

KCT
1225
424
1885

GENERAL LAWS

OF THE

STATE OF TEXAS

PASSED AT THE

REGULAR SESSION

OF THE

TWENTY-FIRST LEGISLATURE

CONVENED AT THE

CITY OF AUSTIN, JANUARY 8, 1889,

AND

ADJOURNED APRIL 6, 1889.



LAW LIBRARY

APR 18 1979

UNIVERSITY OF IOWA

AUSTIN:
STATE PRINTING OFFICE.
1889.

Digitized by Google

GENERAL LAWS OF TEXAS.

TWENTY-FIRST LEGISLATURE, 1889.

PART I.

Amendments to Revised Civil Statutes.

GARNISHMENT.

Sec. 1. Amends Revised Statutes, Article 191, relating to writs of garnishment.

CHAP. 1.—[S. S. B. No. 6.] An Act to amend Article 191, Chapter 2, Title 9, of the Revised Civil Statutes of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas: That* Article 191, of Chapter 2, Title 9, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

Article 191. From and after the service of such writ of garnishment it shall not be lawful for the garnishee to pay to the defendant any debt or to deliver to him any effects; nor shall the garnishee, if an incorporated or joint stock company in which the defendant is alleged to be the owner of shares or to have an interest, permit or recognize any sale or transfer of such shares or interest; and any such payment or delivery, sale or transfer, shall be void and of no effect as to so much of said debt, effects, shares, or interest as may be necessary to satisfy the plaintiff's demand: *Provided, however,* That the defendant may at any time before judgment replevy any effects, debts, shares, or claims of any kind seized or garnished, by giving bond, with two or more good and sufficient sureties to be approved by the officer who issued the writ of garnishment, payable to the plaintiff, in double the amount of the plaintiff's debt, and conditioned for the payment of any judgment that may be rendered against the said garnishee in such suit, which bond when properly approved shall be filed among the papers in the cause in the court in which the suit is pending; and in all proceedings in garnishment where the defendant gives bond as herein provided for, such defendant may make any defense which the defendant in garnishment could make in such suit.

Approved, February 9, 1889.

CITIES AND TOWNS.

Sec. 1. Amends Revised Statutes, Article 375, Power over streets, etc.
2. Emergency clause.

CHAP. 2.—[S. B. No. 140.] An Act to amend Article 375, Title 17, of the Revised Civil Statutes of the State of Texas, as amended by an act approved on the twenty-seventh day of March, 1885.

SECTION 1. *Be it enacted by the Legislature of the State of Texas: That* Article 375, Title 17, of the Revised Civil Statutes of the State of Texas, be so amended as to hereafter read as follows:

thereafter; but this article shall not be construed as in any manner repealing or affecting any act exempting property from forced sale: *Provided*, That the provisions of this act shall not apply to nor in any manner affect any existing contracts for rent, nor to any action or suit now pending upon any such contract.

Approved, March 28, 1889.

MILITIA.

SEC.

1. Amends Revised Statutes, Articles 3293, 3294, 3295, 3304, 3306, 3307, 3308, 3318, 3327, 3329.

SEC.

2. Repeals Revised Statutes, Articles 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326.

3. Emergency clause.

CHAP. 16.—[H. B. No. 515.] An Act to amend Article 3249, of Chapter 2, and Articles 3293, 3294, 3295, 3304, 3306, 3307, 3308, 3318, 3327, and 3329, of Chapter 4 (Militia Law), Revised Statutes of the State of Texas, and to repeal Articles 3319, 3320, 3321, 3322, 3323, 3324, 3325, and 3326, Chapter 4, of said Militia Law.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 3249, of Chapter 2, and Articles 3293, 3294, 3295, 3304, 3306, 3307, 3308, 3318, 3327, and 3329, of Chapter 4, Revised Statutes of Texas, shall be amended to read as follows:

Article 3249. Section 1. The adjutant-general shall have the rank of brigadier-general; and in the corps of adjutant-general there shall be to each division one assistant adjutant-general with the rank of lieutenant-colonel, and to each brigade one assistant adjutant-general with rank of major.

Section 2. In the inspector-general's department there shall be one assistant inspector-general with the rank of colonel, and to each division one assistant inspector-general with the rank of lieutenant-colonel, and to each brigade one assistant inspector-general with rank of major.

Section 3. In the quartermaster's corps there shall be an assistant quartermaster-general with the rank of colonel, and to each division a quartermaster with rank of major, and to each brigade a quartermaster with rank of captain.

Section 4. The bureau of military justice shall consist of one judge-advocate-general with rank of colonel, and one assistant judge-advocate-general with rank of major to each division.

Section 5. The state health officer shall be ex officio surgeon-general, and shall have the rank of colonel. In the medical corps there shall be to each division a medical director with the rank of lieutenant-colonel, and to each brigade a surgeon with the rank of major.

Section 6. The adjutant-general shall be appointed by the commander-in-chief, by and with the advice and consent of the senate, if in session, and all other staff officers of the general staff shall be appointed by the commander-in-chief, and shall constitute a permanent staff department as in the United States Army: *Provided*, That all staff officers now holding commissions shall hold their present rank until the commander-in-chief shall otherwise direct.

Section 7. The staff of the commander-in-chief shall consist of the adjutant-general, the judge-advocate-general, the senior assistant inspector-general, and senior assistant quartermaster-general, and six aides-de-camp each, with the rank of lieutenant-colonel, to be appointed by him.

Article 3293. Volunteer guards shall be constituted by voluntary enlistment for a period not less than three years on the part of persons held to military duty under the laws of the state, or of persons that may be exempt under such laws.

Article 3294. Any number of persons not less than forty nor more than

one hundred, of good moral character, desiring to form a company of volunteer guards, may meet and declare such purpose, and after obtaining consent from the governor may perfect their organization by electing their company officers in accordance with the provisions of this chapter. And it shall not be lawful for any body of men whatsoever, other than the regularly organized volunteer guard, to associate themselves together as a military company or organization, or to parade in public with arms in any part of the state, without the license of the governor therefor.

Article 3295. Each company of volunteer guards shall elect one captain, one first lieutenant, and one second lieutenant, and each troop or battery such officers as the regulations shall specify or the commander-in-chief shall direct; and the commanding officer shall appoint five sergeants and four corporals, and the commanding officer of each troop or battery shall appoint such numbers of sergeants and corporals as may be specified in the regulations or the commander-in-chief may direct.

Article 3304. The Texas volunteer guard in time of peace shall consist of one major-general, two brigadier-generals, an adjutant-general's department, an inspector-general's department, a quartermaster's department, a subsistence department, an ordnance department, a medical department, a pay department, a bureau of military justice, and such organizations of artillery, cavalry, and infantry as the commander-in-chief may direct, not to exceed three thousand men rank and file including all departments of the volunteer guard, and which shall be organized into battalions, regiments, brigades, and divisions of suitable size, and changed from time to time as the commander-in-chief may deem for the best interests of the service.

Article 3306. Each regiment shall consist of not more than ten companies and a regimental band, and shall have a colonel, a lieutenant-colonel, and a major, all of whom shall be appointed and commissioned by the governor upon the recommendation of the line officers of the regiment. Each colonel shall appoint for his regiment an adjutant and a quartermaster with the rank of first lieutenant, and an assistant surgeon and a chaplain with the rank of captain of infantry. He shall appoint a sergeant-major, quartermaster and commissary sergeant, a hospital steward, and a drum-major.

Article 3307. Each brigade shall consist of not more than five regiments, and shall be under the command of a brigadier-general, to be appointed by the commander-in-chief, and each division shall consist of not more than three brigades, and shall be under the command of a major-general, to be appointed by the commander-in-chief.

Article 3308. Each major-general shall have four aides-de-camp with the rank of captain, to be appointed by him; and each brigadier-general shall have two aides-de-camp with the rank of captain, to be appointed by him. In addition thereto each major-general and each brigadier-general may appoint a quartermaster and commissary sergeant, a hospital steward, and a clerk.

Article 3318. It shall be the duty of the adjutant-general and the judge-advocate-general to prepare and submit to the commander-in-chief for his approval a code of regulations, not inconsistent with law, for the government and regulation of the volunteer guard as will increase its discipline and efficiency, which shall provide for the examination of certain military officers; shall define and regulate the punishment for military offenses; and shall provide for the regulation of courts-martial and courts of inquiry; which code upon its approval shall form part of this law and be distributed to the various organizations, and shall take the place of and annul all company, troop, and battery constitutions and by-laws, except as may be allowed by the code.

Article 3327. For breaches of discipline, misconduct, or any other military offenses not herein provided for, non-commissioned officers, musicians, and privates may be tried by courts-martial convened by the battalion or regimental commander, and may be punished by suspension, dismissal, or dishonorable discharge from the service; such courts to consist of not less than three nor more than five commissioned officers, their findings to be subject to the approval of the officer ordering the court, and their proceedings governed by the United States Army Regulations relating to courts-martial.

Article 3329. The sentences of such courts shall not extend beyond suspension for a definite period, not to exceed twelve months, or dismissal from the service, and shall not be carried into effect without the approval of the commander-in-chief.

SEC. 2. Articles 3319, 3320, 3321, 3322, 3323, 3324, 3325, and 3326, Chapter 4 (Militia Law), Revised Statutes, are hereby repealed.

SEC. 3. Whereas there is in existence no law which sufficiently provides the manner by which the militia of the state shall be governed, and the lateness of the session creates an emergency and imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and the rule is suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

[NOTE.—The foregoing act originated in the house, and passed the same by a vote of 73 yeas, 11 nays; and passed the senate by a vote of 26 yeas, no nays.]

Approved, April 5, 1889.

COUNTY CONVICTS.

SEC. 1. Amends Revised Statutes, Article 3597, as to credit of county convicts for labor.
2. Emergency clause.

CHAP. 17.—[S. B. No. 200.] An Act to amend Article 3597 of the Revised Civil Statutes of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Article 3597 of the Revised Civil Statutes be amended so as hereafter to read as follows:

Article 3597. When a convict who has been committed to jail in default of payment of fine and costs is required to do manual labor he shall be credited upon such fine and costs at the rate of fifty cents for each day he may labor, and upon satisfaction of such fine and costs in full at said rate he shall be discharged: *Provided*, Such work shall be performed on public streets or roads, or on county poor farms. No convict under this act shall ever be required to work or be hired for more than one year.

SEC. 2. Whereas the interests of the state and of different counties create an imperative public necessity for the suspension of the constitutional rule which requires that all bills be read on three several days, said rule is therefore suspended, and an emergency exists that this act should take effect from and after its passage, and it is so enacted.

[NOTE.—The foregoing act originated in the senate, and passed the same by a vote of 23 yeas, no nays; and passed the house by a vote of 84 yeas, 2 nays.]

Approved, March 7, 1889.