Proclamations and Correspondence, Executive Record Books in records of Secretary of State. Archives Division, Texas State Library. Reel 3484, p. 437.

Proclamation by the Governor.
Executive Office.

Austin, Texas. 6/15, 1899.

Public notice is hereby given that the following bills passed at the regular session of the 26th Legislature of the State of Texas, and received in the Executive Office less than ten days prior to adjournment of said Body, were disapproved for the reasons hereinafter designed, said bills having been heretofore filed in the office of Secretary of State on the respective dates named, with my reasons for official disapproval of same, to-wit:

1st. An act to authorize admission to record and evidence in the Courts of the State of duly certified copies of all deeds and other instruments of conveyance of land which have been duly registered or recorded in other States, or in the Republic of Mexico but which the laws of such States or of the Republic of Mexico require to be retained in the deed or notarial archives of said States or of said Republic of Mexico, and to give such instruments like effect or notice and proof as is given by deeds executed in this State, and to declare an emergency.

This bill was filed in the Department of State on the 27th day of May, 1899, with my objections thereto. I disapproved said bill for the reason that if enacted into law, it would facilitate the making and establishment of fraudulent conveyances in other States and in the Republic of Mexico, and affecting the title to lands in this State.

2nd: An Act to amend an act of the 25th Legislature, approved March 28, 1897, entitled "An Act to amend Article 867, Chapter 1, Title 25, of the Revised Civil Statutes relating to County finances."

This bill was filed in the Department of State on the 3rd. day of June, 1899 with my objections thereto. My objection rests upon the following grounds:

(1) The measure may be regarded as statutory authority for the County Treasurer to deposit the public funds in a banking institution, which is a departure from the policy heretofore maintained.

(2) It enables that official in the contingency stated, if he should so choose to deposit the county funds in any bank in the State however remote from the County to which the funds may belong.

(3) The authority given to the Commissioners Court to accept the certificate of the Cashier of the Bank in which the funds may have been deposited, as actual

cash is dangerous in the extreme and might lead to defalcation on the part of the Treasurer and loss to the County.

3rd. An Act to fix and define the limitation of time wherein suits for taxes may be brought and to declare that taxes, for the recovery of which suit is not brought within such time, shall be conclusively presumed to have been paid, and to forbid any action therefor, and to repeal all laws and parts of laws in conflict herewith.

This bill, with my disapproval thereof, was filed in the Department of State on the 5th day of June, 1899. My objection to the bill is that it does not contain any provision prescribing an adequate penalty for a failure upon the part of the proper official to institute suit against the delinquent tax payer within the period of time to which an enforced collection is limited. The policy which the bill proposes to inaugurate would therefor be dangerous in the extreme, affording the opportunity to many who are entirely able to pay to escape the payment of their taxes.

4th: An Act to amend Article 873 (983), Title 25, of the Revised Civil Statutes of the State of Texas, and to repeal all laws and parts of laws in conflict therewith.

This bill, with my objections thereto, was filed in the Department of State on the 5th day of June, 1899. The objectionable feature of this bill, which leads to my disapproval thereof, is to be found in the second proviso and may probably result from error in enrollment. The clause referred to, though susceptible of interpretation, is so disconnected in arrangement as to fail to give clear expression of legislative intent.

5th: An act granting permission to W. H. Owen to bring suit against the State of Texas in the District Court of Travis County, to ascertain and determine the amount if any, due him for allowances as Quartermaster and Commissary of the Frontier Battalion from the 1st day of April, 1895 to the 1st day of February, 1899, for his travelling and other contingent expenses.

This bill was filed in the Office of Secretary of State on the 6th day of June 1899, accompanied by the reasons for my official disapproval thereof. After a most careful examination into the facts as shown by the official record, I am forced to the conclusion that the claim upon which the party proposes to base his action against the State is plain

solutely without merit. It appears that from the 1st day of April, 1895 to the 1st day of February, 1899, he was quartermaster and Commissary of the Frontier Battalion. The bill authorizes him to institute suit for his traveling and other contingent expenses between the dates named. If Mr. Owen has incurred over dollars of expense for traveling and other contingencies for which he has not been fully paid, I have failed after a most diligent and thorough inquiry, to discover it.

In addition to the reason already given, the bill makes an indefinite appropriation to pay whatever sum might possibly be recovered in the court. Such method of appropriation is, in my judgment, very objectionable and would be fatal to the measure were it in all other respects meritorious.

6th; An act to quiet titles to lands located and surveyed by virtue of land certificates granted under the act of the Legislature of the State of Texas entitled, "An Act granting to persons who have been permanently disabled by reason of wounds received while in the service of this State or the Confederate States a land certificate for 1280 acres of land" approved April 9, 1881, and to validate such location and surveys.

This bill, with my reasons for vetoing the same was filed in the Department of State on the 9th day of June 1899. The grounds of my objection rests upon the facts as stated in the following communication from the Commissioner of the General Land Office:

Austin, Texas June 7, 1899. To His Excellency Joseph D. Sayers Governor of Texas; House Bill No. 300 referred to me for my opinion is herewith returned the following statement.

The purpose of this bill is to validate certain surveys located by virtue of Confederate Certificates issued under Chapter CVI, Act of 1881, page 122. Some of these certificates were located in counties mentioned in Chapter LII, Act of 1879, page 48, and as amended by Chapter XXXIII, Act of 1881, pages 24 and 25. The land in those counties was reserved from location before the issuance of the certificates. It is my understanding that when this bill reached the Senate, it proposed to validate such surveys only as are owned by the original grantees of the certificates. As passed it validates all, whether owned by the original or an assignee. That provision of the bill which restricts its operation to such surveys only as are ~~owned by the original grantee~~ very

limited, for the reason that most of such locations have been either partly or wholly covered by later locations.

It is a part of our common knowledge, that most of the Confederate Certificates very soon passed into the hands of speculators. These persons were generally such individuals as had actual knowledge of the reservation upon which they ordered the survey to be made, yet they had the surveys made in the very teeth of the statute forbidding it. Evidently, they thought the State would in time validate them, as it had been doing, and they could obtain valuable land at a nominal price.

I do not regard it as a measure for the relief of the Confederate soldier his widow or children to any considerable extent, but rather in the interest of the speculator.

Again, in view of the fact that the school fund portion of the land may be short, it is advisable, at this time, to make further donations out of it.

Very respectfully yours,
(Sgd) Charles Rogan,
Commissioner of the General Land Office"

7th: An act to grant leave to G. W. Burkitt, of Anderson County, Texas to bring suit against the State to redeem from forfeiture and re-sale Section No. 58, Block H. W. & N. W. R. R. Co. survey of land, abstract No. 852, in Hardeman County, Texas.

This bill with my objection thereto, was filed in the Department of State on the 9th day of June, 1899. The facts connected with this location, as given in a communication from the Commissioner of the General Land Office, of date June 7, 1899, constitute the ground of my objections to the measure and, in my judgment, furnish a sufficient reason why it should not become a law. Said communication is as follows:

Austin, Tex., June 7, 1899.

Dear Sir:-

Senate Bill No. 330, an act granting G. W. Burkitt permission to sue the State of Texas for the recovery of Section 58, Block H. W. & N. W. Ry. Co., in Hardeman County, referred to me, is respectfully returned. I beg to say that this sale was originally made to an actual settler under the act of 1883. Proof of three years occupancy was made in 1888. The last transfer on file here is to J. M. Myers, of Polk County. Interest was paid on this claim up to January 1st, 1897. The law gave the forfeiting purchaser the preference

right for 90 days to re-purchase without settlement. It also allowed him, at any time thereafter, before the rights of third persons intervened, to reinstate the forfeited claim by paying the back interest.

The Act of 1871, Chapter 37, page 39, provided that "the purchaser of said land shall have the right at any time within six months after such endorsement of 'Land forfeited' to institute a suit in the District Court of Travis County, Texas against the Commissioner of the General Land Office, for the purpose of contesting such forfeiture and setting aside the same upon the ground that the facts did not exist authorizing such forfeiture". The purchaser failed to avail himself of this opportunity.

On August 26, 1879 J. L. Tullis filed his application for the purchase of this land as an actual settler. The sale was consummated September 16, 1879. The question now to be determined is this, is it right to grant the former owner a new and additional remedy against an actual settler who in no wise induced the forfeiture, and whose rights are not in any manner sought to be protected under this bill.

While it is a hardship on Burkitt, he can trace it solely to his own negligence in failing to make his payments. This office is filled with cases forfeited in the same manner and of equal merit and for whom no provision is made. In all such cases, as in Burkitt's, the rights of other parties have intervened.

Very Respectfully
(Sgd) Charles Rogan
Commissioner of the General Land Office.

8th An Act for the promotion of medical Science by distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissection by authorized persons.

This bill was filed in the office of the Secretary of State on the 15th day of June, 1879, with the following reasons for my veto of the same:

My disapproval of the bill rests upon the ground that under its provisions it is made the duty, under penalty of a fine of not less than One Hundred dollars and not more than Five Hundred dollars, of the Superintendents of the

Eleemosynary and Penal Institutions of the State, and also, of all officers having charge of alms houses, prisons, morgues, and hospitals to inform the Anatomical Board of the death of any inmate of said places within twenty-four hours thereafter and to deliver to the Board or its agent the body of such deceased person, unless such body be claimed by a relative or friend for burial, or, unless such deceased person shall have while living, expressed a desire that his body shall be buried. No notification, however, of the death of such inmate is required to be given to his friends or kindred, nor is a complete description of the body required to be recorded at the place where it is dissected.

The measure, in my judgment, affords no protection whatever to a very large class of unfortunate people, and in its operation the grossest and most scandalous abuses may arise, and that too, without any violation of the letter of the law.

In Testimony Whereof, I have hereunto signed my name and caused the seal of the State to be affixed at Austin this the 10th day of June, A.D. 1899.

(Signed) Joseph D. Sayers,
Governor.

(Seal)

By order of the Governor.
D. H. Hardy,
Secretary of State