
Carpenter.  Vaughan of Collin.
Fields.  Wall.
Graham.  Wallace.

Absent.

Jones.  McGaughey.
Maxwell.  Mundine.
Accordingly the House, at 5:45 p.m., adjourned until 9:30 o'clock a.m. to-morrow.

SIXTIETH DAY.

Hall House of Representatives, Austin, Texas, Thursday, April 1, 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:


A quorum was announced present.

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

Pending reading of the Journal of yesterday,

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

GRANTED LEAVE OF ABSENCE:

On account of important business:

Mr. Rudd until Saturday, on motion of Mr. Patterson.

Mr. Burney until Monday, on motion of Mr. Stokes.

Mr. Vaughan of Guadalupe indefinitely, on motion of Mr. Thompson.

COMMITTEE REPORTS.

By Mr. Ward, chairman:

Committee Room, Austin, Texas, April 1, 1897.

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

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 316, a bill to be entitled "An act to amend article 4640a of the Revised Civil Statutes of Texas added thereto by an act amending title XCVI, chapter 6, passed at the present session of the Legislature, ap-