Mr. Blair moved that Mr. Hensley be permitted to withdraw his motion for the previous question on the final passage of Senate bill No. 83.

(Speaker in the chair.)

Mr. Hensley declined to withdraw the motion.

On motion of Mr. Rogan, the House, at 8:05 p.m. adjourned until 9 o'clock a.m. to-morrow.

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**SEVENTY-SECOND DAY.**

*Hall House of Representatives, Austin, Texas, Thursday, April 15, 1897.*

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

Speaker Dashell in the chair.

Roll called and the following members present:

- Ayers.
- Bailey.
- Barbee.
- Barrett.
- Beard.
- Bean.
- Benson.
- Bertram.
- Bird.
- Blackburn.
- Blair.
- Bounds.
- Boyd.
- Brigance.
- Browne.
- Burney.
- Burns.
- Carpenter.
- Carswell.
- Childs.
- Conoly.
- Crawford.
- Crowley.
- Cureton.
- Curry.
- Dean.
- Dennis.
- Dickinson.
- Dies.
- Dorroh.
- Doyle.
- Evans of Hunt.
- Evans of Grayson.
- Evins.
- Field.
- Fields.
- Fisher.
- Freeman.
- Garrison.
- Gibbons.
- Good.
- Graham.
- Schlick.
- Shelburne.
- Shropshire.
- Skillern.
- Sluder.
- Smyth.
- Staples.
- Stokes.
- Strother.
- Thaxton.
- Thomas.
- Thompson.
- Tucker.
- Turner.
- Wall.
- Wallace.
- Ward.
- Welch.
- Wilcox.
- Williams.
- Wood.
- Brewster.
- Collier.
- Drew.
- Edwards.
- Mundine.
- Pfeuffer.
- Pitts.
- Rudd.
- Seabury.
- Smith.
- Tracy.
- Vaughan.
- Vaughan of Collin.
- Wolters.
- Alexander.
- Bell.
- Bumpass.
- Callan.
- Smith.
- Moore, Fort Bend.
- Stamper.
- A quorum was announced present.
- Prayer by Dr. J. A. Jackson, Chaplain.
- Pending reading of the Journal of yesterday.

On account of important business:
- Mr. Barbee until Monday, on motion of Mr. Shropshire.
- Mr. Collier until Monday, on motion of Mr. Dies.
- Mr. Tracy until Monday, on motion of Mr. Feild.
- Mr. Moore of Fort Bend on motion of Mr. Meade.
- Mr. Pfeuffer until Monday, on motion of Mr. McKamy.

On account of sickness:
- Mr. Drew for to-day, on motion of Mr. Martin.
- Mr. Smith for yesterday and until Monday, on motion of Mr. Burney.

**PETITIONS AND MEMORIALS.**

By Mr. Thomas:

A petition of 140 citizens of Comanche county, requesting the passage of the bill authorizing the Houston and Texas Central Railroad Company to purchase the Waco and Northwestern and Texas Central Railroad.

By Mr. Cureton:

A petition of 62 citizens of Bosque county, same as above.

Also, one from 58 citizens of same county, same as above.
Also, one from 66 citizens of same county, for same purpose.

By Mr. Blackburn:
Petition of 100 citizens of Robertson county, same as above.

By Mr. Tucker:
A petition of 90 citizens of Shackleford county, same as above.

All the above were read and referred to the Committee on Internal Improvements.

By Mr. Dickinson:
A petition of 59 citizens of Webb and encinal counties, protesting against redistricting the State into judicial districts, and thereby diminishing the number of districts.

Read and referred to Committee on Judicial Districts.

BILLS AND RESOLUTIONS.

By Mr. Crawford:
House bill No. 683, a bill to be entitled "An act to amend subdivisions 1 and 2, chapter 2, title 15, article 1983, of the Code of Criminal Procedure of the State of Texas, relating to paying witnesses, and to provide for same."

Read first time and referred to Judiciary Committee No. 2.

By Mr. McGaughy:
Resolved, That the Hon. W. F. Ramsey, the leader of the Democratic hosts of North Texas, be invited to a seat within the bar of the House.

Read second time and adopted.

By Mr. Williams:
Whereas, Hon. M. B. Templeton, a distinguished leader, Democrat and citizen of Ellis county is now in city; therefore be it

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

Read second time and adopted.

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

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

By Mr. Holland of Harris:
House concurrent resolution No. 23: Be it resolved by the House of Representatives, the Senate concurring, that the unexpired balance in the State Treasury on the 3rd day of March, 1897, to the credit of the United States tax fund, be and the same is hereby transferred to the general revenue account, and the Comptroller make such entries on the books of his office and notify the State Treasurer of said transfer. And the Comptroller is hereby instructed to issue his warrants on general revenue for all valid claims for direct tax, penalty, interest and cost, heretofore filed or that may be filed and approved by him. (Signed: Holland of Harris, Henderson.)

Read first time and goes over.

Mr. Burney moved that rule 50 be suspended.

Tabled on motion of Mr. Maxwell.

Mr. Garrison offered the following resolution:

Resolved, That the rules be amended by adding to rule 13 the following: "Provided, that no member shall speak more than three minutes on any amendment offered to any part of the appropriation bill, and the time of said member shall not, under any circumstances, be extended."

The resolution was read second time, and

Mr. Shropshire moved to refer to the Committee on Rules.

Lost.

Mr. Brigance moved to lay on the table.

Lost.

Mr. Bertram offered the following amendment: "Amend by striking out 3, and insert 10 minutes.

Mr. Staples offered the following amendment to the amendment:

Amend by striking out the word "three," and insert the word "five" in lieu thereof.

Adopted.

The amendment was accepted by Mr. Garrison.

The resolution as amended was adopted by the following vote:

Yeas—78.

Dennis.

Ayers.

Barrett.

Dies.

Bean.

Dorroh.

Doyle.

Benson.

Evans of Hunt.

Bird.

Evans of Grayson.

Blair.

Ewing.

Bounds.

Boyd.

Fields.

Browne.

Fisher.

Burney.

Freeman.

Carpenter.

Garrison.

Carswell.

Graham.

Childs.

Harris.

Conolly.

Hensley.

Crawford.

Hill of Gonzales.

Crowley.

Hill of Travis.

Cureton.

Holland of Harris.
Mr. Bertram moved to reconsider the vote by which the resolution by Mr. Garrison was adopted, and asked to have that motion spread upon the Journal.

Mr. Evans of Hunt called up the motion to reconsider, and moved to lay it on the table.

The motion to table prevailed.

SENATE MESSAGE.

Senate Chamber.

Austin, Texas, April 15, 1897.

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

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

House bill No. 387, a bill to be entitled "An act to amend article 207, chapter 1, title 8, of the Penal Code, changing the penalty in perjury cases, except as provided for in article 298 of the Penal Code, from not more than ten years nor less than five years in the penitentiary, to not more than ten years nor less than two years in the penitentiary."

With amendments.

Senate bill No. 264, entitled "An act to amend article 944, chapter 17, Revised Statutes, Penal Code, relating to swindling, by substituting for section 4 a section so as to include within the term swindling the obtaining of personal property by means of false statements or representation as to financial worth, assets or resources, and the execution and passage for a valuable consideration of a check upon any bank with intent to defraud the party representing at the time of passing such check that he had money in the bank upon which the check is drawn to pay the same, or that he had credit with such bank to the extent of the amount of such check, when in truth and in fact he did not have such money or credit; and adding section 6, providing that offenses not specially enumerated under this article shall nevertheless be an offense, if within the reasonable and fair definition of the term swindling."

Also, House concurrent resolution No. 13, empowering the Superintendent of Public Buildings and Grounds to lease the temporary capitol, with amendment.

Respectfully,

WILL LAMBERT, Secretary.

SENATE BILL ON FIRST READING.

Senate bill No. 264, reported above, was read first time and referred to Judiciary Committee No. 2.
SPEAKER'S TABLE.
The Speaker laid before the House, as pending business, on its third reading and final passage, 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 the following amendment by Mr. Wood pending:
Amend section 3 by striking out all after the word "officer" in line 1, on page 4, down to and inclusive of the words "district judge" in line 6, and by striking out the words "or district judge" in line 9, and by striking out the words "or district judge" in line 11, and by striking out the word "district" in line 15, and insert therefor "county"

Pending question, shall the main question be ordered?
Mr. Hensley asked unanimous consent of the House to withdraw his motion for the previous question. The request was granted, and the motion for the previous question was withdrawn.

On the amendment by Mr. Wood, yeas and nays were demanded by Mr. Blair, Mr. Wolters and Mr. Wood.

(Mr. Bailey, pending consideration, occupied the chair.)

Mr. Ewing offered the following amendment:
Amend the amendment by striking out the words "county judge and district judge" and insert in lieu thereof the word "sheriff."

(Speaker in the chair.)

Mr. Henderson moved the previous question on the amendment, and the main question was ordered.

The amendment by Mr. Ewing was lost.

The amendment by Mr. Wood was lost by the following vote (not receiving the necessary two-thirds majority):

Yeas—62
Mr. Speaker.
Bailey.
Barrett.
Beard.
Benson.
Bertram.
Bird.
Brown.
Burney.
Carpenter.
Carsewell.
Conoly.
Crawford.
Graham.
Henderson.
Hill of Gonzales.
Hollander.
Holland of Harris.
Humphrey.
Jones.
Kimbell.
Lillard.
Love.
Martin.
Maxwell.
McKellar.
Menden.
Melton.
Moore of Lamar.
Morton.
Neighbors.
Oliver.
Graham.
Henderson.
Porter.
Reubell.
Rhea.
Robbins.
Rogan.
Savage.
Shelburne.
Skilern.
Sluder.
Staples.
Stokes.
Thomas.
Tucker.
Williams.
Wood.

Nays—42.
Ayers.
Bean.
Blakburn.
Blair.
Bounds.
Boyd.
Brigance.
Burns.
Childs.
Dies.
Ewing.
Feld.
Fisher.
Gilbough.
Good.
Green.
Harris.
Hensley.
Hill of Travis.
Kirk.
Logan.

Ayers.
Bean.
Blackburn.
Blair.
Bounds.
Boyd.
Brigance.
Burns.
Childs.
Dies.
Ewing.
Feld.
Fisher.
Gilbough.
Good.
Green.
Harris.
Hensley.
Hill of Travis.
Kirk.
Logan.

Ayers.
Bean.
Blackburn.
Blair.
Bounds.
Boyd.
Brigance.
Burns.
Childs.
Dies.
Ewing.
Feld.
Fisher.
Gilbough.
Good.
Green.
Harris.
Hensley.
Hill of Travis.
Kirk.
Logan.

Ayers.
Bean.
Blackburn.
Blair.
Bounds.
Boyd.
Brigance.
Burns.
Childs.
Dies.
Ewing.
Feld.
Fisher.
Gilbough.
Good.
Green.
Harris.
Hensley.
Hill of Travis.
Kirk.
Logan.

Ayers.
Bean.
Blackburn.
Blair.
Bounds.
Boyd.
Brigance.
Burns.
Childs.
Dies.
Ewing.
Feld.
Fisher.
Gilbough.
Good.
Green.
Harris.
Hensley.
Hill of Travis.
Kirk.
Logan.

Excused.
Alexander.
Barbee.
Bell.
Bumpass.
Callan.
Collier.
Drew.
Flint.

Alexander.
Barbee.
Bell.
Bumpass.
Callan.
Collier.
Drew.
Flint.

None.

Mr. Wilcox (present), who would vote "yea," with Mr. Bell (absent), who would vote "nay."

Mr. McKamy offered the following amendments:
(1) Amend section 9, page 6, line 10, by striking out the word "and" between the words "county clerks" and
"county attorneys," and adding after the words "county attorneys" the wordos "and tax collectors."

Adopted.

(2) Amend by striking out sections 7 and 8 and rearrange sections accordingly.

After consideration, Mr. Wilcox moved the previous question on the second amendment, and the main question was ordered. Yeas and nays were demanded by Mr. Blair, Mr. Kirk and Mr. Glibougb. Lost by the following vote (not receiving the necessary two-thirds majority):

Yeas—54:
Bailey. Mckeller.
Barrett. Meade.
Beard. Mercer.
Benson. Moore of Lamar.
Bonds. Morton.
Browne. Neighbors.
Burney. Oliver.
Carswell. Patterson.
Crawford. Reiger.
Cureton. Rhea.
Dean. Robbins.
Dennis. Rogan.
Dickinson. Savage.
Dorroh. Shelburne.
Evans of Grayson. Smyth.
Freeman. Staples.
Henderson. Strother.
Hensley. Thomas.
Hill of Gonzales. Thompson.
Jones. Tucker.
Lillard. Turner.
Love. Wall.
Manson. Wallace.
Martin. Welch.
Maxwell. Williams.
McFarland. Wood.
McKamy. Shropshire.

Nays—47:
Ayres. Vaughn, Guad'lup.
Bean. Vauban.
Bertram. Ward.
Blackburn. Wolters.
Blair.
Blair.
Boyd.
Bragance. Kimbell.
Burns. Kirk.
Carpenter. Logan.
Childs. Lotto.
Conoly. McGaughey.
Crowley. Melton.
Curry. Morris.
Dies. O'Connor.
Doyle. Peery.
Evans of Hunt. Porter.
Ewing. Randolph.
Field. Reubell.
Glibougb. Rudd.
Good. Schlick.

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AFTERNOON SESSION.

The House was called to order by the Speaker at 3 o'clock p. m. Pending question, Senate bill No. 83 on its third reading and final passage, with amendment by Mr. Evans of Grayson pending, and motion of Mr. Rogan to recommit to the Committee on State Affairs.

Mr. Rogan, by consent, withdrew the motion to recommit.

Mr. Bailey offered the following substitute for the amendment by Mr. Evans of Grayson:

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

"Section 1. That the district and
county officers of the several districts in this State and counties of this State hereafter named in this act shall receive and collect all fees, commissions, and other remunerations that are now or may hereafter be provided by law, and they shall keep an accurate account of all such collections and disbursements in a well bound book provided by the commissioners courts of the several counties, and to be kept for that purpose. They shall also make on oath a quarterly report of all such collections and disbursements to the commissioners courts; provided further, they shall make under oath an annual report to the Comptroller of the State of Texas of all fees, commissions, or other remunerations received, together with the disbursements of the same, and all fees, commissions, and remunerations due and uncollected. Blanks on which said reports required as above to be made shall be furnished by the Comptroller at the expense of the State.

"Sec. 2. That the several district attorneys, county attorneys, county judges, county clerks, clerks of the district courts, county clerks and clerks of the district courts (when combined), tax collectors, sheriff and tax collector (when combined), tax assessors, constables, justices of the peace of the several districts and counties of the State of Texas, shall retain from fees, commissions, or other remuneration of the several offices mentioned in this act for one year's service an amount not to exceed the sum hereafter provided.

"Sec. 3. The sheriffs and district attorneys of the several counties and districts of this State shall each in no case retain more than $2500 for any one year of the fees and commissions of their respective offices as compensation for their services. County judges, county clerks, clerks of the district courts, district and county attorneys, county clerks, clerks of the district courts, county clerks and clerks of the district courts (when combined), tax collectors, tax assessors shall in no case retain more than $2000 for any one year out of the fees, commissions or other remuneration arising from their respective offices; provided, that when the office of tax collector and sheriff is combined the sheriff shall in no case retain more than $2500 as compensation for one year's service out of the fees and commissions arising from said offices.

"Sec. 4. The justices of the peace and constables of the various districts and counties of this State shall be entitled to retain out of the fees and commissions arising from their respective offices as now or may hereafter be provided by law as compensation for their services for any one year an amount not to exceed $1000; provided, that the constable may employ such deputies as shall be actually necessary at a salary of not exceeding $40 per month for each one so appointed.

"Sec. 5. The sheriffs, clerks of the district courts, county clerks, tax collectors, tax assessors, whenever it shall be actually necessary to have assistance in the discharge of the duties of their respective offices, shall be allowed to employ as many deputies as may be actually necessary and no more, and such appointment of said deputies, together with an affidavit certifying that such appointment is absolutely necessary, and stating salary, and that efficient service can not be had for less, shall be filed with the county clerk for registration.

"Sec. 6. The deputies that may be appointed by authority of the preceding section shall receive as remuneration for their services, to be paid by the officer appointing them, the following salaries:

Deputy sheriffs, $60 per month, or less when efficient deputies may be obtained for less.

Deputy clerk of the district court shall receive $60 per month, or less when efficient deputies may be obtained for less.

Deputy clerks of the county court shall receive $50 per month, or a less amount when efficient deputies can be obtained for less.

Deputy tax collectors shall receive not more than $60 for each month so employed.

Deputy tax assessors shall receive not more than $50 per month while so employed.

"Sec. 7. All surplus fees, commissions or other remunerations in excess of the amounts hereinbefore allowed to the various district, county and precinct officers hereinbefore mentioned shall be paid into the county treasuries of the various counties, and shall be disposed of by the commissioners courts when making their quarterly reports as follows: One-fourth to be placed to the county general fund; one-fourth to be paid to the State Treasurer, to be placed to the general revenue fund of the State; the remaining one-half to be placed in the State treasury, to be placed to the
credit of the available school fund; provided, that the cost of remitting to the State shall be paid by the State.

"Sec. 8. The above named officers, when they file their quarterly reports with the commissioners court, such reports must show all fees assessed in their respective counties during the preceding quarter, showing all amounts collected and all amounts uncollected, with reasons for not collecting the same.

"Sec. 9. If the reasons for not collecting the fees remaining uncollected are unsatisfactory to the commissioners, they shall proceed to charge the amounts remaining uncollected to the said officer and deduct the same from his allowance; the said officer shall make the same good by paying the said remainder so uncollected to the county treasurer; otherwise, suit shall be brought against said officer and his bondsmen to collect said amount.

"Sec. 10. Whenever any officer shall file said sworn statement with the commissioners court, he shall at the same time turn over to the commissioners court receipts for all the surplus in his hands over and above the amounts allowed him for assistance in running his office, and any failure to do so shall be held as embezzlement and punished as such.

"Sec. 11. Whenever any officer shall make a false statement concerning the necessity for the use of deputies, he shall be guilty of false swearing, and punished as such.

"Sec. 12. Whenever any officer mentioned in this act shall pay any deputy a greater salary than is necessary to secure efficient and competent deputies, he shall be guilty of a misdemeanor and shall be fined in any sum not exceeding $1000.

"Sec. 13. All laws and parts of laws in conflict with this act are hereby repealed.

Mr. Childs moved to recommit the bill to the Committee on State Affairs, with instructions to bring in a bill as soon as practicable.

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

Whereas, Hon. Winbourne Pearre, an elector at large of the State of Texas during the campaign of 1896, is now in the city; be it

Resolved by this House, that he be invited to a seat upon the floor of the House.

Read second time, and

Mr. Wolters offered the following amendment:

Amend by including J. M. Standifer.
Humphrey. 
Jones. 
Kimbell. 
Kirk. 
Logan. 
Lotto. 
Love. 
McFarland. 
McGaughey. 
McKamy. 
McKeller. 
Meade. 
Melton. 
Moore of Lamar. 
Morris. 
Morton. 
Neighbors. 
Patterson. 
Peery. 
Porter. 
Randolph. 
Reiger. 

Absent. 

Ayres. 
Bertram. 
Dorroh. 
Edwards. 
Garrison. 
Graham. 
Manson. 
Maxwell. 
Mercer. 
Oliver. 
Pitts. 

Excused. 

Alexander. 
Barbee. 
Bean. 
Bell. 
Bumpass. 
Callan. 
Collier. 
Flint. 

I vote to table the resolution, not out of any discourtesy toward the gentlemen named, but to sustain the Speaker in his efforts to clear the Hall of all persons not authorized under the rules to seats. MARTIN.

Mr. Childs offered the following amendment:

Amend by adding the names of E. P. Curtis and J. W. Hopper. (Signed—Childs. Beaird.)

Pending consideration,

Mr. Blair moved to adjourn until 9:30 a. m. to-morrow; Mr. Bertram until 9 a. m. to-morrow; and Mr. Martin until 8 o'clock p. m. to-day.

Question recurring on the longest time first, the motion prevailed, and the House accordingly, at 5:37 p. m., adjourned until 9:30 o'clock a. m. to-morrow.