The motion of Mr. Blair prevailed, and the Chair announced the following free conference committee on part of the House:

Free conference committee (No. 3) on part of the House on House bill No. 539 (the deficiency appropriation bill): Messrs. Dean, Blair, Pfeuffer, Drew, Stamper.

Mr. Fisher moved to take up Senate bill No. 258, to make it a special order for to-morrow at 9:30 a.m., and to be considered from day to day until disposed of.

Yea and nay's were demanded by Mr. Bumpass, Mr. Fisher and Mr. Dean.

Whereupon, Mr. Evans of Hunt moved to adjourn until 9 o'clock a.m. to-morrow.

Mr. Dean moved a call of the House, which was seconded, and the Clerk was directed to call the roll.

Mr. Wolters raised the point that a call of the House was not in order, pending a motion to adjourn. Sustained by the Chair.

On motion of Mr. Wolters, the House at 6:25 p.m. adjourned until 9 o'clock a.m. to-morrow.

NINETY-THIRD DAY.

Hall House of Representatives, Austin, Texas, Tuesday, May 18, 1897.

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

Speaker Dashiel was in the chair.

Roll called, and the following members present:


Abscent.


Excused.


The motion of Mr. Blair prevailed, and the Chair announced the following:


Nays—20.


The motion of Mr. Blair prevailed, and the Chair announced the following:
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| Bell. | Mundine. |
| Bertram. | Pitts. |
| Burney. | Rogers. |
| Collier. | Rudd. |
| Conoly. | Smith. |
| Freeman. | Stamper. |
| Henderson. | Tucker. |
| Kimbell. | Welch. |
| Moore, Fort Bend. | Excused. |

| Calhoun. | Flint. |
| Crowley. | |

A quorum was announced present.

Prayer by Rev. F. S. Jackson, Chaplain of the Senate.

Pending reading of the Journal of yesterday.

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

**GRANTED LEAVE OF ABSENCE:**

On account of important business:

Mr. Collier for to-day, on motion of Mr. Dies.

Mr. Freeman and Mr. Stamper for to-day, on motion of Mr. Field.

Mr. Vaughan of Guadalupe for last Saturday and yesterday, on motion of Mr. Williams.

Mr. Wolters for to-day, on motion of Mr. Seabury.

Mr. Kimbell until Monday, on motion of Mr. Dorroh.

Mr. Henderson for to-day, on motion of Mr. Oliver.

Mr. Burney for to-day, on motion of Mr. Stokes.

On account of sickness:

Mr. Mundine for to-day, on motion of Mr. Morton.

Mr. Bertram for to-day, on motion of Mr. Mercer.

Mr. Dies moved to reconsider the vote by which Senate bill No. 258 was on yesterday passed to a third reading, and asked to have the motion to reconsider spread upon the Journal.

**BILLS AND RESOLUTIONS.**

By Mr. Hill of Travis:

House bill No. 718, a bill to be entitled “An act to sell to the African Methodist Episcopal church for church purposes, a part of block No. 101 of the city of Austin.”

Read first time and referred to the Committee on Public Buildings and Grounds.

By Mr. Hill of Gonzales:

House bill No. 719, a bill to be entitled “An act to amend article 4755a, chapter 5, title 97, of the Revised Civil Statutes of the State of Texas, relating to road superintendents.”

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

Mr. Melton called up Senate joint resolution No. 20, granting leave of absence from the State for sixty days from the State of Texas to Hon. W. M. Allison, judge of the Thirty-third district of Texas.

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

**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. 631, entitled “An act to prohibit the catching of fish, green turtle, loggerheads, terrapins or shrimps, with seines, drag nets, fykes, set nets, gill nets, trammel nets, traps, dams, or weirs in any of the bays or navigable waters of this State within the limits or within one mile of the limits of certain cities and towns, and to provide a penalty therefor.”

House bill No. 704, entitled “An act to place Comal county in the Twenty-second judicial district, and to fix the time for holding court in the counties of said district.”

**MESSAGE FROM THE GOVERNOR.**

The following message, transmitted through Mr. E. R. McLean, private
secretary, was received from his Excellency, the Governor:

Executive Office, State of Texas, May 18th, 1897.

To the House of Representatives:

House bill No. 157 is herewith returned without approval. It proposes three changes in the law of divorce, authorizing it (1) expressly for habitual drunkenness on the part of the husband, instead of holding it cruel treatment as construed by the courts under the existing statutes; (2) for abandonment on the part of the wife for two years instead of three years under the present law, and (3) for abandonment on the part of the husband for one year instead of three years as now. It is respectfully submitted that these changes in the law would be detrimental to society and should not be made. At the earliest period of our history the present law on the subject of divorce was framed and has answered every reasonable purpose. It has met the demands of half a century of progressive civilization, and at no time has it brought stain or opprobrium upon the State. Broad, elastic and sufficient, as interpreted by our courts, it has kept pace with the needs and social progress of the people, and yet has tended to make marriage a permanent rather than a temporary status. Forty years ago the safe limits within which drunkenness should be made ground for divorce was stated by Chief Justice Hemphill in Camp v. Camp, 18 Texas, 534, and experience has proven the wisdom of the present statute as thus construed. It is believed that the proposed enlargement of the grounds for divorce by lessening the period of abandonment is equally unwise. Whether regarded in the nature of a civil contract or religious sacrament, marriage is the corner stone of our social fabric. It is the foundation of the advancing civilization of mankind. Every divorce is hurtful to society, and every happy and permanent marriage is a blessing. Easy severance of their ties encourages hasty and inconsiderate marriages, but the knowledge that they will be as durable as the conditions of society will permit will make them in a large measure the result of deliberation and sound judgment. Adherence to laws which have stood the test of time will spare our State the shame of becoming the divorce and gambling den of adventurers and profligates and tend to make marriage, as beautifully described by Sir James McIntosh, a school of the kind affections and a fit nursery for the commonwealth.

C. A. CULBERSON.

Mr. Shelburne moved that Senate bill No. 258, the textbook bill, be taken up and made a special order, on its third reading and final passage, at 10 o'clock a.m. today, and to be considered from day to day until disposed of.

Mr. Evans of Hunt called up

Senate bill No. 256, entitled "An act to lease to H. P. N. Gammel the stereotyped plates of volumes 72 to 86, inclusive, of the Supreme Court Reports, being reports of the decisions of the Supreme Court of Texas." Which was reported from the Senate yesterday, with the Governor's veto thereon, with the information that the Senate had passed the bill, the Governor's objections to the contrary notwithstanding.

The bill was laid before the House, and the Governor's message thereon was read, as follows:

Executive Office, Austin, Texas, May 14, 1897.

To the Senate:

Senate bill No. 286, being an act to lease to H. P. N. Gammel the stereotyped plates of volumes 72 to 86, inclusive, of the Supreme Court Reports, is herewith returned without approval. These reports were printed by the State at a probable average cost of $2000 per volume, aggregating $30,000 for the fifteen volumes, exclusive of the salaries paid to the reporters and judges. In part consideration, and pursuant to contract, the publishers, after each volume was finished, delivered to the State the stereotyped plates, and from these plates other books can be printed without further expense than paper, ink and presswork. The actual value of the plates can not be stated, but, considering the cost of the volumes already mentioned, less the sum realized by the State from the sale of a number of books of each volume, and having reference to the present cost of making the plates, it is safe to put this value at not less than $10,000. The bill proposes to deliver the plates and allow the beneficiary to print and sell the reports without payment to the State of a dollar. The lease extends for five years, and as the plates will be exhausted in that time it is tantamount to a donation of them and the crea-
tion of a monopoly in the books after the expiration of the lease. The only assumption of benefit to the State government in the bill is that while during the lease the books may be sold to the general public at $2 per volume the State may purchase them at $1.25. It is apparent, however, that as the State supplies in the plates the entire cost of composition, this price is high. On books sold to the State, the profit will be 55 cents per book, and on those sold to the general public $1.30 per book. The profit which the State may derive from purchasing at $1.25 and selling at $2, in competition and rivalry with the lessee, is manifestly inconsiderable. The convenience of the bar in securing the reports at the profit named, the only public good that will be subserved by the bill, is thus obtained at a heavy public sacrifice, and can be obtained more justly to the State by authorizing the Printing Board to contract for the work with the lowest responsible bidder, so that some of the money paid out for the plates may be returned.

C. A. CULBERSON.

On motion of Mr. Evans of Hunt, Senate bill No. 263, with the Governor's veto message thereon, was laid on the table subject to call.

Mr. Seabury called up the motion to reconsider the vote by which the free conference committee report on Senate joint resolution No. 13 failed of adoption on May 14, and which motion to reconsider was spread upon the Journal same day, and due notice given that said motion would be called up.

The motion to reconsider was laid before the House and prevailed.

Question: Shall the report be adopted?

The report was adopted by the following vote:

Yeas-90.


Excused.


I vote "no" on this question because I am firmly of the opinion that this Legislature has not earned $2 per day, and am of the opinion that the pay is now too high.

TRACY.

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

The motion to table prevailed.

Returning to consideration of the motion of Mr. Shelburne to take up
Senate bill No. 238 to make it a special order for 10 o'clock to-day,
Mr. Evans of Hunt moved a call of the House.
The call was seconded, and the clerk was directed to call the roll.
The following were announced absent without leave: Messrs. Bell, Brewster, Moore of Fort Bend, Pitts, Reiger, Rogers, Smith, Tucker, and Welch.

Mr. Evans of Grayson moved to excuse the absentees, upon which motion yeas and nays were demanded by Mr. Evans of Hunt, Mr. Brigance, and Mr. Fisher.

Excused by the following vote:

Yeas—72.
Alexander. Lillard.
Barbee. Love.
Barrett. Martin.
Bean. Maxwell.
Benson. McGaughey.
Bird. McKellar.
Blackburn. Meade.
Bounds. Melton.
Brewster. Mercer.
Brigance. Morris.
Browne. Morton.
Bumpass. Oliver.
Carpenter. Peery.
Carswell. Porter.
Childs. Reubell.
Conoly. Rhea.
Crawford. Robbins.
Cureton. Rogan.
Curry. Savage.
Dean. Shelburne.
Dennis. Skillern.
Dickinson. Sluder.
Dorroh. Smyth.
Doyle. Staples.
Drew. Stokes.
Evans of Grayson. Strother.
Ewing. Thaxton.
Field. Thomas.
Fisher. Thompson.
Garrison. Tracy.
Gilbough. Turner.
Graham. Vaughan of Collin.
Hill of Gonzales. Wall.
Holland of Burnet. Wallace.
Humphrey. Wilcox.

Nays—33.
Ayers. Hensley.
Beard. Hill of Travis.
Blair. Holland of Harris.
Boyd. Jones.
Dies. Kirk.
Edwards. Logan.
Evans of Hunt. Lotto.
Fields. Manson.
Good. McFarland.
Harris. Neighbors.

O'Connor. Vaughan, Guadalupe.
Pfeiffer. Ward.
Rudd. Williams.
Schlick. Wolters.
Seabury. Wood.

Randolph.

Excused.

Bertram. Freeman.
Burney. Henderson.
Callan. Kimbell.
Collier. Mundine.
Crowley. Stamper.

PAIRED.

Mr. McKamy (present), who would vote "yea," with Mr. Crowley (absent), who would vote "nay."

The absentees having been excused, the Speaker proceeded to put the motion of Mr. Shelburne to suspend the regular order to take up Senate bill No. 238.

Yeas and nays were demanded by Mr. Fisher, Mr. Brigance, and Mr. Evans of Hunt.

Suspended by the following vote:

Yeas—73.
Alexander. Fisher.
Barbee. Garrison.
Barrett. Gilbough.
Beaird. Graham.
Bean. Green.
Benson. Hill of Gonzales.
Bird. Hill of Travis.
Blackburn. Holland of Burnet.
Bounds. Humphrey.
Brewster. Lillard.
Brigance. Logan.
Browne. Love.
Bumpass. Martin.
Burns. Maxwell.
Carpenter. McGaughey.
Carswell. McKellar.
Childs. Mende.
Conoly. Melton.
Crawford. Morris.
Cureton. Morton.
Curry. O'Connor.
Dean. Oliver.
Dennis. Peery.
Dickinson. Porter.
Dorroh. Randolph.
Doyle. Reubell.
Drew. Rhea.
Evans of Grayson. Robbins.
Ewing. Rogers.
Feld. Savage.
The Speaker then laid before the House, on its third reading and final passage, Senate bill No. 258, a bill to be entitled "An act to empower the State Board of Education to procure, for use in the public free schools of the State of Texas, a series of uniform text-books; defining the duties of certain officers therein named with reference thereto, making appropriations therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency."

Mr. Williams raised the point of order that the bill had just been made a special order for 10 o'clock a. m., and as it was seven minutes after 10 a. m., when the result of the vote was announced, the bill must go over and be considered as a special order for 10 a. m. to-morrow.

Overruled by the Chair.

Mr. Dean called up the motion to reconsider the vote by which Senate bill No. 258 was passed to a third reading, and which motion was spread upon the Journal this morning.

The motion to reconsider was laid before the House, and on motion of Mr. Dean it was tabled.

Mr. Evans of Hunt raised the point of order that Senate bill No. 258 having passed to a third reading on yesterday, May 17, and a motion to reconsider was tabled on to-day, May 18, that in order to take up this bill and pass it finally to-day it would require a suspension of the constitutional rule requiring bills to be read on three several days, as provided in the Constitution of the State of Texas, section 32, chapter 3.

Overruled by the Speaker.

Mr. Rogan moved to suspend the rule requiring the House to go into a committee of the whole House to consider bills carrying appropriations.

Yeas and nays were demanded by Mr. Fields, Mr. Lotus and Mr. Brigan.

Suspended by the following vote:

Yeas—72.

Alexander.         Green.
Barbee.            Hill of Gonzales.
Barrett.           Hill of Travis.
Bean.              Holland of Burnet.
Benson.           Holland of Harris.
Blackburn.        Humphrey.
Bounds.            Lillard.
Brewster.         Love.
Brigance.         Martin.
Browne.           Maxwell.
Bumpass.          McGaughey.
Burns.            McKellar.
Carpenter.        Meade.
Carswell.         Melton.
Childs.           Mercer.
Conoly.           Morris.
Crawford.         Morton.
Cureton.          Oliver.
Curry.            Patterson.
Dean.             Peery.
Dennis.           Porter.
Dickinson.        Randolph.
Doroh.            Rebell.
Doyle.            Rhea.
Drew.             Robbins.
Evans of Grayson. Rogan.
Ewing.            Savage.
Field.            Schlick.
Fisher.           Shelburne.
Gilbough.         Skillern.
Graham.           Smyth.
Mr. McKamy (present), who would vote “yea,” with Mr. Crowley (absent), who would vote “nay.”

Senate bill No. 258 was read third time, and

Mr. Wolters offered the following amendment:

Amend by striking out all below the enacting clause, and substitute therefor the following:

Section 1. That a State text-book board, composed of the members of the State Board of Education, is hereby created, and that the State Superintendent of Public Instruction is hereby made secretary of said board.

Sec. 2. Within thirty days after the passage of this act, it shall be the duty of the secretary of the State text-book board to correspond with not less than twenty-five of the principal publishers of school text-books in the United States, so far as he may be able to ascertain, and solicit said publishers’ proposals in accordance with provisions of section 3 of this act to furnish school books to be adopted for use in the public free schools of the State of Texas, as herein required.

Sec. 3. All school book publishers who desire to have their books placed upon the State text-book list, as herein provided, shall, before the day of the meeting of the said State text-book board, as hereinafter provided, for the purpose of making up the State text-book list, file with the secretary of the said board a receipt conditioned as hereinafter required from the Treasurer of the State of Texas, showing that the said publisher has deposited with the State Treasurer the sum of five hundred dollars ($500) as hereinafter required and a sealed proposal showing the lowest net prices at which the said publisher will contract and agree to furnish his books, for cash, to the boards of public free school trustees of the State of Texas, or the agent or agents, or dealer or dealers, appointed by the county text-book boards, as hereinafter provided for. Said proposals shall be accompanied with specimen copies of all books offered for consideration by the State text-book board, and also a sworn statement of the said publisher, or duly authorized agent, to the effect that the prices contained in his proposal to the State text-book board are as low as he, the said publisher, sells the same books under any State, county, township, city or district contract in the United States. Before the said State text-book board shall consider the proposal of any publisher, said publisher shall be required to deposit with the Treasurer of the State of Texas, who shall give said publisher a receipt for the same, the sum of five hundred dollars ($500), conditioned that said publisher will enter into a good and sufficient bond, with two or more good and solvent sureties residing in the State of Texas, to be approved by the Governor, payable to the State of Texas, in the sum of five hundred dollars ($500), for the faithful performance of all contracts he may make with county judges, as hereinafter required, which said bonds shall forthwith be filed with the secretary of the State text-book board and intrust to the benefit of all parties interested therein, and shall not become void after one recovery thereon, but may be sued upon one or more times until exhausted. In case the publisher should refuse to enter into bond, as herein required, within ninety days after he shall have been notified, as hereinafter provided, then said deposit of five hundred dollars ($500) shall re-
vert to the permanent free school fund; but should said publisher enter into bond, as herein required, then said deposit shall be returned by the Treasurer to the publisher so depositing the same; but in no case shall such deposit be returned until a certificate of the Secretary of the county text-book board, showing that such publisher has made such bond, has been filed with the State Treasurer.

Sec. 4. Ninety days after the passage of this act, and every succeeding five years thereafter, and at such intervening times as directed in this act, it shall be the duty of the State text-book board to meet, and after receiving from its Secretary proposals from publishers to furnish school books, as herein required, they shall thereupon prepare a list of text-books from the books contained in such proposals, upon all those subjects required to be taught in the public free schools of the State of Texas, said list to be known as the State text-book list. The said State text-book list shall contain all suitable books on each subject offered which are required to be taught in the public free schools of the State of Texas, and in preparing said list due attention shall be given to literary excellence, quality of paper, binding and prices; provided, that no history or other text-book of partisan, sectional or sectarian character shall be placed upon the said State text-book list; provided further, that the board may meet twice each year and add to this list any new book or books considered by the State text-book board as especially meritorious. Within twenty days after the completion of the State text-book list, and every supplemental list, it shall be the duty of the Secretary of the State text-book board to prepare and transmit to each county Judge of this State a printed schedule of all books upon said State text-book list and supplemental list, giving the name and description of each book thereon, the lowest net price of the same, and the name and postoffice address of the publisher thereof.

Sec. 5. Thirty days after the State text-book board has completed a State text-book list the county commissioners court of each county in the State shall meet and elect a county text-book board. This board shall consist of five teachers holding first-grade certificates, one from each commissioners precinct when practicable, and one from the county at large; provided, that no teacher shall be elected a member of the county text-book board unless he has been a resident of the county at least twelve months prior to the date of his appointment; provided further, that in case there are not a sufficient number of teachers holding first-grade certificates, in the county possessing the other qualifications herein required, teachers holding second-grade certificates shall be chosen, and if there are not a sufficient number of teachers holding second-grade certificates possessing the other qualifications herein required, then the county commissioners court shall elect five reputable, intelligent citizens of the county as the county text-book board. The county judge or county superintendent, as the case may be, is hereby made Secretary of the county text-book board, but he shall not be allowed to vote on the adoption of any book. In case of the death, resignation, failure or refusal of any member of the county text-book board to act, then it shall be the duty of the county judge to appoint some one having the necessary qualification to fill the vacancy. Members of the county text-book board shall be elected and hold their office for the term of two years.

Sec. 6. It shall be the duty of the Secretary of the county text-book board within five days after the appointment of the members of said board, to notify such members of their appointment, and the date upon which said board will meet for the adoption of books as herein provided. It shall be his duty also to send the Secretary of the State text-book board the names and postoffice addresses of each member of the text-book board of his county, the same to be open to inspection. He shall also send the names and postoffice addresses of each member of the county text-book board of his county to all publishers whose books are upon the State text-book list. He shall also receive and be the Custodian of all sample books and propositions from publishers to furnish books, and present the same to the county text-book board at their meeting for the purpose of adopting books. All propositions of publishers to supply said books shall be sealed and shall not be opened until the county text-book board shall meet for the purpose of considering the same.

Sec. 7. It shall be the duty of the county text-book board to meet at the county seat of their county on the third Tuesday in August, 1897, after the passage of this act, and select...
from the State text-book list a series of one book upon each subject required to be taught in the public free schools of the State of Texas. The books selected shall be used in all the public free schools of the said county to the exclusion of all other books, for a period of five years; provided, that after three years, and every year thereafter, the county judge may, upon a petition of a majority of the trustees, call together the county text-book board to make needed changes in text-books, but in no case shall the county text-book board adopt any book not listed upon the State text-book list; provided, that in no one year shall books be changed on more than 20 per cent of the subjects required to be taught by law in the public free schools.

Sec. 8. Immediately after the adoption of a list of books by the county text-book board, it shall be the duty of the county judge to enter into a contract with the publishers or publisher of the same, to supply the books so adopted for the schools of said county, for a period of five years, or as long as said books are used by the county; provided, that no book so contracted for shall be at a higher cash price than stipulated in the State text-book list.

Sec. 9. Between the date on which this law goes into effect and the third Tuesday in August, 1897, inclusive, it shall be unlawful for any publisher, through any agent or agents, attorney or attorneys, to attempt to exert, either directly or indirectly, any influence for his book before any school book board, or any member thereof, or in any way attempt to influence any individual member of the same by or through any agent or attorney, or give or promise to give any money or any valuable consideration for the aid, support or influence of any person or persons, directly or indirectly to be exerted on behalf of such publisher; provided, that this section shall not prohibit publisher from advertising through newspapers or circulars. Any publisher violating any provisions of this section shall have his books stricken from the State text-book list, and if a domestic corporation, its charter shall be forfeited, and if a foreign corporation its certificate of authority to do business in the State of Texas shall be cancelled and such foreign corporation shall not be allowed thereafter to have its books listed on the State text-book list. Any person who acts for any publisher, either as agent, attorney or otherwise in the violation of this section shall be deemed guilty of a misdemeanor and upon conviction thereof he shall be fined in any sum not less than five hundred dollars ($500) nor more than one thousand dollars ($1000) for each offense.

Sec. 10. Cities, towns and independent school districts having charge of their schools, and supported by local taxation, shall not be compelled to use the text-books adopted by the county; provided, that on the third Tuesday in August, 1897, following the passage of this act, the trustees of such cities and towns and independent school districts shall meet and adopt a list of text-books from the State text-book list, subject to the same rules and regulations as govern in the case of county text-book boards.

Sec. 11. Adoption of books made by the board of trustees of cities and towns and independent school districts and by the county text-book board, in accordance with this act, shall not be reconsidered under any legislation except at such times and in such manner as has been provided for in this act.

Sec. 12. Eighteen months after the passage of this law, the books adopted by each county and town and independent school district, as herein provided, shall be in exclusive use in such county, town and independent school district; provided, that no county treasurer shall pay out any money apportioned or belonging to any school district which does not file with the county treasurer evidence that such school district seeking money has complied with the provisions of this act.

Sec. 13. The county commissioners court or trustees of the public free schools of the cities and towns and independent school districts, as the case may be, shall elect one or more dealers in each commissioners' district to handle these books for cost at an advance of not exceeding 20 per cent, plus cost and carriage.

Sec. 14. In case any publisher, whose books are adopted by any of the various county boards or trustees of independent school districts or cities, shall desire to keep a depository in this State at some central point for the convenience of its patrons, they shall be allowed to charge an advance of 10 per cent on contract price to defray the expense of such depository.

Sec. 15. That all laws and parts of laws in conflict with any of the provisions of this act be and the same are hereby repealed.

Mr. Patterson offered the following amendment to the bill:
Amend line 26, on page 2, by adding after the word "superintendents" the following, "provided, that not more than one of such commissioners shall be appointed from any congressional district of this State."

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

On the amendment by Mr. Patterson, yeas and nays were demanded by Mr. Fisher, Mr. Shelburne and Mr. Bumpass.

Adopted by the following vote:

Yeas—85.

Alexander. Logan.
Ayres. Love.
Bailey. Martin.
Barrett. McFarland.
Beard. McKeller.
Bean. McFarland.
Benson. Meade.
Blackburn. Melton.
Bounds. Mercer.
Brewster. Moore of Lamar.
Brigance. Morris.
Bumpass. Morton.
Carpenter. Neighbors.
Carswell. Oliver.
Childs. Patterson.
Conoly. Peery.
Crawford. Porter.
Cureton. Porter.
Curry. Randolph.
Dean. Rhea.
Dennis. Robbins.
Dickinson. Rudd.
Dies. Savage.
Dorson. Schlick.
Doyle. Seabury.
Drew. Shropshire.
Edwards. Skillern.
Evans of Grayson. Smith.
Ewing. Stokes.
Felld. Strother.
Fields. Thaxton.
Fisher. Thomas.
Graham. Thompson.
Green. Tracy.
Harris. Vaughan, Guadalupe.
Hill of Gonzales. Vaughan of Coll.
Hill of Travis. Wall.
Holland of Burnet. Wallace.
Humphrey. Ward.
Jones. Williams.
Kirk. Wood.

Boyd. Loft.
Burns. Manson.
Evans of Hunt. Reubell.
Good. Shelburne.
Hensley. Sluder.

Absent.
Barbee. Bird.
Bell. Blair.

Garrison. Rogers.
Gilbough. Smith.
Holland of Harris. Staples.
Moore, Fort Bend. Tucker.
O'Connor. Turner.
Pitts. Welch.
Relger. Wilcox.
Rogan. Wolters.

Excused.
Berrman. Freeman.
Burney. Henderson.
Callan. Kimbell.
Collier. Mundline.
Crowley. Stamper.
Flint.

PAIRED.

Mr. McKamy (present), who would vote "yea," with Mr. Crowley (absent), who would vote "nay."

Mr. Brigance moved the previous question, and the motion was seconded.

Mr. Evans of Hunt moved a call of the House, and the call was seconded.

The main question was ordered.

On the amendment by Mr. Wolters, yeas and nays were demanded by Mr. Fisher, Mr. Briggs and Mr. Feild.

Lost by the following vote:

Yeas—28.

Ayers. Logan.
Blair. Lotto.
Dies. Moore of Lamar.
Drew. Neighbors.
Evans of Hunt. Pfeiffer.
Ewing. Rudd.
Fields. Seabury.
Gilbough. Shropshire.
Good. Sluder.
Harris. Thompson.
Hensley. Ward.
Holland of Harris. Williams.
Jones. Wood.

Nays—73.

Alexander. Lillard.
Bailey. Love.
Barbee. Manson.
Barrett. Martin.
Bean. Maxwell.
Benson. McFarland.
Bird. McKellar.
Blackburn. Mend.
Burns. Melton.
Bounds. Mercer.
Briggs. Morris.
Bumpass. O'Connor.
Burns. Oliver.
Carpenter. Patterson.
Mr. Schlick (present), who would vote "yea," with Mr. Stamper (absent), who would vote "nay."

Mr. Robbins (present), who would vote "nay," with Mr. Wolters (absent), who would vote "yea."

Mr. McKamy (present), who would vote "nay," with Mr. Crowley (absent), who would vote "yea."

Senate bill No. 258 was passed by the following vote:

Yeas—70.

Alexander.  Childs.
Barrett.  Conoly.
Beard.  Crawford.
Bean.  Cureton.
Benson.  Curry.
Bird.  Dean.
Blackburn.  Dennis.
Bounds.  Dickinson.
Brewster.  Dorroh.
Brigance.  Doyle.
Burns.  Caro.
Carpenter.  Ewing.
Carpenter.  Field.

Nays—28.

Ayers.  Lotus.
Barbee.  Manson.
Blair.  Moore of Lamar.
Boyd.  Neighbors.
Browne.  Peufifer.
Edwards.  Rudd.
Evans of Hunt.  Seabury.
Fields.  Shropshire.
Good.  Sluder.
Harris.  Thompson.
Hensley.  Vaughan, Guadalup.
Jones.  Ward.
Kirk.  Batman.
Logan.  Wood.

Mr. Green (present), who would vote "yea," with Mr. Moore of Fort Bend (absent), who would vote "nay."

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

Mr. Schlick (present), who would vote "nay," with Mr. Stamper (absent), who would vote "yea."

Mr. Robbins (present), who would vote "yea," with Mr. Wolters (absent), who would vote "nay."

PAIRED.

Mr. Schlick (present), who would vote "yea," with Mr. Stamper (absent), who would vote "nay."

Mr. Robbins (present), who would vote "nay," with Mr. Wolters (absent), who would vote "yea."

Mr. McKamy (present), who would vote "nay," with Mr. Crowley (absent), who would vote "yea."

Senate bill No. 258 was passed by the following vote:

Yeas—70.

Alexander.  Childs.
Barrett.  Conoly.
Beard.  Crawford.
Bean.  Cureton.
Benson.  Curry.
Bird.  Dean.
Blackburn.  Dennis.
Bounds.  Dickinson.
Brewster.  Dorroh.
Brigance.  Doyle.
Burns.  Evans of Grayson.
Carpenter.  Ewing.
Carpenter.  Field.
Mr. McKamy (present), who would vote "yea," with Mr. Crowley (absent), who would vote "nay."

I vote "no," and send up the following reasons:

All political power must emanate from the people. The right of the people to govern themselves, to control their local affairs, was one of the great objects attained by the Revolution. Accordingly, the State governments were formed under constitutions, in which the people delegated such powers as in their judgment might be necessary to secure their civil, political and religious equality, the enactment and execution of salutary laws, and that inestimable right to self-government in purely local affairs which marks our peculiar system of government as the freest and best in the world, upon which is the structure of peace and undeclined democracy built.

It is expressly declared in the Constitution of the United States that the powers not granted to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. In each of the State Constitutions is inserted the declaration that certain powers are reserved to the people. The State has the power to enact general laws for the government of all persons within its borders. It is further provided that the State shall be subdivided into counties each with its own local government, and the counties subdivided into cities, towns and school districts. The citizens of a town or city determine all questions of purely local nature, without the intervention of county or State government, though the latter provides general laws under which the people of all the towns in the State transact public business in a regular and a systematic manner. For example, the people of a school district control their school and raise as much money by a tax levied on property in the district as may in the judgment of the majority be needed to maintain their schools or establish a uniformity of text-books, for in neither is the public business or relation of other school districts in the State concerned, for it makes no difference to other school districts how much tax is levied or what series of text-books is used, so it is purely a local question within the power of the people, without a legislative enactment, but in the will of the people, and it is a most vicious form of paternalism for the State to attempt to interfere by a general law.

This is a measure to drag the public schools of the State into politics, which will hazard the growth and development of the established system now in operation. The party in power when the bill goes into effect or at the expiration of five years, when a change can be made, will select such books as will mold and shape the mind of the children according to the theories and principles of the dominant party, consequently error will be propagated in our schools and among our children without any means or opportunity of correcting it. In order to insure the perpetuities of the liberties of this country and to secure good and wholesome government, the avenues to general knowledge should be unrestricted to a broad and comprehensive investigation of all the authors and writers. There is a wide-spread demand for literature, science and art. The spirit of freedom and education is inseparable, and seem to be inborn in the sons of this country, and any law which seeks to restrict or limit the children of this State in their right to free and unlimited investigation is a direct assault upon their liberties. The law is an experiment, and will result in great expense and dissatisfaction among the people, and the object sought will never be realized.

NEIGHBORS.

I vote against the passage of this bill because it builds up a trust in this State by establishing repositories and agencies for supplying books and taking the business out of the hands of those now supplying the trade, and from whom they can be purchased on credit if necessary, and placing the sale in the hands of people who can and may demand cash on sale, and because it strikes down all of those engaged in the school book business by destroying the value of their stock on hand, and because it seeks to avoid all existing contracts made by trustees with publishing companies, and because towns and cities of over 10,000 inhabitants have been exempted from the bill, thereby requiring people who move from the country to the town or city, or from the town or city to the country to buy new books, and because if this bill is good for the country or for towns and cities under 10,000 inhabitants, it is good for towns and cities of over 10,000 inhabitants.

AYRES.

I vote "no" on the Presler text-book bill, for the following reasons:

First. It is revolutionary in its ap-
plication, destructive of the rights of the people to do as they please in the way of local self-government.

Second. It is paternalistic in its tendency, and will finally destroy the fundamental principles of our democratic form of government, as this and similar measures is a long step toward the centralization of power, and will, if continued, finally destroy our cardinal doctrines of government. Read section 2 of our Bill of Rights: “All political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit.” In this book, the rights of the citizen is supplanted, his right as to the kind of books his children shall study is taken away, he must of necessity bow to the will of this board and yield his individuality to their commands, aside from the deep seated and erroneous principles of this bill.

I further oppose this bill, because in my judgment it will work a hardship instead of a blessing to the people. For illustration, say there are four school communities joining: the first one is using Davies arithmetic; the second, Ray’s; the third, Smith’s, and the fourth, Jones’. Now, this State board decides that neither of these arithmetics is the book they want used in the public schools of Texas, but requires all teachers under a penalty to use Johnson’s arithmetic. What’s the result? All of these four communities are compelled to buy a new set of books. Where is the right of the citizen to do as he pleases under such laws as this? As with arithmetic, so with all other books used in the free schools of Texas. This will, of course, compel the already hard pressed people to buy hundreds of thousands of dollars’ worth of books before their children can enter the public schools of our State. Where is the individuality, liberty and rights of the citizen under such laws?

I for the further reason vote “no”: The Democratic party has in all the years past been opposed to corporate monopolies. This bill is a gigantic monopoly, created by authority of law and that, too, by a Democratic Legislature. Ah! wonderful changes this. It is an old adage that “Times change, and men ofttimes change with them; but principles never change.” About twenty-four years ago the Democratic party, under the leadership of that grand old Roman, Richard Coke, elected from power Republican misrule in Texas, under the leadership of E. J. Davis. How well do we old Democrats remember these trying days. Among the evils we complained of was a uniform series of text-books by De Gress, superintendent of public instruction at that time. WOOD.

Mr. Shelburne moved to reconsider the vote by which Senate bill No. 258 was passed, and to table the motion to reconsider.

The motion to table prevailed.

(Speaker in the chair.)

On motion of Mr. Childs, the House at 12:12 p.m. adjourned until 3 o’clock p.m. to-day.

AFTERNOON SESSION.

The House met at 3 o’clock p.m., pursuant to adjournment.

Speaker Dashiell in the chair.

Roll call, and the following members present:

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May 18, 1897

HOUSE JOURNAL.

H. R. JOURNAL.

Section ties.

Wallace.

Ward.

Williams.

Wood.

Ward.

Williams.

Thompson.

Tracy.

Vaughan.

Wall.

Absent.

Moore, Fort Bend.

Pfeiffer.

Pitts.

Reiger.

Reubbell.

Rogers.

Staples.

Tucker.

Turner.

Vaughan, Guadalupe.

Welch.

Wilcox.

Excused.

Freeman.

Henderson.

Kimbell.

Mundine.

Stamper.

Wolters.

A quorum was announced present.

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

Whereas, there are on the calendar a few local bills on third reading and final passage; and

Whereas, to postpone action on them until Saturday would prevent their passage by the Senate; therefore be it

Resolved, that one hour, or so much thereof as is necessary, of this afternoon session be set apart for the consideration of said bills.

Read second time, and adopted.

PRIVILEGED REPORTS.

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

FREE CONFERENCE COMMITTEE SUBSTITUTE NO. 2, ON SENATE BILL NO. 83.

Committee Room.

Austin, Texas, May 10, 1897.

Hon. L. T. Dashiell, Speaker of the House of Representatives, and Hon. Geo. T. Gester, President of the Senate:

Your free conference committee, to whom was referred

Senate bill No. 83, a bill to be entitled "An act to regulate the compensation of certain State, district and county court and precinct officers in this State, and to repeal all laws and parts of laws in conflict therewith."

Together with the House amendments thereto, have had the same under consideration and beg leave to report the same back together with the following substitute hereto attached, and recommend that the said substitute be adopted in lieu of said bill and amendments thereto.

All of which is respectfully submitted,

WAYLAND,

GREER,

TERRELL,

On part of the Senate.

CARPENTER,

DEAN,

BOYD,

LOVE,

On part of the House.

A bill to be entitled "An act to fix and limit the fees and compensation of clerks of the district court, district attorneys, county attorneys, sheriffs, and constables in felony cases to be paid by the State, and to fix the compensation of assessors and collectors of taxes, and to limit and to regulate the compensation of the clerk of the county court, county judge, county attorney, clerk of the district court, assessor and collector of taxes, and to prescribe penalties for the violation of this act, and to repeal all laws in conflict herewith."

Be it enacted by the Legislature of the State of Texas:

Section 1. That hereafter in all counties of this State, where the highest number of votes cast at the last preceding election for any one officer is 3500 or over, the clerks of the district courts, district attorneys, county attorneys, sheriffs and constables shall receive from the State the following fees and compensation in felony cases, and no more:

Sec. 2. The clerks of the district court shall receive for each felony case tried in such court by jury, whether the defendant is convicted or acquitted, the sum of $8. For each transcript on appeal or change of venue, 50 cents for each 100 words. For each felony case finally disposed of without trial or dismissed or nolle prosequi entered, $8. For recording each account of sheriff, the sum of 50 cents. For entering judgment in habeas corpus cases, 50 cents, and for taking down testimony and preparing transcript in habeas corpus cases, 50 cents for each 100 words; but the fees in habeas corpus cases shall in no event exceed $8 in any one case.

Sec. 3. The district or county attorneys shall receive the following fees:
1. For all convictions in case of felonious homicide, when the defendant does not appeal or dies or escapes after appeal and before final judgment of the Court of Criminal Appeals, or when upon appeal the judgment is affirmed, the sum of $40.

2. For all convictions of felony when the defendant does not appeal or dies 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 $24; provided, that in all convictions of felony where the verdict and judgment the defendant is confined in the House of Correction and Reformatory, the fees of the district or county attorney shall be $12.

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

Sec. 4. The sheriffs or constables shall receive the following fees:

1. For executing each warrant of arrest or capias, or for making arrest without warrant, when authorized by law, the sum of 80 cents, and 4 cents for each mile actually and necessarily traveled in going to the place of arrest, and for conveying the prosnier or prisoners to jail, mileage as provided for in subdivision 5 shall be allowed.

2. For summoning or attaching each witness, 40 cents.

3. For summoning jury in each case where jury is actually sworn in, $1.60.

4. For executing death warrants, $40.

5. For removing a prisoner, for each mile going and coming, including guards and all other expenses when traveling by railroad, 8 cents; when traveling otherwise than by railroads, 12 cents; provided, that when more than one prisoner is removed at the same time, in addition to the foregoing he shall only be allowed 8 cents a mile for each additional prisoner; provided further, that when an officer goes beyond the limits of the State after a fugitive on requisition of the Governor, he shall receive such compensation as the Governor shall allow for such services.

6. For each mile the officer may be compelled to travel in executing criminal process, summoning or attaching witnesses, 4 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 writs in any case, and he shall serve processes on them in the same neighborhood or vicinity during the same trip. He shall not charge mileage for serving such witness to and from the county seat, but shall only charge one mileage, and for such additional only as are actually and necessarily traveled in summoning and attaching each additional witness. When process is sent by mail to any officer away from the county seat or returned by mail to 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 accounts shall show the facts.

7. To officers for service of criminal process not otherwise provided for, the sum of 4 cents a 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 6 shall apply.

8. For conveying a witness attached by him to any court, or in any habeas corpus proceeding out of his county, or when directed by the judge from any other county to the court where the case is pending, $1 per day for each day actually and necessarily consumed in going and returning from such courts, and his actual necessary expenses by the nearest practicable route or nearest public conveyance, the amount to be stated by him in an account, which shall show the place where the witness was attached, the distance to the nearest railroad station, and miles actually traveled to each court. If horses or vehicles are used, from whom hired and price paid, and length of time consumed and amount paid out for feeding horses, and to whom. If meals and lodging were provided, from whom, and when, and price paid; provided, that officers shall not be entitled to receive exceeding 50 cents per meal and 33 cents per night for lodging for any witness. Said account shall also show, before said officer shall be entitled to compensation for expenses of attached witnesses, that before starting with said witness to the foreign court, he carried each of them before the magistrate, nearest the place of serving the attachment, giving his name and residence, and that said witness made oath in writing before said magistrate, certificated copies of which shall be attached to the account, that they were unable to give bond for their appearance at court, or
refused to give bond after having been advised by said officer of their right to do so. And the officer shall also present to the court the affidavit of the witness to the same effect, or shall show that the witness refused to make affidavit; and should it appear to the court that the witness was able and willing to give bond, the sheriff shall not be entitled to any compensation for conveying such witness, and said account shall be sworn to by the officer before any officer authorized to administer oaths, and shall state that said account is true, just and correct in every particular, and present the same to the judge, who shall, during such term of court, carefully examine such account, and if found to be correct in whole or in part, shall so certify, and allow the same for such amount as he may find to be correct; and if by him allowed, in whole or in part, he shall so certify; and such account, with the affidavit of the sheriff and certificate of the judge shall be recorded by the clerk of the district court in a book to be kept by him for that purpose, which shall constitute part of the proceeding or minutes of the court; and the clerk shall certify to the original account, and shall show that the same has been recorded; and said account shall then become due, and the same shall constitute a voucher, on which the Comptroller is authorized to draw a warrant, and such minutes of the court, or a certified copy thereof, may be used in evidence against the officer making the affidavit, for perjury, in case such affidavit shall be wilfully false. When the officer receiving the writ for the attachment of such witness shall take a bond for the appearance of such witness, he shall be entitled to receive from the State $1 for each bond so taken; but he shall be responsible to the court issuing said writ that said bond is in proper form and has been executed by the witness with one or more good or solvent sureties, and said bond shall in no case be less than $100; provided, the Comptroller may require from the officer a certified copy of all such process before auditing any account; provided, that when no inquest or examining trial has been held at which sufficient evidence was taken upon which to find an indictment, which fact shall be certified by the grand jury, or when the grand jury shall state to the district judge that an indictment cannot be procured, except upon the testimony of non-resident witnesses, the district judge may have attachments issued to other counties for witnesses not to exceed the number for which the sheriff may receive pay, as provided for below, to testify before grand juries; provided, however, that the judge shall not approve the account of any sheriff for more than one witness to any one fact, nor more than three witnesses to any one case pending before the grand jury, in which case the sheriff shall receive the same compensation as he does for conveying attached witnesses before the court.

9. For attending a prisoner on habeas corpus, for each day, $1.00, together with mileage, as provided in subdivision 5, when removing such prisoner out of the county, under an order issued by a district or appellate judge.

Sec. 5. All fees accruing under this act shall be due and payable at the close of each term of the district court after approval, except as provided for in subdivisions 8 and 9 of the preceding section, which shall be paid when approved by the judge under whose order the writ was issued; provided, that in no case shall the officer be finally convicted of a misdemeanor the sheriff or constable shall be required to pay back to the State Treasurer a sum of money equal to the amount he may have received from the State in such cases, and said sheriff or constable and their bondsmen shall be responsible to the State for such sums.

Sec. 6. In cases where the defendant is indicted for a felony, and is convicted of an offense less than a felony, no cost shall be paid by the State to any officer.

Sec. 7. That in those counties where the highest number of votes cast at the last presidential election was under 3500, the clerks of the district courts, district attorneys, county attorneys, sheriffs and constables shall receive from the State the fees and compensation in felony cases allowed under now existing laws, and are not intended to be affected by the provisions of sections 1, 2, 3, 4, 5 and 6 of this act.

Sec. 8. Each assessor of taxes shall receive the following compensation for his services, which shall be estimated upon the total values of the property assessed, as follows: For assessing the State and county on all sums of $2,000,000 or less, 5 cents for each $100 of property assessed; and on all sums over $2,000,000 and less than $5,000,000, 2 cents on each $100;
and on all over $5,000,000, 1½ cents
on each $100. Two-thirds of the above fees shall be paid by the State and one-third by the county, and for assessing the poll tax, 5 cents for each poll, which shall be paid by the State. The commissioners court may allow to the assessors of taxes such sums of money, to be paid out of the county treasury, as may be necessary to pay for clerical work, taking assessments and making out the tax rolls of the county, such sums so allowed to be deducted from the amount allowed to the assessor as compensation upon the completion of said tax rolls; provided, the amount allowed the assessor by the commissioners court shall not exceed the compensation that may be due by the county to him for assessing.

Sec. 9. There shall be paid for the collection of taxes, as compensation for the services of the collector, beginning with the first day of September of each year, 5 per cent on the first $10,000 collected for the State and 4 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, 5 per cent on the first $5000 of such taxes collected, and 4 per cent on the next $5000 collected, and 1½ per cent on all such 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 upon 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; and all occupation and license taxes collected, 5 per cent.

Sec. 10. That hereafter the maximum amount of fees that may be retained by any officer mentioned in this section as compensation for services shall be as follows, viz.: County judge, an amount not exceeding $2000 per annum; clerk of the county court, an amount not exceeding $2000 per annum; county attorney, an amount not exceeding $2000 per annum; clerk of the district court, an amount not exceeding $2000 per annum; collector of taxes, an amount not exceeding $2000 per annum; assessor of taxes, an amount not exceeding $2000 per annum; and in addition thereto, one-fourth of the excess of the fees collected by the said officers respectively; provided, that up to 1902, in counties in which there were cast at the last presidential election as many as 5000 votes, and thereafter any county shown by the national census of 1900 to contain as many as 25,000 inhabitants, the following amounts shall be allowed, viz.: County judge, an amount not exceeding $2250 per annum; clerk of the county court, an amount not exceeding $2250 per annum; collector of taxes, an amount not exceeding $2250 per annum; county attorney, an amount not exceeding $2250 per annum; assessor of taxes, an amount not exceeding $2250 per annum; and in addition thereto, one-fourth of the excess of the fees collected by said officers respectively; provided, further, that in counties containing a city of over 25,000 inhabitants, or in which there were cast at the last presidential election as many as 7500 votes, or in the census of 1900 shall contain as many as 75,500 inhabitants, the following amount of fees shall be allowed, viz.: County judge, an amount not exceeding $2500 per annum; clerk of the county court, an amount not exceeding $2500 per annum; county attorney, an amount not exceeding $2500 per annum; collector of taxes, an amount not exceeding $2500 per annum; assessor of taxes, an amount not exceeding $2500 per annum; and in addition thereto, one-fourth of the excess of the fees collected by the officers respectively; provided, that in counties where a county judge acts as superintendent of public instruction he shall receive such other salary as may be provided by the commissioners court, not to exceed the sum of $500 per annum; or in all cases, or in any fiscal year the United States census shall govern as to the population of the cities.

Sec. 11. The amounts allowed to each officer mentioned in section 10 of this act may be retained out of the fees collected by him under existing laws, but in no case shall the State or county be responsible for the payment of any sum when the fees collected by any officer are less than the maximum compensation allowed by this act, or be responsible for the pay of any deputy or assistant. Each officer mentioned in the preceding section, and also the sheriff and district attorney, shall at the close of each fiscal year make to the district court of the county in which he resides a sworn statement, showing the amount of fees collected by him during the fiscal year and the amount of fees charged and not col-
lected, and by whom due, and the number of deputies and assistants employed by him during the year, and the amounts paid or to be paid to each; and all fees collected by officers named in section 10 of this act during the fiscal year in excess of the maximum amount allowed and of the one-fourth of the excess of the maximum amount allowed for their services, and for the services of their deputies or assistants hereinafter provided for, shall be paid to the county treasurer of the county where the excess accrued; provided, that any officer in section 10 of this act who does not collect the maximum amount of his fees for any fiscal year, and who report delinquent fees for that year, shall be entitled to retain, when collected, such part of such delinquent fees as is sufficient to complete the maximum compensation for the year in which delinquent fees were charged, and also to retain the one-fourth of the excess belonging to him, and the remainder of the delinquent fees for that fiscal year shall be paid as hereinafter provided for when collected.

Sec. 12. Whenever any officer named in section 10 of this act shall require the services of deputies or assistants in the performance of his duties, he shall apply to the county judge of his county for authority to appoint same, and the county judge shall issue, either in term time or vacation, an order authorizing the appointment of such a number of deputies or assistants as in his opinion may be necessary for the efficient performance of the duties of said officer. The officer applying for appointment of a deputy or assistant or deputies or assistants shall make affidavit that they are necessary for the efficiency of the public service; and the county judge may require in addition a statement showing the need of such deputies or assistants, and in no case shall the county judge attempt to influence the appointment of any person as deputy or assistant in any office. The maximum amount allowed for deputies or assistants for their services shall be as follows, to wit: First assistant or chief deputy, a sum not to exceed the rate of $1200 per annum; others not to exceed a rate of $900 per annum. The county judge in issuing his order granting authority to appoint deputies or assistants shall state in such order the number of deputies or assistants authorized and the amount to be paid each, and the amount of compensation allowed shall be paid out of the fees of office to which said deputies or assistants may be appointed, and shall not be included in estimating the maximum salaries of officers named in section 10 of this act.

Sec. 13. All fees due and not collected as shown in the reports required by section 11 of this act shall be collected by the officer to whose office the fees accrued, and out of such part of delinquent fees as may be due the county the officer making such collection shall be entitled to 10 per cent of the amount collected by him, and the remainder shall be paid into the county treasury as provided in section 11 of this act. It shall not be legal for any officer to remit an ree that may be due under the law fixing fees.

Sec. 14. Any officer named in section 10 of this act who shall fail to charge up the fees or costs that may be due under existing laws, or who shall remit any fee that may be due under the law, or who shall fail to make the report required in section 11 of this act, or who shall pay his deputy or assistant a less sum than the amount specified in his sworn statement, or receive back any part of such compensation allowed such deputy or assistant as a rebate shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than $25 nor more than $500. Each act forbidden in this section shall constitute a separate offense.

Sec. 15. It is not intended by this act that the commissioners court shall be debarred from allowing compensation for ex officio services to county officials not to be included in estimating the maximum provided for in this act, when in their judgment such compensation is necessary; provided, such compensation for ex officio services shall not exceed the amounts now allowed under the law for ex officio services; provided further, the fees allowed by law to district and county clerks, county attorneys and tax collectors in suits to collect taxes shall be in addition to the maximum salaries fixed by this act.

Sec. 16. It shall be the duty of those officials named in section 10 of this act, and also of the sheriff and district attorney, to keep a correct statement of the sums coming into their hands as fees and commissions, in a book to be provided by them for that purpose, in which the officer at the time when any fees or moneys shall come into his hands shall enter the same; and it shall be the duty of the
grand jury (and the district judge shall so charge the grand jury) to examine these accounts at the session of the district courts next succeeding the first day of December of each year and make a report on same to the district court at the conclusion of the session of the grand jury.

Sec. 17. The officers named in section 10 of this act in those counties having a population of 15,000 or less shall not be required to make a report of fees as provided in section 11 of this act or to keep a statement provided for in section 16 of this act; the population of the county to be determined by the vote cast at the last preceding presidential election on the basis of five inhabitants for each vote cast at such election.

Sec. 18. The tax collector and tax assessor at the time of their settlement of accounts with the Comptroller shall file with him a copy of the sworn statement required under section 11 of this act.

Sec. 19. A fiscal year within the meaning of this act shall begin on December 1st of each year, and each officer named in section 10 of this act shall file the reports and make the settlements required in this act, on December 1st of each year. Whenever such officer serves for a fractional part of a fiscal year he shall nevertheless file his report and make a settlement for such part of a year as he serves, and shall be entitled to such proportional part of the maximum allowed as the time of his service bears to the entire year. However, an incoming officer elected at the general election who qualifies prior to December 1st next following, shall not be required to file any report or make any settlement before December 1 of the following year, but his report and settlement shall embrace the entire period dating from his qualification. This act shall take effect and be in force from and after December 1st, 1897.

Sec. 20. The sheriff shall not be required to include in his reports and statements required by sections 11 and 16 of this act the following items, to wit: All actual expenses including the per diem allowed him received from the State in conveying attached witnesses out of the county of his residence. 2nd. Mileage and sums allowed by law and paid by the State as expenses for removing and conveying prisoners to and from any point beyond the county of the sheriff's residence under all legal warrants issued in felony cases. 3rd. All sums received as rewards for making arrests of fugitives from justice. 4th. All sums received from the county for the safe keeping, support and maintenance of prisoners confined in jail.

Sec. 21. All laws and parts of laws in conflict with this act are hereby repealed.

Sec. 22. The fact that the session of the Legislature is fast growing to a close, and the importance of this bill, and the very crowded condition of the calendar, creates an emergency and any imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be put on its third reading and final passage, and it is so enacted.

By Mr. Ward, chairman:

MAJORITY REPORT.

Committee Room, Austin, Texas, May 18, 1897.

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

Your Judiciary Committee No. 1, to whom was referred

House joint resolution No. 30, to amend article 5 of the Constitution of the State of Texas, relating to the organization and jurisdiction of the various courts of 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.

MINORITY REPORT.

Committee Room, Austin, Texas, May 18, 1897.

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

A minority of your Judiciary Committee No. 1, to whom was referred

House joint resolution No. 30, a resolution to amend article 5 of the Constitution of the State of Texas, relating to the organization and jurisdiction of the various courts of the State.

Does not concur with the majority, and beg to report the same back to the House with the recommendation that it do not pass, for the following reasons:

First. It is intended hereby to abolish our present system of district and county courts, and substitute in lieu thereof a system under which there would be organized in each county having a population of 10,000 or over a county court with all the jurisdiction of our present district and county court combined. Without questioning
the policy of conferring powers so vast upon a man amenable to local influences and local prejudices as the judge of such a court would be, I would submit that no economy will be accomplished by such a change; the result would rather be a greatly increased cost to the State in the administration of justice. It would be better to have 53 district judges, as at present, at a salary of $2500 each, than an indefinitely large and increasing number of county judges paid by the State at the same rate.

Second, No provision is made in the joint resolution for any courts at all in counties of a less population than 10,000, except justice's courts and commissioners courts, having their present jurisdiction. The result would, of course, be a total failure of justice in such counties.

Third, Section 11 leaves, as at present, all the provisions relative to the disqualification of district judges and the exchange of their districts, notwithstanding the fact that district courts are intended to be abolished by the amendment.

Fourth. The proposed change is believed to be contrary to sound public policy, calculated to deny justice entirely to half the people of the State, and to be productive of an expense to the State and the people enormous beyond all comparison with existing methods and systems.

MAJORITY REPORT.

Committee Room.
Austin, Texas, May 18, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 1, to whom was referred
Senate bill No. 122, a bill to be entitled "An act to amend article 1205, Revised Statutes, relating to parties to suits."

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, May 18, 1897.
Hon. L. T. Dashiell, Speaker of the House:
A minority of your Judiciary Committee No. 1, to whom was referred
Senate bill No. 122, a bill to be entitled "An act to amend article 1205, Revised Statutes, relating to parties to suits."

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

TRACY.
same back to the House with the recommendation that it do not pass.

WARD, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, May 18, 1897.
Hon. L. T. Dashiell, Speaker of the House:
A minority of your Judiciary Committee No. 1, to whom was referred
House bill No. 705, a bill to be entitled "An act to establish a system of registration of land titles and to provide for the officers necessary to put said system into practical operation, and to fix the fees to be paid for services rendered by said officers, and to prescribe penalties for false and fraudulent representations made relative to such system."

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

TRACY.

Committee Room,
Austin, Texas, May 18, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Judiciary Committee No. 1, to whom was referred
Senate bill No. 118, entitled "An act to repeal article 5000, of title CII, of the Revised Civil Statutes of Texas, and to amend article 4998 of said title and chapter, relating to a lawful fence, and the impounding of stock in counties and subdivisions of counties where the stock law has been adopted."

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.

WARD, Chairman.

MAJORITY REPORT.

Committee Room,
Austin, Texas, May 18, 1897.
Hon. L. T. Dashiell, Speaker of the House.
Your Judiciary Committee No. 1, to whom was referred
Senate bill No. 348, entitled "An act to amend article 1331, chapter 13, title 30, of the Revised Statutes of Texas of 1895, relating to special verdicts."

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, May 18, 1897.
Hon. L. T. Dashiell, Speaker of the House:
A minority of your Judiciary Committee No. 1, to whom was referred
Senate bill No. 348, a bill to be entitled "An act to amend article 1331, chapter 13, title 30, of the Revised Statutes of Texas of 1895, relating to special verdicts."

Does not concur with the majority, and beg to report the same back to the House with the recommendation that it do not pass, as a House bill covering the same ground has already been reported favorably.

TRACY.

Committee Room,
Austin, Texas, May 18, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Judiciary Committee No. 1, to whom was referred
Senate bill No. 221, entitled "An act to exempt ex-soldiers from the payment of occupation tax as peddlers."

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.

WARD, Chairman.

By Mr. Rogan, chairman:

Committee Room,
Austin, Texas, May 18, 1897.
Hon. L. T. Dashiell, Speaker of the House:
Your Committee on Roads, Bridges and Ferries, to whom was referred
House bill No. 719, a bill to be entitled "An act to amend article 4755a of chapter 7, title 97, of the Revised Civil Statutes of the State of Texas, relating to road superintendents."

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 that it be not printed.

ROGAN, Chairman.

BILLS SIGNED BY THE SPEAKER.

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

House bill No. 629, entitled "An act to prevent the selling or trading of animals of the horse or ass species affected with a discharge from the nose."

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

House concurrent resolution No. 30, granting Hon. J. M. Hall, district judge of the Eighteenth judicial district, leave of absence from the House.

SPEAKER'S TABLE.

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

Senate bill No. 340, a bill to be entitled "An act to amend the charter of the city of Galveston," etc.

On motion of Mr. Gilbough, House Rule No. 31, requiring that all bills reported favorably be printed and laid on the desk of each member before being acted on by the House, was suspended as pertains to this bill.

Read second time, and

Mr. Harris offered the following amendments:

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

Section 1. That sections 39, 116 and 127, of the charter of the city of Galveston, be and the same are hereby amended so that they shall hereafter read as follows:

Section 39. To erect and establish one or more hospitals, and control and regulate the same, and to regulate or prohibit and punish the establishment of private hospitals in said city; provided, that the city council may grant permission for the establishment and maintenance of private sanitariums in said city, the location of said sanitariums to be subject to the approval of the board of health of said city.

Section 116. There shall be and is hereby created a board called commissioners of water works, to consist of six members, three of whom shall be freeholders and qualified voters of said city, and three members of the city council of said city, all of whom shall be chosen during the month of July, 1897, and biennially thereafter, and shall hold their offices for two years and until their successors are duly elected and qualified.

The three freeholders aforesaid shall be appointed by the mayor, with the approval of a majority of the city council, elected, and their compensation shall be fixed by the city council, not to exceed $300 per annum. They shall have the oath of office required of other officers, and give bond for the faithful performance of their duties, payable to the city of Galveston in the sum of $10,000, to be approved by the committee on finance and revenue of the city council. The three members of the city council aforesaid shall be selected by said council in such manner as said council may deem proper, and they shall receive no salary in addition to their compensation as members of the city council.

Upon appointment and qualification of said commissioners, they shall organize by the selection of a chairman from among their own number, and a majority of the commissioners shall constitute a quorum for the transaction of business.

The water works, including the collection of water rates, tolls and revenues, shall be under the control, management and administration of the board of commissioners, and the said board shall appoint all officers, agents and employees necessary for the efficient operation of the works, and prescribe their duties and compensation; provided, however, that the appointment of any officer, agent or employe, whose compensation shall exceed $1200 annually, shall be submitted to the city council for approval and confirmation by a majority vote of all the aldermen elected.

The board shall adopt rules and regulations for the management of the water works, and shall have authority to remove or suspend for cause any officer, agent or employe of said department.

The board shall have authority to do all work and repairs, purchase all materials and supplies, and employ all labor necessary for the efficient operation of the water works; but all contracts involving the expenditure of a sum exceeding $500, except for operating expenses, shall be submitted to the city council for approval.

Whenever the city council shall, by ordinance, provide for the extension of the system of water works, it shall be the duty of the board to contract for the construction of the same, subject to the approval of the city council.

Any contract made under this act for the construction or extension of the water works shall be paid for by the city with the proceeds of the 5 per cent 40-year bonds issued for that purpose, and by funds set apart for that purpose by the city council in its annual budget.
The board shall, with the approval of the city council, establish a schedule of water rates and tolls, prescribe the mode and manner of the construction of the service pipes, and their connection with the water mains.

The revenues of the water works shall be paid into the treasury at the end of each week, and shall constitute a special fund to be used for the benefit of the water works, and the payment and redemption of the bonds issued for their construction.

The city council shall pass all ordinances necessary for the protection and preservation of the water works, and for the prevention of waste.

The board shall keep a complete record of their proceedings, transactions, collections, expenditure, contracts and claims, and shall report the same in detail to the city council monthly, which report shall be referred to the committee on finance and revenue of the city council, whose duty it shall be to examine and report on the same, and for this purpose said committee shall have the right at all times to inspect and examine all records, papers and books of the board.

No commissioner shall be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is to be paid from the city treasury, or by an assessment levied by an ordinance or resolution of the city council.

The said commissioners shall be deemed and taken as officers of the city, and liable to the provisions of article 263 (250) of the Penal Code.

Sec. 127. The city council shall have full power and authority to raise, fill, grade, repair or otherwise improve any avenue, street, alley or sidewalk, or any portion thereof in the corporate limits of said city, to such extent, and out of such material, and under such regulations as said council may provide whenever two-thirds of the aldermen elected vote in favor of such improvements; provided, that except as hereinafter prescribed the owners of the property fronting or abutting on such avenue or street so improved shall pay two-thirds and the city one-third of the cost thereof, and the owners of property abutting on any alley or sidewalk so improved shall pay the entire cost of such improvement; and provided, also, that when any person, corporation or company owns or operates any street railways or railways of any kind on such avenue or street, such person, corporation or company shall pay one-third of the cost of filling, raising, paving, repairing or otherwise improving that part of said avenue or street so improved, and the owners of fronting or abutting property the other two-thirds; and the said city shall be relieved of its pro rata so paid by the owners or operators of such roads; and provided also, that the city shall pay for all street intersections from lot to lot across the streets either way, so improved, except when occupied or used by said railways, in which event one-third of the cost thereof must be paid as above provided by the owners or operators of said railways. Property owners shall pay the entire cost of all curbing. The cost of such improvements owing by property owners and the owners and operators of railways, together with the expense of collecting the same, shall be a special tax and lien against the lot or lots or blocks fronting or abutting upon the thoroughfares or ways improved, and against the roadbed, ties, rails, fixtures, rights and franchises of such street or other railways that may be operated or located thereon; and they shall be due and payable by said property owners and operators of railways in five equal annual installments or less, at the option of such property owners and owners and operators of railways, all of which shall draw interest from the date of assessment until paid at the rate of 6 per cent per annum. The first installment shall be due and payable immediately after the completion of such improvement, and an installment equal thereto shall become due and payable annually thereafter until the entire amount is paid; and a failure to pay any one of the installments within sixty days after the same has become due shall cause all the unpaid installments to at once mature. All repairs and temporary improvements of avenues, streets and alleys shall be made at the cost of the city; but the word "repairing," as here used, shall apply only to small or ordinary defects in avenues, streets or alleys that have been put to grade and paved or otherwise improved; and the city council are hereby authorized and required to set aside annually out of the general revenues of said city a sum equal to not less than one-twentieth of one per cent on the one hundred dollars valuation of all property within said city, not exempt from taxation, which fund to be so set aside in the annual budget shall be used only for such repairs and temporary improvements. Permanent street improvements, with-
in the meaning of this act, shall be only such as are constructed of blocks or granite, blue limestone, trap rock, crushed rock, macadam material, gravel, shell, thoroughly creosoted wood, thoroughly vitrified brick, or of Trinidad asphaltum, or other asphaltum equal to it in quality; but repairs to the same shall not be classed or paid for out of funds provided for such permanent improvements; provided, that nothing herein shall be construed as limiting the right of the council to test other approved methods and materials for street paving, and paying therefor out of the permanent street improvement funds. The city council are hereby empowered and required to set aside in the annual budget a fund to an amount not exceeding one-fourth of one per cent on the one hundred dollars valuation of all property within said city subject to taxation, which shall be used exclusively for the payment of the city's share of the cost of such permanent improvements.

And that the charter of the city of Galveston be and is hereby amended by adding thereto sections as follows, to-wit: 90a, 116, 132d, 132e, 176, 188a, 188b, 188c, 188d, 188e, 188f, 188g, 188h, 188i, 188j, 4a, 6a, 72a, 91, 92 and 93.

Sec. 90a. Any and all descriptions of real estate, blocks, outlots, lots, or any parts or fractions thereof, and of all personal property, and any and all choses in action, years, valuations, taxes, numbers, quantities or amounts contained in any assessment roll, land-tax book, personal-tax book, or description contained in any book or roll used for purposes of assessing property, shall be sufficient and valid when made or stated, in whole or in part, in abbreviations or contractions of words, letters, characters or figures; and when so made or stated, shall be deemed and held to be fully and fairly made and stated, as though the same had been written out in full. No error or irregularity in any assessment roll, tax book or other document relating to the assessment, levy or collection of the taxes of the city shall, in any manner, affect or impair the validity of any tax or affect the proceedings for the collection thereof; but every such assessment shall be liberally construed to effect the purposes and objects of this section, and in determining the validity thereof.

Section 132d. In addition to the power to issue $1,240,000 of bonds, as provided for in section 132c, the city shall have power to issue bonds to the amount of $200,000, of such denomination as the mayor may deem proper, payable forty years after the date of their issuance, and bearing interest, payable semi-annually, at a rate not exceeding 5 per cent per annum. Said $200,000 bonds to be sold for cash at not less than par and the proceeds thereof to be used for the payment of the existing floating general indebtedness of the city, and the mayor is hereby authorized to appoint a financial agent to dispose of said bonds.

In addition to the general taxation, the city shall have power to provide for the payment of $200,000 of bonds. In addition to the said $200,000 of bonds to take up the floating debt, the city shall have power to further issue $300,000 of bonds of the same denomination and tenor, for the construction and establishment of a sewerage system; and in addition to general taxation, to provide for the payment of this issue of sewerage bonds. That the earnings and revenues from said sewerage system, over and above what is required to defray the operating expenses thereof and pay the accruing interest on said sewer bonds and provide a sinking fund therefor of 2½ per cent, shall be applied first, to reimburse the general fund of the city in the amount taken therefrom to carry the sewer bonds and defray operating expenses of the plant until the sewer rates suffice to meet such fixed charges; and all other earnings and above fixed charges shall be expended by the board of commissioners of public works in the systematic extension of said sewerage system, and that provision be made by the city council that the sinking fund of said sewerage bonds may, in the event that no sewerage bonds can be deemed on reasonable terms, be invested in other bonds of the city yielding the best interest. Said bonds shall be signed by the mayor and countersigned by the city clerk, and shall be payable at such places as may be fixed by ordinance of the city council. It shall be the duty of the mayor, when such bonds are issued, to forward the same to the Comptroller of the State, whose duty it shall be, after approval by the Attorney-General, to register them in a book kept for the purpose and to seal same on each bond registered his certificate of registration. The indebtedness provided for in this section shall not be limited or governed by the provisions or limitations contained in sections 28, 132, 132a or 132b of this charter.

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The city of Galveston shall acquire by purchase the plant of the Galveston Sewer Company, the value of the said plant to be ascertained by arbitration, the city of Galveston to appoint one arbitrator, the Galveston Sewer Company another, and the two so appointed to name a third, the determination of a majority of the arbitrators to be final and binding on both parties.

Section 132e. The city council shall have power to issue bonds to the amount of fifty thousand dollars ($50,000), of the denomination of one hundred dollars ($100) each, or any multiple thereof, payable forty years after the date of their issue, and bearing interest, payable semi-annually, at a rate not exceeding 5 per centum per annum, said bonds to be sold for cash at not less than par, and the proceeds thereof to be used and expended as follows: The proceeds of said bonds shall be used to raise, fill, grade, repair, macadamize or otherwise improve any avenue, street, alley or alleys in the corporate limits of said city, to such extent and out of such material and under such regulations as said council may provide, whenever two-thirds of the aldermen elected vote in favor of such improvement; provided, that not more than twenty-five thousand dollars ($25,000) shall be expended on any such work by the city in any one year from this fund or from the proceeds of the issue of the bonds authorized by this section. The indebtedness provided for in this section shall not be limited or governed by the provisions or limitations contained in sections 28, 132, 132a, 132b, and 132d of this charter.

Section 176. A day is defined to be eight hours to all employees of the city, and this amendment is to control any and all previous provisions for a nine-hour day.

Section 188a. That on and after August 1, 1897, the police, fire, health and water works departments of the city shall be placed under civil service rules and regulations, as hereinafter provided, save and except the heads of the different departments.

Section 188b. All appointments under said rules and regulations shall be made after examination by the boards having charge of the respective departments, as may be prescribed for admission to the different departments of service, and with the assistance, in case of the police and fire departments, of at least three members of the force. All appointees shall hold their positions during good behavior, and shall not be discharged therefrom except for the improvement or economy of the service, or for cause, on the order of said boards having control (in the case of the police and fire departments, the police and fire commission, and in the water works and health departments, the board of commissioners of water works, or the board of public works). When dismissal from the service is for the purpose of economy, the discharged shall be entitled to vacancies in the order of discharges.

Section 188c. No city employee holding office under the classified civil service shall be removed or requested to resign, or reduced or demoted in rank or in pay, or transferred from one class of work to a less desirable class of work (except when arrested for a criminal offense, when suspension or removal may take place at once, at the discretion of the mayor, until after written charges shall have been preferred by the heads of departments, and after the charges shall have been examined into by the police and fire commission or the board of public works, as the case may be, upon reasonable notice to the person accused, and in such manner of examination as the regulations of the different departments may prescribe, but pending such examination such employee may be suspended.

Section 188d. Records shall be kept in the different departments of service, of the names of applicants, residences, date of appointment to service, date of discharge and cause, and such other matter as may be material to the efficiency of the service. Vacancies shall be filled in the order in which applications and percentages appear in the said records, and promotions shall be made in record order.

Section 188e. No person shall be appointed to a position on the police force or fire department unless he be a citizen of the United States, a resident of the city of Galveston for two years next preceding his appointment, of good moral character and of good repute for honesty and sobriety. He shall never have been convicted of felony and shall understandingly read and write the English language.

Section 188f. No person shall be appointed on the police force who is deficient in strength and courage, or is less than 25 nor more than 50 years of age. He shall be not less than 5 feet 7 inches in height, nor weight less than 130 pounds. He must present a certificate from the city physician.
that he is of sound health and free from any physical debility which would incapacitate him from performing the duties of a policeman.

Section 188g. No person shall be appointed to a position on the fire department who is deficient in strength, activity or intrepidity, or who is less than 21 or more than 45 years of age. He must present a certificate from the city physician that he is of sound health and free from any physical debility which would incapacitate him from performing the duties of a member of the fire department. Exception shall be made of the members of the fire department holding positions at the time this law takes effect.

Section 188h. All persons appointed to positions of a permanent character in the other departments of the city government controlled hereunder, and not specifically mentioned, shall be of good moral character, of good repute for honesty and sobriety, citizens of the United States, residents of the city of Galveston for at least two years next preceding appointment, shall never have been convicted of felony, understandingly read and write the English language, and possess such other qualifications as may be necessary. They shall be efficient in health, strength and activity.

Section 188i. The boards in making appointments shall be governed solely by fitness of the applicant, and no person shall ever be appointed or removed for or on account of partisanship, or for or on account of his political opinions.

Section 188j. No person employed hereunder while on duty shall take part in any political caucus or convention, or take part in any primary, special or general election (except to vote); and any officer, member or employe violating any of the provisions of this section shall forfeit his position.

Section 4a. No officer of this city shall be present in the polls at any election held under the provisions of this charter, except policemen in the discharge of their duty, and then only when called upon by the presiding officer. The violation of the provisions hereof shall be punished by a fine not exceeding $200.

Section 6a. All elections held by virtue of this charter shall be under and in accordance with the system of voting known as the Australian Ballot System. The city council may provide rules and regulations therefor; provided, that no person shall enter the booth with any elector, on in any way mark his ticket, except the voter be a blind man or a man otherwise incapable of marking his ticket, then he may have the assistance of two judges; and further provided, that no electioneering shall be done by any person within one hundred yards of the voting place, and no imitation of the ticket to be voted shall be brought or carried by any person within the place of voting. No person shall offer or give any money, or other thing of value for the purpose of influencing the vote of any person in any election, nor shall any person ask or receive any money or other thing of value for his vote or influence in any election. Any violation of this act shall be deemed a misdemeanor, and shall be punished by a fine of not less than $100 nor more than $500, or imprisonment in the county jail not less than thirty days nor more than six months, or both.

Section 72a. The city council shall have power to require all property owners whose property may be located upon or near any street or alley along which may extend any sewer system or sewerage, that the city may construct or authorize to be constructed, to connect with such sewer or system of sewerage, all water closets, sinks and drains located upon their respective property or premises, so that their contents may be made to empty into such sewer or system of sewerage, whether said system is the property of the city or otherwise.

Section 91. It shall be the duty of the city council annually, as soon as the assessment roll of taxes due the city are completed, to sit as a board of equalization to equalize the taxes assessed on said rolls, and they shall have the same powers and duties as the county commissioners courts of this State in regard to said assessments and equalization; and shall be governed in their procedure and acts as is provided by the general laws of this State relating to the equalization.
of State and county taxes by said commissioners court. Provided, that any provision of this charter in conflict herewith is hereby repealed. Provided further, that said city council shall not sit for more than thirty days in performing the duties herein prescribed.

Section 92. It shall be the duty of the assessor to make out a list of all property, both real and personal, which has not been given in for assessment, according to the provisions of this act, and ordinances made in pursuance thereof, and assess the same in the name of the owner, if he be known, and if not, then it shall be assessed by description of the property and last known owner and the value of such property shall be determined by the board of equalization provided for in this charter, and the same may be sold as in other cases, if the tax be not paid in the time prescribed by law.

Section 93. It shall be the duty of the assessor, at the expiration of the time fixed by ordinance for the rendition of property, to ascertain what property in the city subject to taxation shall be by him presented to the board of equalization for valuation by said officer and board, and then shall by him be entered in a supplement to the assessment roll as unknown, specifying the year for which said tax is not paid within the time prescribed by law; said property shall be sold at the same time and with like effect as other property.

Section 2. The fact that several of these amendments should be made effective at once creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 340 be put on its third reading and final passage.

The motion prevailed by the following vote: Yeas—90.

Alexander. Logan.
Alexander. Logan.
Ayers. Ayers.
Barbee. Barbee.
Barrett. Barrett.
Beauregard. Beauregard.
Bean. Bean.
Benson. Benson.
Bird. Bird.
Blackburn. Blackburn.
Blair. Blair.
Bonds. Bonds.
Brewster. Brewster.
Brigance. Brigance.
Bumpass. Bumpass.
Burns. Burns.
Carswell. Carswell.
Childs. Childs.
Conoly. Conoly.
Curenton. Curenton.
Curry. Curry.
Dean. Dean.
Dennis. Dennis.
Dickinson. Dickinson.
Dries. Dries.
Dorroh. Dorroh.
Dye. Dye.
Feld. Feld.
Fields. Fields.
Gilbough. Gilbough.
Good. Good.
Graham. Graham.
Harris. Harris.
Hensley. Hensley.
Hill of Travis. Hill of Travis.
Holland of Burnet. Holland of Burnet.
Holland of Harris. Holland of Harris.
Humphrey. Humphrey.
Jones. Jones.
Lillard. Lillard.

Nays—1.

Smith. Smith.

Adopted.}

Amend by striking out all of the caption after the figures "127" and insert in lieu thereof the following.

"and by adding thereto sections 90a, 132d, 132e, 176, 188a, 188b, 188c, 188d, 188e, 188f, 188g, 188h, 188i, 188j, 4a, 6a, 72a, 91, 92 and 93."

Adopted.

The bill was passed to a third reading.

Mr. Gilbough moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 340 be put on its third reading and final passage.

The motion prevailed by the following vote: Yeas—90.

Alexander. Logan.
Alexander. Logan.
Ayers. Ayers.
Barbee. Barbee.
Barrett. Barrett.
Beauregard. Beauregard.
Bean. Bean.
Benson. Benson.
Bird. Bird.
Blackburn. Blackburn.
Blair. Blair.
Bonds. Bonds.
Brewster. Brewster.
Brigance. Brigance.
Bumpass. Bumpass.
Burns. Burns.
Carswell. Carswell.
Childs. Childs.
Conoly. Conoly.
Curenton. Curenton.
Curry. Curry.
Dean. Dean.
Dennis. Dennis.
Dickinson. Dickinson.
Dries. Dries.
Dorroh. Dorroh.
Dye. Dye.
Feld. Feld.
Fields. Fields.
Gilbough. Gilbough.
Good. Good.
Graham. Graham.
Harris. Harris.
Hensley. Hensley.
Hill of Travis. Hill of Travis.
Holland of Burnet. Holland of Burnet.
Holland of Harris. Holland of Harris.
Humphrey. Humphrey.
Jones. Jones.
Lillard. Lillard.

Nays—1.

Smith. Smith.

Adopted.}

Amend by striking out all of the caption after the figures "127" and insert in lieu thereof the following.

"and by adding thereto sections 90a, 132d, 132e, 176, 188a, 188b, 188c, 188d, 188e, 188f, 188g, 188h, 188i, 188j, 4a, 6a, 72a, 91, 92 and 93."

Adopted.

The bill was passed to a third reading.

Mr. Gilbough moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 340 be put on its third reading and final passage.

The motion prevailed by the following vote: Yeas—90.

Alexander. Logan.
Alexander. Logan.
Ayers. Ayers.
Barbee. Barbee.
Barrett. Barrett.
Beauregard. Beauregard.
Bean. Bean.
Benson. Benson.
Bird. Bird.
Blackburn. Blackburn.
Blair. Blair.
Bonds. Bonds.
Brewster. Brewster.
Brigance. Brigance.
Bumpass. Bumpass.
Burns. Burns.
Carswell. Carswell.
Childs. Childs.
Conoly. Conoly.
Curenton. Curenton.
Curry. Curry.
Dean. Dean.
Dennis. Dennis.
Dickinson. Dickinson.
Dries. Dries.
Dorroh. Dorroh.
Dye. Dye.
Feld. Feld.
Fields. Fields.
Gilbough. Gilbough.
Good. Good.
Graham. Graham.
Harris. Harris.
Hensley. Hensley.
Hill of Travis. Hill of Travis.
Holland of Burnet. Holland of Burnet.
Holland of Harris. Holland of Harris.
Humphrey. Humphrey.
Jones. Jones.
Lillard. Lillard.

Nays—1.

Smith. Smith.

Adopted.}

Amend by striking out all of the caption after the figures "127" and insert in lieu thereof the following.

"and by adding thereto sections 90a, 132d, 132e, 176, 188a, 188b, 188c, 188d, 188e, 188f, 188g, 188h, 188i, 188j, 4a, 6a, 72a, 91, 92 and 93."

Adopted.

The bill was passed to a third reading.

Mr. Gilbough moved to suspend the constitutional rule requiring bills to be read on three several days in each house, and that Senate bill No. 340 be put on its third reading and final passage.

The motion prevailed by the following vote: Yeas—90.

Alexander. Logan.
Alexander. Logan.
Ayers. Ayers.
Barbee. Barbee.
Barrett. Barrett.
Beauregard. Beauregard.
Bean. Bean.
Benson. Benson.
Bird. Bird.
Blackburn. Blackburn.
Blair. Blair.
Bonds. Bonds.
Brewster. Brewster.
Brigance. Brigance.
Bumpass. Bumpass.
Burns. Burns.
Carswell. Carswell.
Childs. Childs.
Conoly. Conoly.
Curenton. Curenton.
Curry. Curry.
Dean. Dean.
Dennis. Dennis.
Dickinson. Dickinson.
Dries. Dries.
Dorroh. Dorroh.
Dye. Dye.
Feld. Feld.
Fields. Fields.
Gilbough. Gilbough.
Good. Good.
Graham. Graham.
Harris. Harris.
Hensley. Hensley.
Hill of Travis. Hill of Travis.
Holland of Burnet. Holland of Burnet.
Holland of Harris. Holland of Harris.
Humphrey. Humphrey.
Jones. Jones.
Lillard. Lillard.

Nays—1.

Smith. Smith.

Adopted.}
Senate bill No. 340 was laid before the House on its third reading and final passage, read third time, and passed by the following vote:

**Yeas—87.**


**Nays—1.**

Blair. 

Mr. Gilbough moved to reconsider the vote by which Senate bill No. 340 was passed, and to table the motion to reconsider. The motion to table prevailed.

On motion of Mr. Vaughan of Collin, the regular order of business was suspended to take up and place on its third reading and final passage, House bill No. 576, a bill to be entitled "An act to create the office of public cotton weigher of justice precincts in the counties of the State of Texas when so desired by a majority of the qualified electors of any justice precinct in the State, to prescribe the oath and bond, to define the duties of such public cotton weigher and his deputies, to prescribe the fees of such officer, and to fix penalties for the violation of the provisions of this act, and to repeal all laws in conflict herewith."

Read third time, and passed.

Mr. Vaughan of Collin moved to reconsider the vote by which House bill No. 576 was passed, and to table the motion to reconsider. The motion to table prevailed.

The Speaker laid before the House, on its third reading and final passage, House bill No. 711, a bill to be entitled "An act to create a more efficient road system for Parker county, Texas, and making the county commissioners of said county ex officio road commissioners, and prescribing their duties as such, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts upon the roads of said county, and providing for officers' fees and rewards for the capture of escaped convicts, and authorizing the working of county convicts partly upon the county convict farm, as well as upon the public roads, or partly upon both,"
In the discretion of the commissioners court, and making the provisions of this act applicable, so far as practicable, to convicts when worked upon county farms," etc.

Read third time, and

Mr. Shropshire offered the following amendments:

Amend section 15, by striking out the words "forty-five" wherever appearing in said section, and insert in lieu thereof the word "sixty."

Adopted.

Amend by striking out all of section 18; strike out the figures "19" in section 19, and insert in lieu thereof the figures "18;" strike out the figures "20" in section 29, and insert in lieu thereof the figures "19."

Adopted.

Amend caption by striking out the words "and to authorize and empower the commissioners court of Parker county to issue bonds for the construction and maintenance of public roads and highways within Parker county."

Adopted.

House bill No. 711 passed by the following vote:

Yeas—86.

Alexander.  Harris.
Ayres.  Hesley.
Barbee.  Hill of Gonzales.
Barrett.  Hill of Travis.
Beard.  Holland of Burnet.
Bean.  Holland of Harris.
Benson.  Humphrey.
Bird.  Jones.
Blackburn.  Kirk.
Blair.  Lillard.
Bounds.  Logan.
Brewster.  Lotto.
Brigance.  Manson.
Brown.  Martin.
Burns.  Maxwell.
Conoly.  McGaughy.
Crawford.  McKellar.
Curetco.  Melton.
Curry.  Mercer.
Dennis.  Moore of Lamar.
Dickinson.  Morris.
Dries.  Morton.
Dorobh.  Oliver.
Doyle.  Patterson.
Drew.  Peery.
Ewing.  Randolph.
Feld.  Rhea.
Fisher.  Robbins.
Freeman.  Rogan.
Garrison.  Rudd.
Gilbough.  Savage.
Good.  Schlick.
Graham.  Seabury.

Shelburne.  Thomas.
Shropshire.  Thompson.
Skillern.  Tracy.
Sluder.  Wall.
Smith.  Wallace.
Stokes.  Ward.
Strother.  Williams.
Thaxton.  Wood.

Nays—1.

Bumpass.

Absenl.

Bailey.  O'Connor.
Bell.  Pfeuffer.
Boyd.  Pitts.
Carpenter.  Reiger.
Chida.  Reubell.
Dean.  Rogers.
Evans of Grayson.  Staples.
Fields.  Tucker.
Green.  Turner.
Love.  Vaughan, Guadalupe.
McKamy.  Vaughan of Collin.
Meade.  Welch.
Moore, Fort Bend.  Wilcox.
Neighbors.

Excused.

Bertram.  Henderson.
Burney.  Kimbell.
Callan.  Mundine.
Collier.  Stamper.
Crowley.  Wolters.
Flint.

Mr. Shropshire moved to reconsider the vote by which House bill No. 711 was passed, and to table the motion to reconsider.

The motion to table prevailed.

The Speaker laid before the House, on its third reading and final passage, House bill No. 712, a bill to be entitled "An act to establish a more efficient road system for Matagorda county, Texas."

Read third time, and Mr. Hensley offered the following amendments:

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

"Section 1. That each member of the commissioners courts of Matagorda and Brazoria counties shall be ex officio road commissioner of his respective commissioner's precinct, and under direction of the commissioners court shall have charge of all the teams, tools and machinery belonging to the county and placed in his hands by the said commissioners court; and it shall be his duty, under such rules and regulations as the commissioners court may prescribe, to superintend the laying out of new roads, the making or changing of roads, and the building of
bridges. Each of said commissioners shall, before entering upon the duties of his office, in addition to his regular bond as such county commissioner, execute a bond of $1000, with two or more good and sufficient sureties, payable to the county judge of his county for the use and benefit of the road and bridge fund of his county to be apportioned to his precinct, conditioned that he will faithfully perform all the duties required of him by law or by the commissioners court of his respective county, and that he will account for all money or property belonging to the county that may come into his possession; provided, that with the consent of the commissioners court any of said commissioners shall be allowed to appoint a competent person as his deputy road commissioner, who shall be required to execute the same bond that is required of commissioners in this section, and such deputy road commissioner shall be entitled to the same compensation that is allowed county commissioners for the same service; provided, that county commissioners shall not be allowed any compensation as road commissioner when a deputy road commissioner has been appointed.

"Sec. 2. The commissioners court of each county shall have full power and authority, and it shall be its duty, to adopt such system for working, laying out, draining and repairing the public roads in its respective county, as it may deem best, and from time to time such court may change its plans or system of working such roads.

"Sec. 3. Each county commissioner, when acting as a road commissioner and performing the duties imposed upon him by law or by the commissioners court, shall be entitled to $2 per day for the services actually performed; provided, said sum to be paid him shall not exceed $90 per quarter, which amount shall be paid out of the road and bridge fund when the account shall have been approved by the commissioners court, and the court shall not approve said account unless the commissioner presenting it shall sign an oath that the account is just, due and unpaid, and specifying the number of days' service actually performed by him and that it was necessary to be done; and no commissioner shall be entitled to pay as road commissioner either himself or his deputy while he is performing the duties of county commissioner, nor shall he receive any additional pay than that provided by this section for inspecting or riding over his roads or for other road service.

"Sec. 4. The commissioners court of either county shall, upon presentation to it at any regular session of a petition signed by 200 qualified voters thereof, they being property taxpayers of the county, or a petition signed by 50 qualified voters living in any one commissioner's precinct and being property taxpayers therein, to order an election to determine whether there shall be levied upon the property within said county or within said commissioners' precinct by said commissioners court a road tax not to exceed 15 cents on the $100 worth of property situated in said county or within said commissioner's precinct under the provisions of the amendment of 1889 to the Constitution of the State of Texas, adopted in 1890, order said election as hereinafter provided. It shall not be necessary to give any notice of such petition before the court can act on the same, but the court may act thereon without notice and may make an order for such election fixing the amount to be levied, not to exceed 15 cents on the $100, the election to take place at any time thereafter, not less than twenty nor more than ninety days from the date of making the order therefor.

"Sec. 5. It shall not be necessary to give any formal notice of such election, except the county judge shall issue his election proclamation, and the fact that such election is to be held shall be published in a newspaper in the county as fully as practicable, and if there be no newspaper in the county, then notices of such election shall be posted as is required in other special elections and tickets for the election shall be printed by the county and sent to each voting place by the county judge before the election opens and as long before such time as practicable. The expenses of the election shall be paid for by the county. The commissioners court shall designate voting places and appoint officers to conduct the election as in other special elections.

"Sec. 6. Only qualified voters who pay a property tax in the county or in the commissioner's precinct, if it be a precinct election, shall be permitted to vote at such election. The tickets printed and to be voted shall have written or printed on them the words "For the tax" and "Against the tax," and those in favor of the tax shall vote the ticket "For the tax" and
those who oppose the tax shall vote the ticket "Against the tax."

"Sec. 7. If at such election a majority of such qualified voters voting thereat shall vote for such tax, the county judge shall officially announce the result, and thereupon the said commissioners court shall thereby be authorized and required to levy a road bridge tax in the same manner as other taxes are levied, in the amount specified in said order for such election, never to exceed 15 cents on the $100 worth of property. If at the election the proposition for said tax shall carry, no petition for its repeal shall be granted in less than two years, but if it fail to carry, another petition may be granted in one year, but not sooner, and any subsequent petition may name a different rate of levy, not to exceed 15 cents on the $100. An election to repeal the levy may be ordered and held as in other cases, but there must be satisfactory proof presented to the said commissioners court that there is great dissatisfaction with such tax and that it is probable that a majority of the citizens of the county or precinct who are authorized to vote for said tax would vote for a repeal of the law, and unless such proof be made the petition to repeal shall not be granted.

"Sec. 8. All road funds raised by a levy of a special tax shall be expended among the several commissioners' precincts in proportion to the amount of taxes paid by each precinct into the said special fund.

"Sec. 9. Any citizen of said county liable for road duty who shall, on or before the first day of January of each year, pay to the county treasurer the sum of $3, shall be exempt from road duty for such year beginning on the first day of January. The treasurer shall receive and receipt for all money so paid him, and shall keep a separate account for each commissioners' precinct from which it is received.

"Sec. 10. Each road commissioner shall make a report to the commissioners court each year as is provided elsewhere in article 4712 of the Revised Civil Statutes of the State of Texas.

"Sec. 11. This act shall be taken notice of by all courts having jurisdiction, in the same manner as the general law of the State, and it shall be construed to be cumulative of all general laws of the State on the subject of roads and bridges when not in conflict therewith, but in case of conflict this act shall control as to said counties of Matagorda and Brazoria.

"Sec. 12. The fact that there is now no sufficient general road law in force in this State, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted.

House bill No. 712 passed by the following vote:

Yeas—84.

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Skillern.  
Sluder.  
Smith.  
Smyth.  
Stokes.  
Strother.  
Thaxton.  
Thomas.  
Benson.  
Thompson.  
Tracy.  
Vaughan.  
Gf Collln.  
Wall.  
Wallace.  
Ward.  
Williams.  
Wood.  

Nays-2.  
Bumpass.  

Absent.  
Bead.  
Bell.  
Bird.  
Bird.  
Boy.  
Carp.  
Childs.  
Dean.  
Evans of Grayson.  
Ewing.  
Fields.  
Green.  
Lett.  
Love.  
Mckamy.  

Excused.  
Bertram.  
Burney.  
Callan.  
Coll.  
Crowley.  
Flint.  

Mr. Hensley moved to reconsider the vote by which House bill No. 712 was passed, and to table the motion to reconsider.  

The motion to table prevailed.  

Mr. Holland of Harris moved to suspend the regular order of business, to take up and place on its second reading, Senate bill No. 293.  

Yea and nay were demanded by Mr. Dennis, Mr. Brigance and Mr. Burns.  

Suspended by the following vote:  

Yea-68.  

Mr. Speaker.  
Ayres.  
Barbee.  
Barrett.  
Bean.  
Blair.  
Bobins.  
Brown.  
Conoly.  
Crawford.  
Curry.  
Dickinson.  
Diles.  
Dorothy.  
Drew.  
Edwards.  

Martin.  
Maxwell.  
McFarland.  
McGaughey.  
McKeller.  
Meade.  
Melton.  
Mercer.  
Moore of Lamar.  
Morris.  
O'Connor.  
Oliver.  
Patterson.  
Peery.  
Pfeuffer.  
Porter.  
Randolph.  
Rogam.  

Nays-23.  
Alexander.  
Beaird.  
Benson.  
Bird.  
Boy.  
Carp.  
Childs.  
Dean.  
Ewing.  
Fields.  
Green.  
Love.  
Mckamy.  

Excused.  
Bertram.  
Burney.  
Callan.  
Coll.  
Crowley.  
Flint.  

The Speaker then laid before the House, on its second reading, Senate bill No. 293, a bill to be entitled "An act to authorize corporations to engage in the business of becoming surety on bonds, undertakings, recognizances and other obligations, required or permitted by law or the charter, ordinances, rules or regulations of any municipality, board, organization, court, judge or other public officer, to be made, given, ten-
Following are the changes which the committee has made in the free conference committee bill as published in the Journal of May 12th, and which are furnished by Mr. Garrison:

School Land Department: Struck out the words “to be paid out of the available school fund.”

Supreme Court: Added $500 each year for the purchase of books for library.

Deaf and Dumb Asylum: Added $60 each year in salary of second oral teacher.

Confederate Home: Added $300 the first year for laundry appliances.

Sam Houston Normal Institute: Added $10,000 each year for additional scholarships.

Penitentiaries: Struck out $50,000 second year for purchase of land to work convicts on.

A. and M. College: Added $10,000 to building new mess hall.

Public Printing: Added the words “and distributing” after “printing” in the three last items.

Miscellaneous: Added $2000 the first year for surveying land for branch university for colored youths.

Miscellaneous: Added $2000 the first year for surveying land for branch university for colored youths.

Mr. Seabury in the chair.

Mr. Garrison moved that the report be adopted.

Mr. Pfeuffer moved that the report be made a special order for to-morrow at 10 o’clock, and that the committee be requested to furnish for publication in the Journal such changes as have been made in the first free conference committee report, and that only such be printed in the Journal.

Mr. Shelburne moved to amend the motion of Mr. Pfeuffer by making it to-morrow at 3 o’clock p.m.

Mr. Wilcox moved to table both motions to postpone, upon which yeas and nays were demanded by Mr. Martin, Mr. Lillard and Mr. Buvas.

Lost by the following vote:

Yeas—47.

Alexander. Evans of Hunt.
Bailey. Fishel.
Bird. Fisher.
Blair. Garrison.
Bumpass. Gilbough.
Carswell. Green.
Childs. Hensley.
Conoly. Hill of Gonzales.
Crawford. Hill of Travis.
Curry. Lotto.
Dean. Manson.
Dennis. McKamy.
Dickinson. Melton.
Dies. Moore of Lamar.
Drew. Morton.
I vote to take the motion to postpone consideration of the free conference committee report upon the general appropriation bill, because this is the second report the committee has made to this House; the first was rejected and the bill recommitted, and now the committee states that they have got the very best terms on the various appropriations the Senate will ever accede to, hence I think it is bad economy to stay here longer, at an expense of $10,000 or $15,000 per week, trying to reduce the appropriation bill, which the committee assures us we can not do.

MORTON.

Mr. Pfeuffer accepted the amendment by Mr. Shelburne to the motion to postpone.

After consideration by the House, Mr. Carpenter moved the previous question on the motion to postpone, and the main question was ordered.

Lost by the following vote:

Yeas and nays were demanded by Mr. Fields, Mr. Shropshire and Mr. Staples.

Yeas—43.

Alexander. Maxwell.
Barbee. Morris.
Barrett. Patterson.
Beaird. Pfeuffer.
Bean. Porter.
Benson. Randolph.
Brewster. Shelburne.
Brigance. Shropshire.
Browne. Skilern.
Burns. Smith. (\.\)
Carpenter. Smith.
Cureton. Smith.
Dorroh. Rudd.
Evans of Grayson Savage.
Ford. Shelburne.
Graham. Shropshire.
Holland of Burnet. Sluder.
Holland of Harris. Smith.
Humphrey. Smyth.
Jones. Staples.
Lillard. Stokes.
Logan. Thaxton.
Love. Tracy.
Martin. Vaughan of Collin.
Maxwell. Wall.

Absent.

Bell. Moore, Fort Bend.
Blackburn. Pitts.
Doyle. Reubell.
Ewing. Rogers.
Fields. Tucker.
Good. Vaughan, Guadalupe
Harris.Welch.
Kirk.

Excused.

Bertram. Henderson.
Burney. Kimbrell.
Callan. Mundine.
Collier. Stamper.
Crowley. Wolters.
Flint.

Nays—54.

Ball. McGaughey.
Barrett. McKellar.
Beaird. Meade.
Bean. Mercer.
Benson. Morris.
Bounds. Neighbors.
Browne. Oliver.
Burns. Pfeuffer.
Carpenter. Pfeuffer.
Cureton. Rogers.
Dorroh. Rudd.
Evans of Grayson Savage.
Ford. Shelburne.
Graham. Smith.
Holland of Harris. Smith.
Humphrey. Smyth.
Jones. Staples.
Lillard. Stokes.
Logan. Thaxton.
Love. Tracy.
Martin. Vaughan of Collin.
Maxwell. Wall.

Nays—58.

Ayers. Green.
Bailey. Harris.
Blackburn. Hensley.
Blair. Hill of Gonzales.
Bumpass. Hill of Travis.
Carswell. Logan.
Childs. Lotto.
Conoly. Mansan.
Crawford. McFarland.
Curry. McGaughey.
Dean. McKamy.
Dennis. Melton.
Dickinson. Mercer.
Dies. Moore of Lamar.
Dorroh. Morton.
Doyle. Mundine.
Drew. O'Connor.
Edwards. Oliver.
Evans of Hunt. Peery.
Evans of Grayson. Reiger.
Field. Rhea.
Fisher. Rogan.
Freeman. Savage.
Garlison. Schluck.
Gilbough. Strother.
Graham. Thomas.
Thompson.  Wilcox.
Turner.  Williams.
Wallace.  Wood.
Ward.  Absent.

Bell.  Neighbors.
Bird.  Pitts.
Ewing.  Reubell.
Jones.  Rogers.
Kirk.  Tucker.
McKeller.  Vaughan, Guad'lupe
Meade.  Welch.
Moore, Fort Bend.  Excused.

Bertram.  Flint.
Burney.  Henderson.
Callan.  Kimbell.
Collier.  Stamper.
Crowley.  Wolters.

I vote "no," because I am anxious to
finish the session and go home.

WALLACE.
Mr. Brigance moved to adjourn un­
til to-morrow at 9 o'clock a.m.

Yeas and nays were demanded by
Mr. Fields, Mr. Evans of Hunt and
Mr. Childs.

Lost by the following vote:

Yeas—25.
Beard.  Porter.
Boyd.  Randolph.
Browne.  Rudd.
Burns.  Shropshire.
Cureton.  Skillern.
Fields.  Sluder.
Good.  Smith.
Holland of Burnet.  Staples.
Humphrey.  Stokes.
Love.  Thaxton.
Martin.  Tracy.
McKellar.  Vaughan of Collin.
Mundine.

Nays—73.
Alexander.  Dennis.
Ayers.  Dickinson.
Barbee.  Dies.
Barrett.  Dorroh.
Bean.  Doyle.
Benson.  Drew.
Bird.  Edwards.
Blackburn.  Evans of Hunt.
Blair.  Evans of Grayson.
Bounds.
Brewster.
Brigance.
Bumpass.
Carpenter.
Carswell.
Childs.
Conoly.
Crawford.
Curry.
Dean.

Lotto.  Rhea.
Manson.  Rogan.
Maxwell.  Savage.
McGaughley.  Schlick.
McKamy.  Seabury.
Mead.  Shelburne.
Melton.
Mercer.
Moore, Lamar.  Thompson.
Morris.  Turner.
Morton.
Neighbors.  Ward.
O'Conner.  Wallace.
Patterson.  Wilcox.
Peery.  Williams.
Reiger.  Wood.

Absent.

Bailey.
Bell.  Oliver.
Pitts.
Ewing.
Graham.
Green.
Harris.
Kirk.
Lillard.
McFarland.
Moore, Fort Bend.  Welch.

Excused.

Bertram.  Flint.
Burney.  Henderson.
Callan.  Kimbell.
Collier.  Stamper.
Crowley.  Wolters.

Question recurring on the motion of
Mr. Garrison to adopt the report,
Mr. Childs moved the previous ques­
tion, and it was seconded.

Yeas and nays were demanded by
Mr. Fields, Mr. Pfeuffer and Mr. Love.
The main question was ordered by
the following vote:

Yeas—57.
Mr. Speaker.  Evans of Hunt.
Alexander.  Evans of Grayson.
Ayers.  Felld.
Bailey.  Garrison.
Barrett.  Gilbough.
Bird.  Graham.
Blackburn.  Harris.
Blair.  Hensley.
Bumpass.  Hill of Travis.
Carswell.  Jones.
Childs.  Lotto.
Conoly.  Manson.
Crawford.  McGaughley.
Curry.  Meade.
Dean.  MeCanellon.
Donnis.  Mercer.
Dickinson.  Moore of Lamar.
Dries.
Dorroh.
Drew.
Edwards.
We vote "no," because this bill carries with it extravagant and unnecessary appropriations, thereby entailing
I vote "no" on this report, because I think the same is extravagant and a reckless waste of public money, and is contrary to the Democratic platform and promises, and because the chairman of the finance committee could not tell what the deficiency would be until two years hence.

TRACY.

I vote "no," because of the principle involved in rejecting the first report from this committee, which was sent back because of the largely increased amounts added to the House bill. Instead of reducing the appropriations, the bill comes back practically the same, and we are told that the Senate would not yield any further, and consequently we must submit to their wishes in the matter.

LILLARD.

I vote "nay," because the bill is out of proportion and entirely too high and unreasonable. It exacts and demands a pound of flesh from every taxpayer in the State.

BURNS.

I vote "yea," not that I endorse the bill, for I think some of the amounts appropriated are too large and not justifiable in the face of admitted deficiency of the revenues and distressed financial condition of the country, but the free conference committee will give us no less and I accept it as the best that can be done.

DORROH.

We vote "no" on the passage of this bill, because we believe many of the items of appropriation are extravagant, unnecessary and indefensible, because we believe the total amounts to more than the income of the State provided for the next two years; because we believe the $40,000 extra appropriation to the State University does indirectly what can not be done directly under the Constitution of the State; because we believe the committee has ignored and held for naught the views of a large majority of this House on several items of the bill amounting to as much as $100,000.

MARTIN, OLIVER.

We vote against the adoption of the free conference report on the general appropriation bill, on account of the same constitutional grounds given in for the same action a few days ago, and also because, according to estimates made by the Comptroller and the admissions of the chairman of the finance committee, the appropriations in this bill will exceed the revenue of the State by more than $165,000, and
we are not willing to be a party to
the creating of an unnecessary de-
ficiency.  

HUMPHREY,  
PORTER.  

I vote to adopt the report against
my judgment, but do it in order that
we may get away from here and stop
expenses to the people. We have been
here too long by two months.  
BLACKBURN.  

I vote “aye,” not because I am in fa­
vor of all the items in the appro­
priation bill, but I believe it is the best we
can do after twice referring it to the
free conference committee, and I am
anxious for the Legislature to adjourn
and stop further expense.  
WALLACE.  

We vote against the adoption of the
report of the free conference com­
mittee on the general appropriation bill,
because the bill as a whole is too ex­
travagant, and we believe it carries
unjust discriminations, and is, there­
fore, subversive of the will of the
great common people of Texas, to
whom the Democratic party, as well
as the populist party, is pledged for
financial retrenchment and refrom.
MORTON,  
SMITH,  
SKILLERN.  

I vote “aye” for the reason that I
see no chance for reducing the appro­
priations, and to adjourn without pas­s­
ing the appropriation bill would ren­
der it necessary to have a called ses­sion.
DOYLE.  

I vote “yea,” not because I concur
in the committee report, but that if
we fail to pass an appropriation bill
it will cause an extra session, at a
great cost to the State, and that I have
the utmost faith in the Governor’s
pruning knife.  
GRAHAM.  

Mr. Wilcox moved to reconsider the
vote by which the report was adopt­
ed, and to table the motion to recon­sider.
The motion to table prevailed.  
On motion of Mr. Evans of Grayson,
the House at 6:17 p. m. adjourned un­til
9 o’clock a. m. to­morrow.

NINETY-FOURTH DAY.  

Hall House of Representatives,  
Austin, Texas,  
Wednesday, May 19, 1897.  
The House met at 9 o’clock a. m.,
pursuant to adjournment.

Speaker Dashell in the chair.  
Roll called and the following mem­
bers present:  
Alexander.  
Ayers.  
Bailey.  
Barbee.  
Barrett.  
Beaird.  
Bean.  
Benson.  
Bertram.  
Bird.  
Blackburn.  
Blair.  
Bonds.  
Boyd.  
Brewster.  
Brigance.  
Browne.  
Bumpass.  
Burns.  
Carpenter.  
Carswell.  
Childs.  
Conoly.  
Crawford.  
Cureton.  
Curry.  
Dean.  
Dennis.  
Dickinson.  
Dies.  
Dorroh.  
Doyle.  
Drew.  
Edwards.  
Evans of Hunt.  
Evans of Grayson.  
Field.  
Fields.  
Fisher.  
Freeman.  
Garrison.  
Gilbough.  
Good.  
Graham.  
Green.  
Harris.  
Hensley.  
Hill of Gonzales.  
Hill of Travis.  
Holland of Burnet.  
Holland of Harris.  
Humphrey.  
Jones.  
Kirk.  
Lillard.  
Logan.  
McKamy.  
McKellar.  
Meade.  
Melon.  
Mercer.  
Moores of Lamar  
Morris.  
Morton.  
Mundine.  
Neighbors.  
O’Connor.  
Oliver.  
Patterson.  
Peery.  
Pfeiffer.  
Pitts.  
Porter.  
Randolph.  
Reiger.  
Reubell.  
Rhea.  
Robbins.  
Rogans.  
Savage.  
Schlick.  
Seabury.  
Shibburne.  
Shropshire.  
Skillern.  
Sluder.  
Smith.  
Smyth.  
Staples.  
Stokes.  
Strother.  
Thaxton.  
Thomas.  
Thompson.  
Tracy.  
Tucker.  
Turner.  
Vaughan, Collin.  
Wall.  
Wallace.  
Ward.  
Welch.  
Welch.  
Williams.  
Wood.  

Absent.  
Bell.  
Burney.  
Collier.  
Ewing.  
Moore, Fort Bend.  

Rogers.  
Rudd.  
Stamper.  
Vaughan, Guadalupe  
Wolters.