court of the county in which such pro-
cedings were had.

19. Suits against any county shall be
commenced in some court of com-
petent jurisdiction within such county.

20. Suits for mandamus against the
heads of any departments of the State
government shall be brought in the
district court of the county in which
the seat of government may be.

21. Suits in behalf of the State for
the forfeit of the county in which such pro-
cedings were had.

22. Suits on behalf of the State to
forfeit land fraudulently or colorably
alienated by railway companies in
fraud of the rights of the State under
the laws granting lands to railway
companies shall be brought in the
county in which the seat of govern-
ment may be.

23. Suits against any private corpora-
ations or joint stock company may be
commenced in any county in which
the cause of action, or a part thereof,
and the defendant corporation has an agency
or representative, or in which its prin-
cipal office is situated; and suits
against a railroad corporation or
against any assignee, trustee or re-
ceiver operating its railway, may also
be brought in any county through or
into which the railroad of such cor-
porations extends or is operated. Suits
against receivers or persons and corpo-
ations may also be brought as pro-
vided for in article 1484.

24. Suits by mechanics, laborers and
operatives, for their wages due by
railroad companies, may be instituted
and prosecuted in any county in this
State where such labor was performed,
or in which the cause of action or part
thereof accrued, or in any county in
which the principal office of such rail-
road company is situated, and in all
such suits service of process may be
made in the manner now required by
law.

25. Foreign private or public cor-
porations, joint stock companies or as-
ociations, not incorporated by the
laws of this State, and doing business
in this State may be sued in any court
within this State having jurisdiction
over the subject matter, in any county
where the cause of action, or a part
thereof, accrued, or in any county
where such company may have an
agency or representative, or in the
county in which the principal office of
such company may be situated, or
when the defendant corporation has
no agency or representative in the
State, then in the county where the
plaintiffs or either of them reside.

26. Suits against fire, marine, or in-
land insurance companies may also be
commenced in any county in which
any part of the insured property was
situated; and suits against life and ac-
cident insurance companies or associa-
tions may also be commenced in the
county in which the person insured,
resided at the time of
the death or injury.

27. When any law authorizing
or regulating any particular character
of action the venue is expressly pre-
scribed, the suit shall be commenced.
in the county to which jurisdiction
may be so expressly given.

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

Mr. Fisher offered the following
amendment to the amendment:

Amend section 5, page 1, by striking
out the word between the word “not”
and the word “shall,” as follows:

“When the amount in controversy is $250
or less the sum,” and add be-	ween the word “the” and the word
“defendant” the word “principal.”

Mr. Blair offered the following
amendment to the bill:

Amend by striking out $250 in line
14, and insert $100.

Pending motion, On motion of Mr. Carpenter, the
House, at 6:37 p. m., adjourned until
9 o’clock a. m. to-morrow.

SIXTY-FIFTH DAY.

Hall House of Representatives,
Austin, Texas,
Wednesday, April 7, 1897.

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

Speaker Dashiell in the chair.

Roll called, and the following mem-
bers present:

Blair.  Brewer.  Dennis.

A quorum was announced present. Prayer by Dr. J. A. Jackson, Chaplain.

Pending reading of the Journal of yesterday, on motion of Mr. Dorroh, further reading was dispensed with.

GRAFTED LEAVE OF ABSENCE.

On account of important business:
Mr. Dies for this week, on motion of Mr. Seabury.
Mr. Patterson until Friday, on motion of Mr. Benson.
Mr. Holland of Harris from last Friday until yesterday, on motion of Mr. Dean.
Mr. Turner for yesterday, on motion of Mr. Seabury.

On account of sickness: Mr. Rhea indefinitely, on motion of Mr. Oliver.

Mr. Robbins called up the motion to reconsider the vote by which Senate bill No. 13 was passed, and which motion was spread upon the Journal of March 3, and moved to table the motion to reconsider.

The motion to table prevailed.

PETITIONS AND MEMORIALS.

By Mr. Wall:
A protest from Hon. W. B. Page, J. A. Daniels, J. E. Downs and 143 other citizens of Houston county against the passage of House bill No. 655, redistricting the State judicially.

Read, and on request returned to the author.

BILLS AND RESOLUTIONS.

By Mr. Carswell:
House bill No. 678, a bill to be entitled "An act to validate the incorporation and declare valid the acts of towns and villages heretofore regularly incorporated for free school purposes having within their limits towns incorporated for municipal purposes, which latter had ceased to exercise their functions as such."

Read first time, and referred to the Committee on Education.

COMMITTEE REPORTS.

By Mr. Williams, chairman:

Committee Room,
Austin, Texas, April 6, 1897.

Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Internal Improvements, to whom was referred House bill No. 659, a bill to be entitled "An act for the benefit of the navigation of the Trinity river, and to facilitate its better drainage."

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, because it is considered unconstitutional.

WILLIAMS, Chairman.

By Mr. Beaird, acting chairman:
Committee Room,
Austin, Texas, April 7, 1897.

Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 3, a joint resolution to amend article 8, of the Constitution of the State of Texas, by
adding to said article an additional section, to be numbered section 22. Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

BEAIRD, Acting Chairman.

By Mr. McGaughey, chairman:

Committee Room, Austin, Texas, April 6, 1897.

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

Your Committee on Education, to whom was referred

House bill No. 251, a bill to be entitled "An act to amend section 3964 in regard to the manner of taking the scholastic census, and repealing all laws and parts of laws in conflict therewith."

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

McGAUGHEY, Chairman.

By Mr. Sluder, acting chairman:

Committee Room, Austin, Texas, April 7, 1897.

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

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

Senate bill No. 324, a bill to be entitled "An act to amend article 594, of chapter 11, title 18, of the Revised Civil Statutes of Texas, so as to confer on 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."

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

SLUDER, Acting Chairman.

SENATE MESSAGE.

Senate Chamber, Austin, Texas, April 7, 1897.

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

SIR: I am instructed by the Senate to inform the House that the Senate has adopted Senate concurrent resolu-

tion No. 22, granting to the Eighth Texas Cavalry Association, known as Terry's Texas Rangers, permission to erect in the capitol grounds a monument to their heroic dead.

Also, that the Senate has passed the following House bills:

House bill No. 281, a bill to be entitled "An act to repeal article 2923, chapter 6, title 52, of the Revised Civil Statutes of the State of Texas."

House bill No. 314, a bill to be entitled "An act to amend articles 529c, 529d, 529g, 529h, 529m and 529n of chapter 5, title 13, of the Penal Code of the State of Texas of 1895, and by adding articles 529s and 529t to said chapter 5, title 13, of said Penal Code of the State of Texas, relating to offenses for the protection of fish, birds and game, and to repeal all laws in conflict herewith."

Substitute House bill No. 90, a bill to be entitled "An act to regulate the practice of dentistry in the State of Texas, and to prescribe penalties for the violation of same, and to provide for appointment of a State Board of Dental Examiners."

Respectfully,

WILL LAMBERT, Secretary.

MESSAGE FROM THE GOVERNOR.

The following message was received from his excellency, the Governor:

Executive Office, April 7, 1897.

To the House of Representatives:

House concurrent resolution No. 18 is herewith returned without approval. It provides that the Superintendent of Public Buildings and Grounds shall set apart one of the rooms of the Department of Insurance, Statistics and History in the Capitol for the display of all relics of the Republic of Texas that may be committed to the custody of the State; that the Commissioner of Insurance, Statistics and History shall exercise general supervision thereof; that the Society of the Daughters of the Republic of Texas Shall be the special guardians of the relics, with authority to designate some particular chapter of the society as the especial custodians, empowered to use their judgment in the arrangement and management of said exhibit; that the expense of vacating the room shall be paid out of any unexpended appropriation for the Department of Insurance, Statistics and History, and that the expense of providing the necessary tables and cases for displaying the relics shall be paid out of any unexpended appropriation for Public Buildings and Grounds. The
Society of the Daughters of the Republic of Texas is a private corporation, composed of the female descendants of the founders and soldiers of the Texan Republic, organized for the patriotic purpose of collecting and preserving memorials of our early history, and this resolution in effect gives them authority and control over one of the rooms of the Capitol and its contents, reserving only general supervision in the Commissioner and practically authorizes them to expend public funds charged by law to the Superintendent of Public Buildings and Grounds. In my judgment, the resolution should not be adopted, because it is not allowable to amend or repeal a statute by resolution (San Antonio v. Micklejohn, 33 S. W. Rep., 735), and it is inexpedient and unnecessary. By art. 3826, Revised Statutes, the Commissioner of Insurance, Statistics and History is given charge and control of the room occupied by that department. The resolution, while repealing the statute pro tanto, would create confusion by dividing authority in the department, and present the anomalous condition of private parties in charge of public offices and directing the disbursement of money for which officials are under bond. The resolution, moreover, is believed to be unnecessary. By section 12, article 2916, Revised Statutes, the Commissioner of Insurance, Statistics and History is expressly required to "preserve all historical relics, monuments, antiquities and works of art connected with and relating to the history of Texas which may in any way come into his possession as such commissioner." The work in which these noble women are engaged commends itself to all, and they may be assured that without further directory legislation any memorials which they may commit to the State through the Commissioner will be appropriately arranged and faithfully preserved.

C. A. CULBERSON.

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:

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

House bill No. 168, "An act to punish persons for wilfully turning out or permitting to run at large, within a county or subdivision of any county in which the stock law has been adopted, stock not permitted to run at large."

House bill No. 571, entitled "An act prescribing the time of holding the terms in the district court in the Twenty-eighth, Thirty-sixth and Forty-ninth Judicial Districts of the State of Texas, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 614, entitled "An act to regulate the terms and fix the times of holding the terms of the district court in the Eighth judicial district of Texas, and to repeal all laws and parts of laws in conflict with this act."

SPEAKER'S TABLE.

The Speaker laid before the House, on its second reading, as pending business,

Senate bill No. 83, a bill to be entitled "An act to regulate the compensation 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 on March 31st, and Mr. Carpenter moved to adopt the majority report, whereupon Mr. Love moved to substitute the minority report for the majority report, pending which the House adjourned.

Question: Shall the minority report be substituted for the majority report?

Mr. Fisher raised the point of order that Senate bill No. 83 was not properly before the House, for the reason that a majority of the Committee on State Affairs had reported adversely on the bill, and that, under Rule 79, no bill can be considered unless reported favorably by a majority of the committee.

Overruled by the Chair.

On the question: Shall the minority report be substituted for the majority report, yeas and nays were demanded by Mr. Blair, Mr. Stamper and Mr. Evans of Grayson.

The minority report was adopted by the following vote:
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Yea:s-80.


Bailey. Lillard.

Barbee. Lotto.

Barrett. Love.

Bell. Manson.

Benson. Maxwell.

Bertram. McFarland.

Bird. McKamy.

Blackburn. Meade.

Barbee. McKellar.

Barrett. Mercer.


Barrett. Mundine.

Burney. O'Connor.

Burns. Peery.

Burney. Pfeuffer.

Burns. Porter.

Dean. Peery.

Dean. Port.

Dennis. Peery.

Dennis. Port.

Dickinson. Peery.

Dickinson. Port.

Dorothy. Peery.

Drew. Pfeuffer.

Evans of Hunt. Pfeuffer.

Evans of Grayson. Peery.

Ewing. Peery.

Fields. Peery.

Fisher. Peery.

Freeman. Peery.

Garrison. Peery.

Good. Peery.

Grant. Peery.

Hensley. Peery.

Hill of Gonzales. Peery.

Hill of Burnet. Peery.

Holland of Harris. Peery.

Humphrey. Peery.

Jones. Peery.

Ayers. Melton.

Beard. Moore, Fort Bend.

Blair. Rogers.

Boyd. Rudd.

Brigance. Schlick.

Edwards. Seabury.

Green. Ward.

Harris. Williams.

Hill of Travis. Wolters.

Logan. Wood.

McGaughery. Wood.

Nays-21.

Ayers. Melton.

Beard. Moore, Fort Bend.

Blair. Rogers.

Boyd. Rudd.

Brigance. Schlick.

Edwards. Seabury.

Green. Ward.

Harris. Williams.

Hill of Travis. Wolters.

Logan. Wood.

McGaughery. Wood.

Absent:

Collier. Pitts.

Gilbough. Randolph.

Kirk. Stokes.

Excused:

Bean. Dies.

Bounds. Field.

Callan. Flint.

Crawford. Henderson.

Mr. Carpenter offered the following amendment to Senate bill No. 83:

**Section 1.** That in all counties of this State having a population of 30,000 or less, according to the last preceding United States census county judges of the several counties of this State shall each receive the salaries, fees, commissions and perquisites now allowed by law.

Sec. 2. That in all counties of this State having a population of 30,000 or more, and not exceeding 45,000, the county judges of the several counties of this State shall receive the following fees, salaries, commissions and perquisites, to be paid by the litigant in probate matters.

Probating a will, $1.75; granting letters testamentary of administration or of guardianship, 45 cents; each order of sale, 45 cents; each approval and confirmation of sale, 45 cents; each decree refusing order of sale, or refusing confirmation of sale, 45 cents; each decree approving or setting aside the report of commissioner of partition and distribution, $1.75; each decree removing an executor, administrator or guardian, to be paid by such executor, administrator or guardian, 90 cents; each flat or certificate, 45 cents; each continuance, 10 cents; each order, not otherwise provided for, 45 cents; administering oath or affirmation with certificate and seal, 45 cents; administering oath or affirmation without certificate and seal, 20 cents; for every bond required to be taken, 90 cents; for the examination and approval of each bond, 45 cents.

Sec. 3. That in all counties of this State having a population of 30,000 or less, according to the last preceding United States census, county and district attorneys, sheriffs, county and district clerks, assessors and collectors of taxes of the several counties of this State respectively, shall each receive such salaries, fees, commissions and perquisites for their services as now provided by law.

Sec. 4. That in all counties of this State having a population according to such United States census of more
than 30,000, and not exceeding 45,000, the district or county attorney shall receive the following fees, to be paid by the State:

1. For convictions in all cases of felonious homicide, when the defendant does not appeal, or die, or escapes after appeal and before final judgment of the Court of Criminal Appeals, or when upon final appeal the judgment is affirmed, the sum of $45.

2. For all other convictions of felony when the defendant does not appeal or die, or escapes after appealing, and before final judgment of the Court of Criminal Appeals, or when upon appeal, the judgment is affirmed, the sum of $27.

3. For representing the State in each case of habeas corpus when the defendant is charged with felony, the sum of $18.

Sec. 5. The district and county attorneys, for attending and prosecuting any felony case before an examining court, shall be entitled to a fee of $4.50 to be paid by the State, for each case prosecuted by him before such court.

Sec. 6. The several district and county attorneys of this State shall be entitled hereafter to such commissions as are now provided by law.

Sec. 7. The several district attorneys of this State shall each receive in addition to the fees hereinabove specified an annual salary of $500, to be paid by the State.

Sec. 8. The district or county attorneys of said county shall also receive the following fees in misdemeanor cases, to be taxed against the defendant on convictions in all cases under the gaming law, when no appeal is taken, or when on appeal the judgment is affirmed, $13.50.

Sec. 9. For every other conviction in cases of misdemeanor, where no appeal is taken, or where on appeal the judgment is affirmed, $9.

Sec. 10. Where there are several defendants in a case, and they are tried together, but one fee shall be allowed and taxed in the case for the district or county attorney, but where the defendants sever and are tried separately, a fee shall be allowed and taxed for each trial.

Sec. 11. That in all counties of this State having a population of 30,000 or less, according to the last preceding United States census, the sheriffs of said counties shall receive such salaries, fees, commissions and perquisites for their services as are now provided by law.

Sec. 12. That in all counties in this State having a population according to such United States census of 30,000 and more, and not exceeding 45,000, the sheriffs of said counties shall each receive the following fees, to be paid by the State:

1. The said sheriffs shall be allowed the following fees in all cases where the charge is a felony, and all fees accruing under this section shall be due and payable at the close of each term of the district court, after approval, as herein provided, except as provided in subdivision 9, which shall be paid when approved by the judge under whose orders the writ was issued; provided, that in all cases when the defendant shall be finally convicted of a misdemeanor, the sheriff shall be required to pay back to the Treasurer of the State a sum of money equal to the amount he may have received from the State in such case, and the sheriff and his bondsmen shall be responsible to the State for such sum.

2. For executing each warrant for arrest or capias, or for making arrests without a warrant when authorized by law, the sum of 90 cents, and 5 cents for each mile actually and necessarily traveled in going to place of arrest, and for conveying the prisoner or prisoners to jail, mileage as provided in subdivision 6 shall be allowed.

3. For summoning or attaching each witness, 45 cents.

4. For summoning jury in each case where a jury is actually sworn in, $1.75.

5. For executing each death warrant, $50.

6. For removing a prisoner, for each mile in going and coming, including guards and other expenses when traveling by railroad, 10 cents; when traveling otherwise than by railroad, 15 cents; provided, that when more than one prisoner is removed at the same time, in addition to the foregoing, he shall be allowed 8 cents per mile for each additional prisoner; provided, that when an officer goes beyond the limits of the State after a fugitive, or requisition of the Governor, he shall receive such compensation as the Governor shall allow for such services.

7. For each mile the officer may be compelled to travel in executing criminal process, summoning or attaching witnesses, 5 cents; provided, that in no case shall he be allowed to duplicate his mileage when two or more witnesses are named in the same or different writ in any case, and he shall serve process on them in the same vicinity or neighborhood, or during the same
trip, he shall not charge mileage for serving each witness, to and from the county seat, but shall only charge one mileage, and for such additional miles only as are actually and necessarily traveled in summoning or attaching each additional witness. When process is sent by mail to any officer away from the county seat, or returned by mail by such officer, he shall only be allowed to charge mileage for the miles actually traveled by him in executing such process, and the return of the officer shall show the character of the service and miles actually traveled in accordance with this subdivision, and his account shall show the facts in detail.

8. For service of criminal process not otherwise provided for, the sum of 5 cents per mile, going and returning, shall be allowed; provided, if two or more persons are mentioned in the same or different writs, the rule prescribed in subdivision 7 shall apply.

9. For attending a prisoner on habeas corpus, for each day, $1.75, together with mileage, as hereinbefore provided in subdivision 6, when removing such prisoner out of the county under an order issued by a district or appellate judge.

Sec. 13. The following fees shall be allowed the sheriffs of said counties in misdemeanor cases to be taxed against the defendant:

1. For executing each warrant of arrest or capias, or making arrest without warrant, 90 cents. 2. For summoning each witness, 45 cents. 3. For any writ not otherwise provided for, 90 cents. 4. For taking and approving each bond, and returning the same to the court when necessary, 90 cents. 5. For each commitment or release, 90 cents. 6. Jury fee in each case tried, 45 cents. 7. For attending prisoner on habeas corpus, when such prisoner, upon a hearing, has been remanded to custody or held to bail, for each day's attendance, $1.75. 8. For each mile he may be compelled to travel in executing criminal process in misdemeanor cases, summoning or attaching witnesses, and executing warrant or a capias, within his county, 5 cents; provided, that where there two or more persons named in the same writ, or two or more writs in the same case, he shall only charge for the mileage actually traveled in executing said writ. 9. For removing a prisoner, for each mile going or coming, when traveling by railroad, 10 cents; when traveling otherwise than by railroad, 15 cents.

Sec. 14. For the safe-keeping, support and maintenance of prisoners confined in jail, the sheriffs of said counties shall be allowed the following charges:

1. For any number of prisoners not exceeding four, he shall be paid for each prisoner for each day not exceeding 45 cents. 2. For any number of prisoners exceeding four, for each prisoner for each day not exceeding 30 cents. 3. For necessary medical bills and reasonable extra compensation for attending to prisoner during sickness, such an amount as the commissioners of the county where the prisoner may be confined may determine to be just and proper. 4. The reasonable funeral expenses in case of death.

Sec. 15. The sheriff of said county shall be allowed for each guard necessarily employed in the safe keeping of prisoners, $1.35 for each day, and there shall not be any allowance made for the board of such guards, nor shall any allowance be made for a jailer or turnkey.

Sec. 16. The sheriffs of said counties shall receive the following fees in civil cases:

1. Serving each original citation in civil suit, $1.35. 2. Summoning each witness, 45 cents. 3. Levying and returning each writ of attachment or sequestration, $2.25. 4. Serving each writ of garnishment, injunction, or other process not otherwise provided for, 90 cents. 6. Endorsing the forfeiture of any bond required to be endorsed by him, 45 cents. 7. Levying each execution, $1.35. 8. Returning each execution, 65 cents. 9. Executing or returning each writ of possession or restitution, $2.70. 10. Posting the advertisements for sale under execution or any order of sales, 90 cents. 11. Posting any other notice required by law not otherwise provided for, 90 cents. 12. Executing a deed to each purchaser of real estate under each execution or order of sale, $1.75. 13. For each case tried in the district or county court a jury fee shall be taxed for the sheriff of 45 cents. 14. For executing a bill of sale to each purchaser of personal property under execution or order of sale, when demanded by a purchaser, 90 cents. 15. For services in designating a homestead, $1.75. 16. For traveling in the service of any civil process the sheriff of the said county shall receive 5 cents for each mile going and coming. If two or more persons are mentioned in the
writ, he shall charge for the distance actually and necessarily traveled in the service of the same. 17. For collecting money on execution or order of sale, when the same is made by sale, for the first $100 or less, 4 per cent; for the second $100, 3 per cent; for all sums over $200, 2 per cent. When the money is collected by the sheriff without a sale, one-half of the above rate shall be allowed him. 18. For every day the sheriff or his deputy shall attend the district or county court he shall receive $1.75 per day, to be paid by the county, for each day that the sheriff by himself or a deputy shall attend said court. 19. Copy of attachment and returns furnished proper officer, 90 cents.

Sec. 17. Summoning jurors in the district and county court, serving all election notices, notices to overseers of roads, attending the district and county courts, and doing all other public business not otherwise provided for, the sheriffs of said counties shall receive such sums as may be allowed by the commissioners court, not to exceed $300 annually, to be paid out of the county treasury upon the order of said commissioners court.

Sec. 18. That in all counties in this State, having a population, according to the last preceding United States census, of 30,000 or less, the county clerk of said counties shall receive such salaries, fees, commissions, and perquisites for their services as are now provided by law.

Sec. 19. That in all counties in this State, having a population, according to the last preceding United States census, of 30,000 or more, and not exceeding 45,000, the several county clerks of said counties shall receive the following fees. In criminal cases, the following fees shall be allowed said clerks; in misdemeanor cases, to be taxed against the defendant, in case of conviction, and collected as other cost in the case:

1. For issuing each capias or other original writ, 5 cents. 2. For entering each appearance, 15 cents. 3. For docketing costs, to be charged but once, 20 cents. 4. For swearing and impaneling a jury, and receiving and recording the verdict, 45 cents. 5. For swearing each witness, 10 cents. 6. For issuing each subpoena, 20 cents. 7. Each additional name inserted therein, 15 cents. 8. For issuing each attachment, 45 cents. 9. For entering each order not otherwise provided for, 45 cents. 10. For filing each paper, 10 cents. 11. For entering each judg-
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Sec. 23. The district clerks of said counties shall receive the following fees in misdemeanor cases, to be taxed against the defendant upon conviction, and when not appealed, and when appealed, upon the affirmance of the judgment: 1. For docketing each cause, to be charged but once, 10 cents. 2. For issuing each citation, 45 cents. 3. For entering each appearance, 10 cents. 4. For swearing or empaneling a jury and receiving and recording the verdict, 45 cents. 5. For swearing each witness, 10 cents. 6. For issuing each subpoena, 20 cents. 7. For each additional name inserted therein, 10 cents. 8. For issuing each attachment, 45 cents. 9. For entering each order not otherwise provided for, 45 cents. 10. For filing each paper, 10 cents. 11. For entering each judgment, 45 cents. 12. For entering each continuance, 20 cents. 13. For entering each motion or rule, 10 cents. 14. For entering each recognition or set-off, 10 cents. 15. For entering each indictment or information, 10 cents. 16. For issuing each commitment, 90 cents. 17. For each transcript on appeal for each 100 words, 10 cents.

Sec. 24. That the clerks of the district courts in said counties of 30,000 population and greater, not to exceed 45,000, shall be allowed the following fees in civil cases: 1. For copy of petition, including certificate and seal, each 100 words, 15 cents. 2. Each writ of citation, 65 cents. 3. Each copy thereof, 65 cents. 4. Docketing each cause, to be charged but once, 15 cents. 5. Docketing each rule or motion, 15 cents. 6. Filing each paper, 15 cents. 7. Entering appearance of each party to a suit, to be charged but once, 15 cents. 8. Each continuance, 15 cents. 9. Swearing each wit-
ness, 10 cents. 10. Administering oath and affirmation, with certificate and seal, 45 cents. 11. Issuing subpoenas, 20 cents. 12. Each additional name inserted in each subpoena, 15 cents. 13. Approving bond, except bond for cost, $1.25. 14. Swearing and impaneling a jury, 35 cents. 15. Receiving and recording verdict of jury, 35 cents. 16. Assessing damages in each case not tried by a jury, 45 cents. 17. Each commission to take deposition, 65 cents. 18. Taking deposition, each 100 words, 15 cents. 19. Each order, judgment or decree of his office, 50 cents. 20. Taking deposition, each 200 words, the additional fee for each 100 words in excess of 200 words shall be 15 cents. 21. Each execution or order of sale, writ of possession, restitution or other writ not otherwise provided for, 65 cents. 22. Recording return of any writ when such writ is required by law to be recorded, 65 cents. 23. Each certificate to any facts contained in the records of his office, 65 cents. 24. Making out and transmitting the records and proceeding in a cause from inferior courts, for each 100 words, 15 cents. 25. Making out and transmitting the mandate or judgment of the district court upon an appeal from the county court, 90 cents. 26. Filing the record in any cause appealed to the district court, 45 cents. 27. Transcribing, comparing and verifying record books of his office, payable out of the county treasury upon warrants issued on order of the commissioners court, each 100 words, 10 cents. 28. Making transcript of the records and papers in any cause upon appeal or writ of error with certificate and seal, each 100 words, 15 cents. 29. Making a copy of records of judgments or papers on file in his office for any party applying for the same, with certificate and seal, 100 words each, 15 cents. 30. Issuing a writ of scire facias and making a copy of same, 90 cents. Issuing each license to attorney, and recording proceedings thereon, $4.50. 32. Filing and recording declarations of intention to become a citizen of the United States, $1.75. 33. Issuing certificate of naturalization, $2.25. 34. Recording each attached witness account, in felony cases to be paid by the witness, 20 cents. 35. For recording physicians certificate, 90 cents. 36. For entering minute of transfer of judgment, 45 cents. 37. In matters relating to estates of deceased persons and minors when the same are transacted in the district court the clerk of said court shall receive the same fees that are allowed therefor to the clerks of the county court. 38. The clerks of the district court of said counties shall receive in addition to the fees herein allowed, for the care and preservation of the records of his office, keeping the necessary indexes, and other labor of a like kind out of the county treasury on the order of the commissioners court such sum as said commissioners court shall determine.

Sec. 25. Each assessor of taxes in all counties of this State having a population according to the last preceding United States census of 30,000 or more and not to exceed 45,000, the several assessors of taxes within this State shall each receive as compensation for their services, commissions on the value of property assessed by them as now provided by law; one-half of the above commissions shall be paid by the State, and one-half by the county, except for assessing the poll tax, which shall be paid by the State.

Sec. 26. That in all counties of this State having a population according to the last preceding United States census of 30,000 or more and not to exceed 45,000, the several assessors of taxes within this State shall each receive as compensation for their services, commissions on the value of property assessed by them, as follows: For assessing the State and county tax on all sums of $2,000,000 or less, 4% cents for each $100 of property assessed, and all sums over $2,000,000 and not more than $5,000,000, 3% cents on each $100, and all sums over $5,000,000, 1 9-10 cents on each $100. One-half of the above fees shall be paid by the State and one-half by the county, and for assessing the poll tax, 4% cents on each poll, which shall be paid by the State.

Sec. 27. The commissions here allowed to the assessors of taxes shall be collected and paid as now provided by law.

Sec. 28. That in all counties of this State having a population of 30,000 or less, the several collectors of taxes shall each receive the compensation now allowed by law, beginning with the 1st day of September of each year.

Sec. 29. That in all counties of this State having a population according to the last preceding United States census of 30,000 or more, and not to exceed 45,000, the several collectors of taxes shall each receive the following compensations: Beginning with the 1st day of September of each year, 4% per cent on the first $100,000 of taxes assessed, and 3 3-5 per cent on the
next $10,000 collected for the State, and 1% per cent on all collections over that sum; for collecting the county taxes, 4 1/2 per cent on the first $5000 of such taxes collected, and 3 3-5 per cent on the next $5000 dollars collected, and 1 4-5 per cent on all taxes collected over that sum; and in counties owing subsidies to railroads, the collectors shall receive only 1 per cent for collecting such railroad taxes, and in cases where property is levied on and sold for taxes, he shall receive the same compensation as allowed by law to sheriffs or constables upon making a levy and sale in similar cases, but in no case to include commissions on such sales.

Sec. 30. On all occupation and license taxes collected, the collector shall receive 1/2 per cent on all such collections.

Sec. 31. That in all counties of this State having a population, according to the last preceding United States census, of 45,000 or greater, the county judges of the several counties of this State shall receive the following fees, salaries, commissions, and perquisites, to be paid by the litigant in probate matters: Probating a will, $1.60; granting letters testamentary of administration or of guardianship, 40 cents; each order of sale, 40 cents; each approval and confirmation of sale, 40 cents; each decree refusing order of sale, or refusing confirmation of sale, 40 cents; each decree of partition and distribution, $1.60; each decree approving or setting aside the report of commissioner of partition and distribution, $1.60; each decree removing an executor, administrator or guardian, to be paid by such executor, administrator or guardian, 80 cents; each flat or certificate, 40 cents; each continuance, 10 cents; each order, not otherwise provided for, 40 cents; administering oath or affirmation with certificate and seal, 40 cents; administering oath or affirmation without certificate and seal, 20 cents; for every bond required to be taken, 80 cents; for the examination and approval of each bond, 40 cents.

Sec. 32. That in all counties of this State having a population, according to the last preceding United States census, of more than 45,000, the district or county attorney shall receive the following fees, to be paid by the State:

1. For convictions in all cases of felonious homicide where the defendant does not appeal or die, or escapes after appeal, and before final judgment of the court of criminal appeals, or where upon appeal the judgment is affirmed, the sum of $40.

2. For all convictions of felony where the defendant does not appeal or die or escape after appealing, and before final judgment of the court of criminal appeals, where upon appeal the judgment is affirmed, the sum of $24.

3. For representing the State in each case of habeas corpus, where the defendant is charged with felony, the sum of $16.

4. The district and county attorneys, for attending and prosecuting any felony case before an examining court, shall be entitled to a fee of $4, to be paid by the State, for each case prosecuted by him before such court.

5. The several district and county attorneys of this State shall be entitled hereafter to such commissions as are now provided by law.

6. The several district attorneys of this State shall receive, in addition to the fees hereinafore specified, an annual salary of $500, to be paid by the State.

7. The district or county attorneys of said counties shall also receive the following fees in misdemeanor cases, to be taxed against the defendant for convictions in all cases under the gaming law, when no appeal is taken, or when on appeal the judgment is affirmed, $12.

8. For every other conviction in cases of misdemeanor where no appeal is taken, or where on appeal the judgment is affirmed, $8.

9. Where there are several defendants in a case, and they are tried together, but one fee shall be allowed and taxed in the case for the district or county attorney, but where the defendants sever and are tried separately, a fee shall be allowed and taxed for each trial.

Sec. 34. In all counties in this State having a population according to such United States census of more than 45,000, the sheriffs of said counties shall each receive the following fees, to be paid by the State: 1. The said sheriffs shall be allowed the following fees in all cases where the charge is a felony, and all fees accruing under this section shall be due and payable at the close of each term of the district court after approval, as hereinafter provided, except as provided in subdivision 9, which shall be paid when approved by the judge under whose orders the writ was issued; provided, that in all cases where the defendant shall be finally convicted of a misde-
meanor, the sheriff shall be required to pay back to the treasurer of the State a sum of money equal to the amount he may have received from the State in such case, and the sheriff and his bondsman shall be responsible to the treasurer for such sums. For such service, the sheriff shall be allowed, if two or more persons are mentioned in the same or different writs, the rule prescribed in subdivision 6 shall apply. For attending a prisoner on habeas corpus, for each day, $1.60, together with mileage, as hereinafter provided in subdivision 6, when removing such prisoner out of the county under an order issued by the district or appellate judges.

Sec. 35. The following fees shall be allowed the sheriffs of said counties in misdemeanor cases, to be taxed against the defendant: 1. For executing each warrant of arrest or capias, or making arrest without warrant, $80 cents. 2. For serving each witness, 40 cents. 3. For summoning or attaching each witness, 40 cents. 4. For serving each witness and for executing warrant or a capias, within his county, 5 cents; provided, that when more than one prisoner is removed at the same time, in addition to the foregoing, he shall be allowed 8 cents per mile for each additional prisoner; provided, that when an officer goes beyond the limits of the State after a prisoner on habeas corpus, when such prisoner, upon a hearing, has been remanded to custody or held to bail, for each day's attendance, $1.60. 8. For each mile he may be compelled to travel in executing criminal process in misdemeanor cases, summoning or attaching witnesses and executing warrant or a capias, within his county, 5 cents; provided, that where there are two or more persons named in the same writ, or two or more writs in the same case, he shall only charge for the mileage actually traveled in executing said writ. 9. For removing a prisoner, for each mile going and coming, when traveling by railroad, 10 cents; when traveling otherwise than by railroad, 15 cents.

Sec. 36. For the safe keeping, support and maintenance of prisoners confined in jail, the sheriffs of said counties shall be allowed the following charges: 1. For any number of prisoners not exceeding 4, he shall be paid for each prisoner for each day not exceeding 45 cents. 2. For any number of prisoners exceeding 4, for each prisoner for each day not exceeding 30 cents. 3. For necessary medical bills and reasonable extra compensation for attending to prisoner during sickness, such an amount as the commissioners of the county where the prisoner may be confined may deter-
mine to be just and proper. 4. The reasonable funeral expense in case of death.

Sec. 37. The sheriff of said county shall be allowed for each guard necessarily employed in the safe keeping of prisoners, $1.35 for each day, and there shall not be any allowance made for the board of such guards, nor shall any allowance be made for a Jailer or turnkey.

Sec. 38. The sheriffs of said counties shall receive the following fees in civil cases: 1. Serving each original citation in civil suit, $1.20. 2. Summoning each witness, 40 cents. 3. Levying and returning each writ of attachment or sequestration, $2. 4. Serving each writ of garnishment, injunction or other process not otherwise provided for, 80 cents. 5. Taking and approving each bond, and returning the same to the proper court when necessary, 80 cents. 6. Endorsing the forfeiture of any bond required to be endorsed by him, 40 cents. 7. Levying each execution, $1.20. 8. Returning each execution, 60 cents. 9. Executing or returning each writ of possession or restitution, $2.40. 10. Posting the advertisements for sale under execution, or any order of sale, 80 cents. 11. Posting any other notice required by law not otherwise provided for, 90 cents. 12. Executing a deed to each purchaser of real estate under each execution or order of sale, $1.60. 13. For each case tried in the district or county court, a jury fee shall be taxed for the sheriff of 40 cents. 14. For executing a bill of sale to each purchaser of personal property under execution or order of sale when demanded by the purchaser, 80 cents. 15. For services in designating a homestead, $1.60. 16. For traveling in the service of any civil process, the sheriff of the said county shall receive 5 cents for each mile going and coming. If two or more persons are mentioned in the writ, he shall charge for the distance actually and necessarily traveled in the service of the same. 17. For collecting money on execution or order of sale, when the same is made by sale, for the first $100 or less, 4 per cent; for the second $100, 3 per cent; for all sums over $200, 2 per cent. When the money is collected by the sheriff without a sale, one-half of the above rate shall be allowed him. 18. For every day the sheriff or his deputy shall attend the district or county court he shall receive $1.60 per day, to be paid by the county, for each day that the sheriff by himself or his deputy shall attend said court.

Sec. 39. Summoning jurors in the district and county court, serving all election notices, notices to overseers of roads, attending the district and county courts, and doing all other business not otherwise provided for, the sheriffs of said counties shall receive such sum as may be allowed by the commissioners court, not to exceed $300 annually, to be paid out of the county treasury upon the order of said commissioners court.

Sec. 40. That in all counties in this State having a population according to the last preceding United States census of 45,000 or greater, the several county clerks of said counties shall receive the following fees: In misdemeanor cases the following fees shall be allowed said clerks: In misdemeanor cases to be taxed against the defendant in case of conviction, and collected as other costs in the case. 1. For issuing each capias or other original writ, 60 cents. 2. For entering each appearance, 15 cents. 3. For docketing costs, to be charged but once, 20 cents. 4. For swearing and impaneling a jury, and receiving and recording the verdict, 40 cents. 5. For swearing each witness, 10 cents. 6. For issuing each subpoena. 20 cents. 7. For each additional name inserted therein, 15 cents. 8. For issuing each attachment, 40 cents. 9. For entering each order not otherwise provided for, 40 cents. 10. For filing each paper, 10 cents. 11. For issuing each judgment, 40 cents. 12. For entering each continuance, 20 cents. 13. For entering each motion or rule, 10 cents. 14. Entering each recognizance, 40 cents. 15. For entering each indictment or information, 10 cents. 16. For each commitment, 90 cents. 17. For each transcript on appeal, for each 100 words, 10 cents.

Sec. 41. The clerks of the county courts of said counties having a population of 45,000 or greater shall receive the following fees in civil cases: 1. For filing each paper, 5 cents. 2. For issuing notice, including copies for posting or publication, 60 cents. 3. For docketing each application, complaint or proceedings, to be charged but once, 10 cents. 4. Each writ of citation and each copy thereof, 40 cents. 5. Each copy of any paper that is required to accompany any writ or citation, with certificate and seal, for each 100 words, 10 cents. 6. For issuing letters testamentary of administration or guardianship, 40 cents. 7. Each judgment or decree, 40 cents. 8. When a judg-
ment or decree exceeds 200 words, an additional fee for each 100 words in excess of 200 words, 10 cents. 9. Recording all papers required to be recorded by them in relation to estates of decedents or wards, for each 100 words, 10 cents. 10. Administering oath to executor, administrator or guardian, 10 cents. 11. Administering oath and affirmation in other cases, without certificate and seal, 15 cents. 12. Administering oath or affirmation with certificate and seal, 20 cents. 13. Entering each order of the court approving or disapproving a claim against an estate, 20 cents. 14. Filing each paper, except subpoenas, 5 cents. 15. Entering each appearance, to be charged but once, 10 cents. 16. Entering each continuance, except in estates, 10 cents. 17. Issuing each subpoena, 20 cents. 18. Each additional name inserted in each subpoena, 10 cents. 19. Approving each bond, except bonds for cost, 10 cents. 20. Swearing each witness, 10 cents. 21. Swearing and emanipeling a jury, 20 cents. 22. Receiving and recording verdict, 20 cents. 23. Assessing damages in each case not tried by a jury, 10 cents. 24. Each commission to take depositions, 40 cents. 25. Taking depositions, each 100 words, 15 cents. 26. Each execution, order of sale, writ of possession, restitution or other writ not otherwise provided for, 40 cents. 27. Recording return on any process where return is required by law to be recorded, 40 cents. 28. Copies of Interrogatories, cross Interrogatories and other papers or records required to be copied by them, including certificate and seal, each 100 words, when not otherwise provided for, 15 cents. 29. Transcript in any case where appeal or writ of error is taken, with certificate and seal, each 100 words, 15 cents. 30. Each certificate to any fact or facts contained in the records of his office, with certificate and seal, when not otherwise provided for, 40 cents. 31. Taxing the bill of cost in each case with copy thereof, 20 cents. 32. Recording all papers required or permitted by law to be recorded, not otherwise provided for, including certificate and seal, for each 100 words, 15 cents. 33. Transcribing, comparing and verifying record books of his office, payable out of the county treasury upon warrant issued under order of commissioners court, for each 500 words, 15 cents. 34. Issuing each marriage license, 80 cents. 35. Recording each marriage license and return, 40 cents.

36. Recording each mark and brand, or either, 20 cents. 37. Issuing each license other than marriage license, where the law provides for him to issue such license, 80 cents. 38. Recording and certifying bills of sale under the stock laws, for each 100 words, 15 cents. 39. Receiving the list of marks and brands, such compensation as the county commissioners court may allow. 40. Qualifying a notary public, 80 cents. 41. Filing, etc., of chattel mortgages, 20 cents. 42. For entering satisfaction of chattel mortgages, 20 cents. 43. For recording each liquor dealer's bond, 80 cents. 44. For issuing each liquor dealer's license, 80 cents. 45. For recording each mark and brand, and giving certificate thereof, 60 cents. 46. Recording attachments and returns, same as recording deeds.

Sec. 42. That in all counties in this State having a population, according to such United States census, greater than 45,000, the district clerks of said counties shall receive the following fees, to be paid by the State: 1. For each felony case tried by a jury, where the defendant is convicted or acquitted, the sum of $8. 2. For each transcript on appeal or change of venue, for each 100 words, 10 cents. 3. For each felony case finally disposed of without trial or dismissed or nolle prosequi entered, §8. 4. For recording each account of sheriff as provided for in section 34, subdivision 1, of this act, the sum of 40 cents. 5. For habeas corpus proceedings in felony cases, the clerk of the district court in said counties shall be paid by the State, upon the certificate of the judge, the following fees not to exceed $10 in any one case: 6. For taking down evidence, 10 cents for every 100 words. 7. For recording the judgment, if the court, 80 cents. 8. For making out transcript in case of appeal, 10 cents for every 100 words.

Sec. 43. The district clerks of said counties shall receive the following fees in misdemeanor cases, to be taxed against the defendant upon conviction, and when not appealed, and when appealed, upon the affirnance of the judgment: 1. For docketing each cause, to be charged but once, 20 cents. 2. For issuing each capias or other original writ, 60 cents. 3. For entering each appearance, 15 cents. 4. For swearing or emanipeling a jury and receiving and recording the verdict, 40 cents. 5. For swearing each witness, 10 cents. 6. For issuing each subpoena, 20 cents. 7. For each addi-
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7. For issuing each attachment, 40 cents. 8. For filing each paper, 10 cents. 9. For entering each motion or rule, 10 cents. 10. For entering each indictment, 40 cents. 11. For entering each recognizance, 40 cents. 12. For entering each motion, 40 cents. 13. For entering each attachment, 40 cents. 14. For entering each recognizance, 40 cents. 15. For entering each attachment, 40 cents. 16. For issuing each attachment, 40 cents. 17. For entering each attachment, 40 cents. 18. For entering each attachment, 40 cents. 19. For entering each attachment, 40 cents. 20. When the judgment or decree does not exceed 200 words, the additional fee for each 100 words in excess of 200 words shall be 15 cents. 21. Each execution or order of sale, writ of possession, restitution or other writ not otherwise provided for, 60 cents. 22. Recording return of any writ when such return is required by law to be recorded, 60 cents. 23. Each certificate to any facts contained in the records of his office, 60 cents. 24. Making and transmitting the records and proceedings in a cause from inferior courts, for each 100 words, 15 cents. 25. Making a copy of the record of the district court upon appeal from the county court, 80 cents. 26. Filing the record in any cause appealed to the district court, 40 cents. 27. Transcribing, comparing and verifying record books of his office, payable out of the county treasury upon warrants issued on order of the commissioners court, each 100 words, 10 cents. 28. Making transcript of the records and papers in any cause upon appeal or writ of error, with certificate and seal, each 100 words, 15 cents. 29. Making a copy of records of judgments or papers on file in his office for any party applying for the same, with certificate and seal, 100 words each, certificate and seal, 100 words each, 15 cents. 30. Issuing a writ of inhibition, 10 cents. 31. Issuing each license to take the census of the United States, $1.20. 32. Issuing certificate of naturalization, $2. 33. Issuing certificate of naturalization, $2. 34. Recording each attached witness account, in felony cases to be paid by the witness, 20 cents. 35. For recording physician’s certificate, 80 cents. 36. For entering minute of transfer of judgment, 40 cents. 37. In matters relating to estates of deceased persons and minors, when the same are transacted in the district court, the clerk of said court shall receive for the care and preservation of the records of his office, and for the care and preservation of any papers that are allowed therefor to clerks of the county court. 38. The clerks of the district court of said counties shall receive in addition to the fees herein allowed, for the care and preservation of the records of his office, keeping the necessary indexes and other papers necessary for the care, and for the preservation of the records of his office, and for the care and preservation of any papers that are allowed therefor to clerks of the county court. 39. The clerks of the district court of said counties shall receive in addition to the fees herein allowed, for the care and preservation of the records of his office, keeping the necessary indexes and other papers necessary for the care and preservation of the records of his office, and for the care and preservation of any papers that are allowed therefor to clerks of the county court. 40. The clerks of the district court of said counties shall receive in addition to the fees herein allowed, for the care and preservation of the records of his office, keeping the necessary indexes and other papers necessary for the care and preservation of the records of his office, and for the care and preservation of any papers that are allowed therefor to clerks of the county court. 41. The clerks of the district court of said counties shall receive in addition to the fees herein allowed, for the care and preservation of the records of his office, keeping the necessary indexes and other papers necessary for the care and preservation of the records of his office, and for the care and preservation of any papers that are allowed therefor to clerks of the county court. 42. The clerks of the district court of said counties shall receive in addition to the fees herein allowed, for the care and preservation of the records of his office, keeping the necessary indexes and other papers necessary for the care and preservation of the records of his office, and for the care and preservation of any papers that are allowed therefor to clerks of the county court. 43. The clerks of the district court of said counties shall receive in addition to the fees herein allowed, for the care and preservation of the records of his office, keeping the necessary indexes and other papers necessary for the care and preservation of the records of his office, and for the care and preservation of any papers that are allowed therefor to clerks of the county court. 44. That the clerks of the district court of said counties or greater shall be allowed the following fees in civil cases: 1. For copy of petition, including certificate and seal, each 100 words, 15 cents. 2. Each writ of citation, 60 cents. 3. Each copy thereof, 10 cents. 4. Docketing each cause, to be charged but once, 15 cents. 5. Docketing each rule or motion, 15 cents. 6. Filing each paper, 15 cents. 7. Entering appearance of each party to a suit, to be charged but once, 15 cents. 8. Each continuance, 15 cents. 9. Swearing each witness, 10 cents. 10. Administering oath or affirmation, with certificate and seal, 40 cents. 11. Issuing subpoenas, 20 cents. 12. Each additional name inserted in each subpoena, 15 cents. 13. Approving bond, except bond for cost, $1.20. 14. Swearing and empaneling a jury, 35 cents. 15. Receiving and recording verdict of jury, 35 cents. 16. Assessing damages in each case not tried by a jury, 40 cents. 17. Each commission to take deposition, 60 cents. 18. Taking deposition, each 100 words, 15 cents. 19. Each order, judgment or decree, 60 cents. 20. When the judgment or decree exceeds 200 words, the additional fee for each 100 words in excess of 200 words shall be 15 cents. 21. Each execution or order of sale, writ of possession, restitution or other writ not otherwise provided for, 60 cents. 22. Recording return of any writ when such return is required by law to be recorded, 60 cents. 23. Each certificate to any facts contained in the records of his office, 60 cents. 24. Making and transmitting the records and proceedings in a cause from inferior courts, for each 100 words, 15 cents. 25. Making a copy of the record of the district court upon appeal from the county court, 80 cents. 26. Filing the record in any cause appealed to the district court, 40 cents.
Sec. 48. That in all counties of this State having a population according to the last preceding United States census of 45,000 or greater, the several collectors of taxes shall each receive the following compensations: Beginning with the 1st day of September of each year, 4½ per cent on the first $5000 of taxes collected, and 3 2-5 per cent on the next $10,000 of taxes collected for the State, and 1 1-16 per cent on all collections over that sum; for collecting the county taxes, 4½ per cent on the first $5000 of such taxes collected, and 3 2-5 per cent on the next $5000 collected, and 1 7-10 per cent on all taxes collected over that sum, and in counties owning subsidies to railroads the collectors shall receive only 1 per cent for collecting such railroad taxes, and in cases where property is levied on and sold for taxes he shall receive the same compensation as allowed by law to sheriffs or constables upon making a levy and sale in similar cases, but in no case to include commissions on such sales.

Sec. 49. On all occupation and license taxes collected, the collector shall receive 4½ per cent on all such collections.

Sec. 50. All fees allowed in this act to the respective officers enumerated in this act, to be paid by the State or county shall be charged, verified, presented, allowed, approved and paid as is now provided by law, or may hereafter be provided by law.

Sec. 51. It is intended by this act to embrace all fees now allowed by law to the officers enumerated herein, but in any item of fees, salaries, commissions or perquisites which are now allowed by law to any officer for services performed has been omitted in this act, the respective officers enumerated in this act, irrespective of the population of the counties in which they may reside, shall be permitted and allowed to charge and collect the same fee, salary, commission or perquisite as are now provided by law.

Sec. 52. at all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Sec. 53. Provided that this act shall take effect and be in force on and after December the 10th, eighteen hundred and ninety-eight, and it is so enacted.

(Mr. Bailey in the chair.)

Pending consideration,

On motion of Mr. Green, the House at 12:30 p. m. took recess until 3 p. m. to-day.

AFTERNOON SESSION.

The House was called to order by the Speaker at 3 o'clock p. m.

Pending question.

The amendment by Mr. Carpenter to Senate bill No. 83, the Wayland fee bill, on its passage to a third reading.

BILLS INTRODUCED.

(By unanimous consent.)

By Mr. Harris:

House bill No. 679, a bill to be entitled “An act for the relief of Kate Chambers Sturgis and Stella J. Chambers, only children of Thomas Chambers, deceased.”

Read first time and referred to Committee on Finance.

By Mr. Crowley:

House bill No. 680, a bill to be entitled “An act to diminish the civil and criminal jurisdiction of the county court of Borden county, to conform the jurisdiction of the district court thereto, and to repeal all laws and parts of laws in conflict herewith.”

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

COMMITTEE REPORTS.

By Mr. Wood, chairman:

Committee Room, Austin, Texas, April 7, 1897.

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

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 121, entitled “An act to amend article 5051 of the Revised Civil Statutes of 1895, relating to county warrants, and prohibiting the payment of county warrants and jury scrip upon taxes except in the order of their registration.”

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

WARD, Chairman.

Committee Room, Austin, Texas, April 7, 1897.

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

Your Judiciary Committee No. 1, to whom was referred

House bill No. 668, a bill to be entitled “An act to amend section 37, article 642, chapter 2, title 21, of the Revised Civil Statutes of the State of Texas, relating to the creation of corporations.”
Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, April 7, 1897.

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

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 158, a bill to be entitled "An act to amend article 338, chapter 4, title 69 of the Revised Statutes of the State of Texas, and article 1651, 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."

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

WARD, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, April 7, 1897.

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

We, a minority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 139, a bill to be entitled "An act to amend title 30, chapter 4, article 1194, of the Revised Civil Statutes of the State of Texas of 1895, relating to venue of suits in cases of personal injury against a railroad corporation, or against any assignee, trustee or receiver operating said railway, by adding thereto section 23a after section 23."

Do not concur with the majority, and beg leave to report the same back to the House with the recommendation that it do pass.

TRACY, BARRETT, WOLFERS, WILLIAMS, STAPLES.

Committee Room,
Austin, Texas, April 7, 1897.

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

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 207, entitled "An act to repeal article 2757 of the Revised Civil Statutes of the State of Texas, relating to the sale of real estate in Texas belonging to non-resident wards and the removal of the proceeds beyond the State."

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

WARD, Chairman.

MAJORITY REPORT.

Committee Room,
Austin, Texas, April 7, 1897.

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

Your Judiciary Committee No. 1, to whom was referred Senate bill No. 139, a bill to be entitled "An act to amend title XXX, chapter 4, article 1194, of the Revised Statutes of the State of Texas of 1895, relating to venue of suits in cases of personal injury against a railroad corporation, or against any assignee, trustee or receiver operating said railway, by adding thereto section 23a after section 23."

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

WARD, Chairman.

By Mr. McGaughey, chairman:

Committee Room,
Austin, Texas, April 7, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Education, to whom was referred
House bill No. 678, a bill to be entitled "An act to provide for the construction and maintenance of drains, ditches and water courses, and for the improvement and enlargement of natural drainage of the several counties within the State of Texas, and to repeal all laws in conflict with this act," passed at the present session.

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. Bertram, chairman:

Committee Room,
Austin, Texas, April 7, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Claims and Accounts, to whom was referred
The claim of B. Sbisa for $32 paid the State as part purchase money on a section of land sold erroneously to Duncan Adairance as "detached" land in Liberty county, and which sale was canceled November 21, 1894.

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

BERTRAM, Chairman.

By Mr. O'Conor, acting chairman:

Committee Room,
Austin, Texas, April 7, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Public Buildings and Grounds, to whom was referred
Senate concurrent resolution No. 22, granting to the Eighth Texas Cavalry Association, known as Terry's Texas Rangers, permission to erect in the capital grounds a monument to their heroic dead.

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.

O'CONNOR, Acting Chairman.

By Mr. Melton, acting chairman:

Committee Room,
Austin, Texas, April 7, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Irrigation, to whom was referred
House bill No. 677, a bill to be entitled "An act to amend sections 23 and 24 of House bill No. 351, entitled An act to provide for the construction and maintenance of drains, ditches and water courses, and for the improvement and enlargement of natural drainage of the several counties within the State of Texas, and to repeal all laws in conflict with this act," passed at the present session.

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

MELTON, Acting Chairman.

By Mr. Lillard, chairman:

Committee Room,
Austin, Texas, April 7, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Committee on Enrolled Bills have carefully examined and compared
House bill No. 614, a bill to be entitled "An act to regulate the terms and fix the times for holding the district courts in the Eighth judicial district of Texas, and to repeal all laws and parts of laws in conflict with this act,"
And find the same correctly enrolled, and I have this day, at 4 p. m., presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, April 7, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Enrolled Bills have carefully examined and compared
House bill No. 176, a bill to be entitled "An act to quiet titles to lands located and surveyed by virtue of land certificates granted under the act of the Legislature of the State of Texas, entitled an act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or of the Confederate States, a certificate for 1280 acres of land, approved April 9, 1881, and to validate patents issued on such locations and surveys,"
And find the same correctly enrolled,
and I have this day, at 4 p.m., presented the same to the Governor for his approval.

LILLARD, Chairman.

Committee Room,
Austin, Texas, April 7, 1897.
Hon. L. T. Dashiell, Speaker of the House.

Your Committee on Enrolled Bills have carefully examined and compared
House bill No. 168, a bill to be entitled "An act to punish persons for wilfully turning out or permitting to run at large within a county or subdivision of any county in which the stock law has been adopted, stock not permitted to run at large,"

And find the same correctly enrolled, and I have this day, at 4 p.m., presented the same to the Governor for his approval.

LILLARD, Chairman.

MESSAGE FROM THE GOVERNOR.

The following message was received from his Excellency the Governor:

Executive Office,
April 7, 1897.

To the House of Representatives:

House bill No. 457, a special law, which seeks to amend the charter of the city of Waco, is herewith returned without approval. Section 57, article 3, of the Constitution, provides that no local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, stating the substance of the contemplated law, for thirty days prior to the introduction of such bill.

The only notice published as a basis for this bill was that application would be made to amend section 1 of the charter of the city of Waco so as to change the boundary lines of said city in certain specified particulars. The bill is entitled an act to amend sections 1 and 21 of the charter, and not only amends said section 21 pursuant to the notice, but materially amends section 21, one of the most comprehensive and important sections of the charter, in matters wholly foreign to section 1 and the boundary lines of the city. The constitutional provision is intended to protect the people against changes in their local laws without notice to them, is plain and mandatory, has manifestly not been complied with in this case as to section 21 of the charter, and no alternative is left me but to disapprove the bill.

C. A. CULBERSON.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, April 7, 1897.
Hon. L. T. Dashiell, Speaker of the House.

I am instructed by the Senate to inform the House that the Senate has passed
House bill No. 476, entitled "An act to restore to and confer upon the county court of San Saba county the civil and criminal jurisdiction formerly belonging to said county under the Constitution and General Statutes, and to conform the jurisdiction of the district court of said county to said change."

By two-thirds vote—yeas 21, nays 0.

House bill No. 613, a bill to be entitled "An act to set apart for free school purposes four leagues of land hereunto granted to the territory known as Greer county, and to authorize the Attorney General to institute proceedings for the recovery of said land."

By two-thirds vote—yeas 24, nays 0.

Senate concurrent resolution No. 20, relating to deep water, good harbors and an open sea, etc.

Also that the Senate has refused to concur in the House amendment to Senate bill No. 13, abolishing the unorganized counties of Buchell and Foley; asks for a free conference, and that Senators Turney, Atlee, Goss, Darwin, and Linn of Wharton, have been appointed as such committee upon the part of the Senate.

Respectfully,

WILL LAMBERT, Secretary.

The House resumed consideration of Senate bill No. 83, with pending amendment by Mr. Carpenter.
Pending business was temporarily suspended, and the Speaker laid before the House the request of the Senate for a free conference committee to adjust the differences between the two houses on Senate bill No. 13.

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

The Speaker laid before the House, House bill No. 413, with Senate amendments.

Mr. Staples moved that the House do not concur, and that a free conference be requested to adjust the differences between the two houses on said bill.

The motion prevailed.

The Speaker announced the following free conference committees:

- On House bill No. 413, Messrs. Staples, McGaughey, Blair, Morris and Drew.

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

Whereas, Mac Stewart, a citizen of the United States, and of the State of Texas, is now and has been for two or three months incarcerated in a jail in the town of Powell, Mexico, charged with the killing of a police officer in that country; and

Whereas, said Stewart was a gallant Confederate soldier, a loyal, honorable and law-abiding citizen, who enjoyed the confidence and respect of his fellow-citizens; and

Whereas, said Stewart claims, and has from the day of his arrest claimed, that he acted in self-defense, and that he has been denied a fair and impartial trial, and has appealed to his countrymen and to his government in vain; therefore be it

Resolve, by the House of Representatives of Texas, that the State Department of the United States is respectfully requested to investigate the case against Stewart, to the end that he may be permitted to enjoy a fair and impartial and public trial.

Be it further resolved, that our Senators and Representatives in Congress are requested to call upon the State Department and demand an investigation, as above requested, and that the Chief Clerk of this House mail to the State Department of the United States and to each of our Senators and Representatives a copy of these resolutions. (Signed—Wolters, Rogan.)

The resolution was read a second time.

Mr. Rogan moved that it be adopted by a rising vote, whereupon yeas and nays were demanded by Br. Bell, Mr. Blackburn, and Mr. Fields.

Adopted by the following vote:

Yeas—90.

Ayers. Lillard.
Bailey. Logan.
Barbee. Lotto.
Barrett. Love.
Beafrd. Manson.
Bell. Maxwell.
Benson. McFarland.
Blackburn. McGaughey.
Blair. McKamy.
Boyd. McKeUar.
Brewster. Meade.
Brigance. Melton.
Browne. Moore, Fort Bend.
Burney. Moore of Lamar.
Burns. Morris.
Burney. Morton.
Carpenter. Mundine.
Carswell. Neighbors.
Childs. O'Connor.
Collier. Oliver.
Conoly. Peery.
Crawley. Porter.
Curry. Reubell.
Denn. Robinson.
Dickinson. Rogan.
Dorroh. Savage.
Doyle. Schlick.
Drew. Seabury.
Edwards. Shelburne.
Evans of Hunt. Skillern.
Ewing. Sluder.
Field. Smith.
Fields. Smyth.
Flasher. Stamper.
Garrison. Staples.
Gilbough. Strother.
Graham. Thomas.
Harris. Thompson.
Hensley. Tracy.
Hill of Gonzales. Vaughan of Collin.
Hill of Travis. Wall.
Holland of Burnet. Wallace.
Holland of Harris. Ward.
Humphrey. Wilcox.
Jones. Wolters.
Kimbell. Wood.
Nays—none.
Absent.
Bean. Pfeuffer.
Bertram. Pitts.
Bird. Randolph.
Bounds. Rogers.
Bumpass. Rudd.
Cureton. Stokes.
Evans of Grayson. Thaxton.
Flint. Turner.
Freeman. Vaughan, Guad’lup
Good. Welch.
Green. Williams.
Mercer.

Excused.
Callan. Patterson.
Crawford. Reiger.
Dies. Rhea.
Henderson. Shropshire.
Martin. Tucker.

We vote “aye’ because we are informed that a substantial injustice has been done Mr. Stewart, and an investigation into the merits of the case should be undertaken for the protection of an American citizen. Nevertheless, we believe that an American abroad is entitled only to the same measure of justice that is accorded to the citizens of the foreign country in the tribunals of such a country; and if Mr. Stewart has received a trial in the ordinary courts of Mexico, with all the rights granted Mexican citizens, then nothing further should be demanded at the hands of the Mexican government.

SEABURY, MORTON.

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

The motion to table prevailed.

On motion of Mr. Wolters, the House, at 5:51 p. m. adjourned until 9 o'clock a. m. tomorrow.