House Joint Resolution No. 7, amending Section 3, Article 7, of the Constitution of the State of Texas, increasing the amount of tax that may be voted on school districts and providing for a majority vote of the property taxpayers of such district to vote such tax.

Read first time, and referred to Committee on Constitutional Amendments.

By Mr. Onion:
House Joint Resolution No. 8, authorizing the submission to a vote of the people of the State of Texas of a proposed amendment of Section 2, Article 4, of the Constitution of the State of Texas, relating to the terms of office of certain State, district, county and precinct officials in this State.

(The purposes of the resolution is to provide for amendment to the Constitution extending the terms of all State, county, district and precinct officers to four years.)

Read first time, and referred to Committee on Constitutional Amendments.

Public Officials in Service of Trusts and Corporations.

Mr. Kindred offered the following resolution:

Whereas, It has come to the knowledge of the people of Texas and their Representatives in the Legislature, that public officials are being employed and are accepting such employment at the hands of public service corporations and trusts or their agents or representatives and are now in their service in this and in many other States of the Union, and that many of such corporations and trusts are being prosecuted for violations of law; therefore, be it

Resolved, By the House of Representatives of the Thirtieth Legislature of Texas

1. That the time has arrived when the members of this Legislature should go upon record in an expression of their attitude in the matter of the acceptance of such employment or service by said officials from such corporations, trusts or their agents or representatives.

2. That it is the sense of this House that no congressman or legislator of this or any other State of this Union of States should accept employment from or serve any such corporation, trust or their agents or representatives for pay or free of charge.

3. That the acceptance of employment or service by such officials at the hands of such corporations, trusts or their agents or representatives is indiscreet, against the interests of the common people, undemocratic, and is here denounced as reprehensible and in line and sympathy with corporate greed and combination of capital, in restraint of trade and, therefore, detrimental to the peace and prosperity of the masses, and is hereby condemned.

The resolution was read and a second reading was demanded.

Mr. Kennedy objected to a second reading.

No motion was made for a second reading and the resolution went to the Speaker's table.

To Employ Another Stenographer.

Mr. Bogard offered the following resolution:

Whereas, As there is such frequent occasion for the appointment of committees from the House to confer with committees from the Senate, therefore, be it

Resolved, That a stenographer be elected whose duties it shall be to wait upon said committee when in session, and when said committee shall not be in session, said clerk shall perform such other service as shall be assigned to her by the Chief Clerk, and that Miss Jennie Daugherty, an employee of the Twenty-ninth House, and whose service was such as to demonstrate her usefulness and ability, be elected to fill such place.

(Signed) Bogard, Crisp, Dodd, Mason, Savage of Nueces, Strickland, Daniel, Thomas of Fannin, Crockett, McKinney, Fowler, Grinstead, Pool, Blanton and O'Beirne.

The resolution was read and

On motion of Mr. Kennedy, was referred to Committee on Contingent Expenses.

To Amend Rule 14.

Mr. McGregor offered the following resolution:
Resolved, That Rule 14 be amended by adding thereto a new section which shall be numbered Section 8, and read as follows:

Sec. 8. Any member of the House, after a vote is taken upon any question, motion, bill, or resolution and before the result is announced by the Clerk, may change his vote cast upon such motion, question, bill or resolution, but such change shall be noted by the Clerk and the fact of such change shall be recorded in the Journal, which shall show both the original vote cast and the vote as changed, and the member so changing his vote shall be permitted at the time he changes his vote to briefly state the reasons for such change and may have the same recorded in the Journal.

(Signed) McGREGOR.
ALDERDICE.

The resolution was read, and was referred by the Speaker to the Committee on Rules.

TO EMPLOY A PORTER AND LAUNDER- DRESS.

Mr. Graham offered the following resolution:

Resolved, That the Speaker of the House be and he is hereby empowered and instructed to appoint one porter, whose duty it shall be to carry papers left on desks of members of the House to the Confederate Home; also one launderess, whose compensation shall be fixed at $2 per day for such service.

The resolution was read, and was referred to the Committee on Contingent Expenses.

TO EMPLOY MRS. P. HENDERSON TO CARRY PAPERS TO THE CONFEDERATE HOME.

Mr. Martin offered the following resolution:

Whereas, Provisions having been made by this House for the collection of all daily newspapers left upon the desks of members, after they have finished reading same, for the use of members of the Confederate Home.

Whereas, No adequate provision has been made for the delivery of said papers to said members of said Confederate Home; and

Whereas, The members of said Confederate Home have unanimously petitioned this House for the employment of Mrs. P. Henderson, the aged and destitute widow of an ex-Confederate veteran, to perform this service; and

Whereas, This venerable old lady performed like service during the session of the Twenty-ninth Legislature to the entire satisfaction of all persons concerned, therefore, be it

Resolved, That the Speaker be and he is hereby authorized to employ Mrs. P. Henderson to perform this service, and that her compensation therefor be fixed in the sum of $2 per day, the same to be paid out of the contingent fund.

The resolution was read, and was referred to the Committee on Contingent Expenses.

(The above resolution is accompanied by a petition signed by inmates of the Confederate Home asking for the appointment of Mrs. P. Henderson to perform this service.)
In Memory of the Late

Hon. W. M. Blalock.

Representative from Harrison County in the Twenty-seventh, Twenty-eighth and Twenty-ninth Legislatures.

Mr. Wilson offered the following resolution:

Whereas, Since the adjournment of the Twenty-ninth Legislature, and after his nomination for election to this session, it hath pleased Almighty God to remove from his sphere of usefulness on earth to his home eternal in the heavens the Hon. W. M. Blalock of Harrison county, therefore, be it

Resolved by the House of Representatives of the Thirtieth Legislature of Texas:

First—That in the death of Hon. W. M. Blalock the State has sustained the loss of an able, efficient and patriotic citizen, his country an indefatigable worker for her interests and his family a tender, kind and devoted husband and father.

Second—That the House extend to the grief stricken family its heartfelt sympathy, and condolence, and the Chief Clerk be directed to forward a copy of these resolutions to the family.

Third—That a page of the House Journal be set apart for these resolutions.

Fourth—That a committee of five members of the House be appointed by the Speaker to prepare and arrange for suitable memorial services in honor and respect of our lamented deceased brother.

(Signed) GREEN, LOVE of Williamson.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. O'Bryan moved that the resolution be adopted by a rising vote.

The motion prevailed, and the resolution was adopted unanimously.
REQUIRING THE ATTORNEY GENERAL TO INFORM THE HOUSE CONCERNING CERTAIN DOCUMENTS IN HIS 'POSSESSION.'

Mr. McGregor offered the following resolution:

Whereas, The undersigned members of this House are informed and believe that the Attorney General of this State has in his official possession certain papers, letters and books which are originals and not forgeries, which tend to throw light upon the questions arising upon a certain resolution for investigation pending as a special order in this House and on the questions as to whether there are improper relations between Senator Joseph W. Bailey and the Waters-Pierce Oil Company and between Bailey and H. C. Pierce and between Bailey and the Standard Oil Company; and

Whereas, Said resolution is under consideration in this body, contemplating in part an investigation of the official conduct of said Joseph W. Bailey by a committee of this House; and

Whereas, The information contained in the said papers, letters and books is necessary to be had by this House in order that it may act advisedly and intelligently upon said resolution for investigation, now, therefore,

Resolved, That the Attorney General of this State be and he is hereby directed to immediately inform this House officially in writing as to how, from whom and when such papers, letters and books were obtained by him, whether he believes the same to be genuine or forgeries, either in whole or in part, and under such safeguards and restrictions as he may prescribe, and for the further information of the House to exhibit said papers, letters, documents and books at the bar of the House for inspection by each of its members.

(Signed) McGregor, Duncan, Cocke.

The resolution was read, and a second reading was demanded.

Mr. Kennedy objected to a second reading of the resolution.

Mr. Duncan moved that the resolution be read a second time.

Mr. Kennedy then withdrew the objection to a second reading.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. McGregor moved the previous question.

Mr. Kennedy raised a point of order on the motion for the previous question stating that inasmuch as the Rules provided that full and free discussion should be allowed on all questions and that, as this resolution had just been offered and had not received consideration in the House, the Chair should not entertain the motion for the previous question.

The Speaker overruled the point of order.

The motion was duly seconded.

Question—Shall the main question now be ordered?

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—71.

Adkins.
Alderdice.
Austin.
Baker.
Ballengee.
Bartlett.
Boaty.
Bell of Freestone.
Bell of Limestone.
Blalock.
Bogard.
Briggs.
Browne of Harris.
Cable.
Camp.
Chapman.
Clements.
Cocke.
Cox.
Crisp.
Currey.
Daniel.
Dean.
Dodd.
Duncan.
Fowler.
Fuller.
Gafford.
Gaines.
Giesen.
Gilmore.
Goodman.
Graham.
Grinstead.
Henderson.
Holshouser.
Jackson.
James.
Jennings.
Johnson.
Kindred.
Lively.
Martin.
McCallum.
McGregor.
McKinney.
Nebbitt.
Nelson.
Kaufman.
O'Bryan.
O'Neal.
Orgain.
Pool.
Ralston.
Reedy.
Ridgway.
Robertson of Bell.
Robertson of Travis.
Savage of Bell.
Savage of Nueces.
Schlosshan.
Silliman.
Smith.
Stratton.
Strickland.
Terrell of Cherokee.
Terrell of McLennan.
Terry.
Thompson.
Trenckmann.
Walter.
Werner.
Wilmeth.

Nays—46.

Adams.
Baskin.
Blairton.
Bowles.
Bowman.
Braly.
Briscoe.
Bryan.
Canales.
Carswell.
The Chair sustained the point of order. Mr. Dean then moved to reconsider the vote by which the main question was ordered.

Mr. Terrell of Cherokee raised the point of order on the motion of Mr. Dean, stating that it should not be entertained by the Chair, inasmuch as the House had, by a decisive vote, demanded a vote on the main question, and furthermore, that motion is in conflict with the Rules.

The point of order was overruled.

On the motion to reconsider, yeas and nays were demanded, and the motion prevailed by the following vote:

**Yea—62.**

Mr. Speaker.

Adams.       Love of
Ballengee.    Williamson.
Baskin.      Martin.
Blanton.     Mason.
Bowie.       McConnell.
Bowman.      McDonald.
Brady.       McKenzie.
Briscoe.     Mears.
Bryan.       Mobley.
Canales.     Moore.
Carswell.    Murray.
Crockett.    O'Beirne.
Davis of Brazos.    O'Neal.
Davis of El Paso.    Onion.
Davis of Williamson.    Peeler.
Dean.        Pool.
Draggers.    Ray.
Fowler.      Rayburn.
Gafford.     Roberson of Erath.
Gieptner.    Roos.
Green.       Shelby.
Hamilton.    Sperry.
Henderson.   Wade.
Heslep.      Walter.
Kennedy.     Witherspoon.
King.        Wolfe.
Kubena.      Young.
Lane.        Young.

**Nays—61.**

Adkins.       Cable.
Alderdice.    Camp.
Austin.       Clements.
Baker.        Coke.
Bartlett.     Cox.
Beaty.        Crisp.
Bell of Freestone.    Currey.
Bell of Limestone.    Daniel.
Blandock.     Dodd.
Bogard.       Duncan.
Briggs.       Elkins.
Browne of Harris.    Fuller.
Gaines. 
Giesen. 
Gilmore. 
Goodman. 
Graham. 
Grinstead. 
Holshousen. 
Jackson. 
James. 
Jennings. 
Johnson. 
Kindred. 
Lively. 
McCallum. 
McGregor. 
Nelson of Kaufman. 
O'Bryan. 
Orgain. 
Ralston. 
Reedy. 
MacInerney. 
McKinney. 
Patton. 
Brown of Wharton. 
Pierce. 
Jenkins. 
BILLS SIGNED BY THE SPEAKER.
Pending above roll call, Speaker Love signed in presence of the House, after giving due notice thereof and their captions had been read severally, the following bills:
Senate bill No. 1, "An Act appropriating the sum of $110,000 to pay the mileage and per diem of members and per diem of officers and employees of the Thirtieth Legislature, and declaring an emergency."
Senate bill No. 2, "An Act appropriating the sum of $20,000 to pay the contingent expenses of the Thirtieth Legislature, and declaring an emergency."
PENDING BUSINESS.
Question—Shall the resolution be adopted?
Mr. Love of Williamson offered the following amendment to the resolution:
Amend resolution "That said Attorney General shall especially produce the Henry & Stribbling draft, which draft, if in existence is denounced by said Joseph W. Bailey as a forgery."
The amendment was adopted.
Mr. Hamilton offered the following amendment to the resolution:
Amend by striking out the words "whether he believes the same to be genuine or forgeries either in whole or in part."
The amendment was adopted.
Mr. Cobbs offered the following amendment to the resolution:
Add at the end of the resolution the following: "The Attorney General to send in all papers, etc., which may be in his possession or under his control, and if any such are not sent in, the reason therefor."
The amendment was adopted.
Mr. Duncan moved the previous question, and the main question was ordered.
Question—Shall the resolution as amended be adopted?
The resolution as amended was adopted.
In Memory of the Late

Hon. R. P. Dimmitt.

Representative from Knox County in the Twenty-ninth Legislature and Re-elected to the Thirtieth Legislature.

Mr. Fuller offered the following resolution:

Whereas, The Hon. R. P. Dimmitt was elected a member of this House on the 6th day of November, 1906, and departed this life on the 9th day of December, 1906, therefore, be it

Resolved, That the House tender its sincere sympathy to the bereaved family of the deceased, and that a page of the Journal be set apart to the memory of the deceased, and that an engrossed copy of this resolution be sent to the family of the deceased.

(Signed) FULLER,

AUSTIN.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Thompson moved that the resolution be adopted by a rising vote.

The motion prevailed, and the resolution was adopted unanimously.
Mr. Kennedy at this juncture raised the point of order that the time set aside under the Rules for consideration of resolutions had expired and that the Chair should not entertain resolutions any further.

The Chair sustained the point of order.

UNFINISHED BUSINESS.

The pending business on the Speaker's table when the House adjourned yesterday was

The resolution by Mr. Duncan and others, as a special order, providing for an investigation relative to United States Senator Joseph W. Bailey and his connection with the readmission into the State of Texas of the Waters-Pierce Oil Company, and of Attorney General R. v. Davidson, relative to certain charges against him and his assistants, pertaining to certain documents, papers and letters in their possession,

With substitute therefor by Mr. Kennedy and others pending.

The Speaker laid the pending business before the House.

Question—Shall the substitute be adopted?

Mr. McGregor took the floor at 10:25 a.m., speaking to the resolution.

(RECESS.)

At 10:45 a.m., Mr. McGregor yielding the floor,

On motion of Mr. Duncan, the House took recess to 11:55 a.m. today.

AFTER RECESS.

At the expiration of the recess, Speaker Love called the House to order.

IN JOINT SESSION.

At 12 o'clock m., the Honorable Senate of Texas was announced at the bar of the House and accompanied by Sergeant-at-Arms C. H. Allen, Secretary Clyde D. Smith and Chaplain of the Senate H. M. Sears, the Senators advanced into the Hall and occupied seats along the aisle already prepared for them.

Hon. S. P. Skinner of Ellis county, President Pro Tem. of the Senate, was invited to a seat on the rostrum on the left of the Speaker.

The Secretary of the Senate was then directed by the President Pro Tem. of the Senate to call the roll of the Senate, and the following Senators answered to their names:

Alexander.  Looney.
Barrett.  Masterson.
Brachfield.  Mayfield.
Chambers.  Meachum.
Faust.  Murray.
Glasscock.  Paulus.
Greer.  Senter.
Griggs.  Skinner.
Grinnan.  Smith.
Harbison.  Terrell.
Holsey.  Watson.
Hudspeth.  Willacy.
Kellie.

Senators present, 27.

Necessary to a quorum, 21.

Senators Green, Stokes and Stone, acting on the joint committee on inaugural ceremonies.

President Pro Tem. Skinner announced a quorum of the Senate present.

Speaker Love then directed the Clerk to call the roll of the House, and the following members answered to their names:

Adams.  Driggers.
Adkins.  Duncan.
Alderdice.  Elkins.
Austin.  Fowler.
Baker.  Fuller.
Ballengee.  Gafford.
Bartlett.  Gaines.
Baskin.  Gieptner.
Beaty.  Gieson.
Bell of Freestone.  Gilmore.
Bell of Limestone.  Goodman.
Blalock.  Graham.
Bogard.  Green.
Bowles.  Grinstead.
Browman.  Hamilton.
Briscoe.  Henderson.
Browne of Harris.  Hoslep.
Bryan.  Holshousen.
Cable.  Hume.
Camp.  Jackson.
Canales.  James.
Carswell.  Jennings.
Chapman.  Johnson.
Clements.  Kennedy.
Cobbs.  Kindred.
Cocke.  King.
Cox.  Kubena.
Crisp.  Lane.
Crockett.  Lively.
Currey.  Love.
Daniel.  Williamson.
Davis of Brazos.  MacInerney.
Davis of El Paso.  Martin.
Davis of Williamson.  Mason.
Dean.  McCallum.
Dodd.
The Joint Committee on Inaugural Ceremonies appeared at the bar of the House at 12 o'clock m., and were duly announced by the Doorkeeper of the House.

Accompanied by Governor-elect Thomas M. Campbell, Lieutenant Governor A. B. Davidson, Governor S. W. T. Lanham, Lieutenant Governor Geo. D. Neal, ex-Governor Joseph D. Sayers, Associate Justice of the Supreme Court F. A. Williams, Senator J. W. Bailey and others, the Joint Committee and party advanced into the hall and were conducted to the Speaker's stand, where they were invited to seats.

Rev. H. M. Sears, Chaplain of the Senate, was requested by the Speaker to offer prayer.

The Speaker then declared the two houses in joint session for the purpose of inaugurating the Governor and Lieutenant Governor-elect.

Hon. F. A. Williams, Associate Justice of the Supreme Court, was requested by the Speaker to administer the oath of office to the Governor and Lieutenant Governor-elect.

Governor-elect Thomas M. Campbell first came forward and took the oath, Associate Justice Williams holding the Holy Bible in his right hand, the Governor-elect touching the same with his left hand, and holding his right hand erect.

Governor Thomas M. Campbell then affixed his signature to the official oath, Associate Justice Williams attesting same with the Great Seal of the Commonwealth of Texas.

Present, 125, including the Speaker in the chair.

Necessary to a quorum, 89.

Sirs: Your Joint Committee, appointed to make arrangements to count the vote and to arrange for the inauguration of the Governor and Lieutenant Governor, beg leave to recommend that the House and Senate meet in joint session in the Hall of the House of Representatives, on Friday, the 11th day of January, A. D. 1907, at 11 o'clock a. m., for the purpose of counting said votes, and that the House and Senate will sit in joint session in the Hall of the House of Representatives on Tuesday, the 15th day of January, 1907, at 12 o'clock noon, at which time the joint committee will escort the Governor and Lieutenant Governor-elect to the Speaker's stand, when the oath of office will be administered to them by the Chief Justice of the Supreme Court.

The report was adopted.

JOINT COMMITTEE ENTERS.

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Governor Thomas M. Campbell then affixed his signature to the official oath, Associate Justice Williams attesting same with the Great Seal of the Commonwealth of Texas.
Ex-Governor Lanham then came forward and presented Governor Campbell to the assemblage, saying:

Gentlemen of the Legislature, Ladies and Gentlemen:

In popular governments the transition from public office to private station is easy and simple and accomplished without friction or tumult. Administrations change by the will of the people, to which there is always patriotic deference. No Democratic Governor of Texas has ever failed to acquiesce in and yield to the mandate of its citizenship as expressed at the polls, and every retiring Chief Executive takes his place in the ranks with cordial good wishes for the well-being of his State and the success of the administration that comes after him. A moment ago, he who now addresses you was your Governor, and he who shall presently speak to you was a private citizen. How quickly and quietly and peacefully have those relations been changed. The private citizen has become the Governor and his predecessor is no longer in official position.

I make my grateful acknowledgments to the people of Texas for the honor they have conferred upon and the confidence they have reposed in me. I leave their service without consciousness of any infidelity to their interests or lack of devotion to their cause. No candid man can claim perfection. The great Jefferson said "I shall often go wrong through defect of judgment." Mistakes have been made and will continue to be made by all men, for no one is immune from the infirmities of humanity; but all good men can find comfort in the rectitude of their intentions and solace in the knowledge that, with the lights before them, they have done the best within their power.

I bespeak for him who officially follows me the loyal support of the people and ask that his hands may be by them upheld in his efforts to promote the public welfare. At all times let him have the credit of being actuated by good motive and doing what he believes to be right. Let no encouragement be given to unjust criticism of his acts. Let him, under all circumstances, receive the consideration due the Governor of the greatest State in the Union. May the State grow better and greater through his guidance. May patriotism, prosperity and progress mark his administration. May God bless him and the Commonwealth to whose service he has been called.

I now have the honor and do myself the pleasure of introducing to this splendid audience His Excellency, Thomas M. Campbell, Governor.

Governor said:

Ladies and Gentlemen, Senators and Representatives:

I am more than grateful for the words of commendation and good-will so eloquently spoken by the outgoing Governor. His exalted character, his pure life, public and private, his superb patriotism will live as an inspiration to nobler deeds on the part of those who may come after him.

He is my friend, and in retiring from the office, which he has filled with such conspicuous ability, he enjoys the confidence of the people, and wherever he may go, he carries with him my affectionate regard.

This representative assemblage, great and imposing, indeed, has with patriotic interest, and I hope and believe with friendly regard, witnessed my induction into the only public office to which I have ever aspired. I prize the great honor and am conscious of its serious responsibilities and of my duty to all the people.

In the unusually vigorous political struggle which resulted in the gratification of my cherished ambition, I undertook a discussion of governmental principles as applied to the affairs of our State, problems of interest to Texans, rather than individuals, occupied my time, and in the pride and hope of this auspicious occasion I can remember no act of mine in that campaign that I would now recall. Contesting with me for the greatest honor within the gift of the people of Texas were able and honorable gentlemen, and of them or their supporters I uttered no word that would leave a sting or that would tend to wound the most sensitive man. If in the zeal and heat of the combat, injustice was done me by anyone, it brought to me no harm, and today no suspicion or resentment or spirit of retaliation lingers in my bosom.

Public interest and the welfare of the State are of first importance to us all. and the safety of our institutions and the happiness and prosperity of all the people appeal to the patriotic official in every act of duty honestly performed.

Impelled by a sense of duty to the people whose suffrage I asked, and in justice to myself, I advocated policies which I hope to see established in Texas, and I made promises to the fulfillment of which I stand pledged and devoted.

The dominant political party in this
State to which most of us claim allegiance, and to which we are indebted for the honors of official station, announced a platform of principles, adherence to which, in letter and in spirit, all members of the party hold themselves in honor bound. Party pledges to the people should be sacrely kept by its members and every platform demand faithfully redeemed. For the promotion of human happiness, to protect the weak against oppression from the strong, to secure the greatest good to the greatest number, and equal rights to all with special privileges to none, our form of government was established. In the Constitution which we have taken a solemn and binding oath to support, these essential principles of civil liberty and free government are recognized, and to which we are indebted for in every effort for their preservation this Legislature will receive my full cooperation and support.

In meeting my own obligations, I hope to have and I invite your aid and assistance for the good of the State.

Uphold the Constitution, stand by the platform demands, equalize the burdens of government, sweep from these representative halls the "shoulder clapper" and the hired lobby, strike down the corruptionist and the enemies of the people's government, by precept and example promote economy and civic righteousness and you will earn and receive the approval and the praise of a just and grateful people.

Associate Justice F. A. Williams then administered the oath of office to Lieutenant Governor-elect A. R. Davidson in the same manner as to the Governor. Lieutenant Governor A. R. Davidson then affixed his signature to the official oath, Associate Justice Williams attesting same with the Great Seal of the Commonwealth of Texas.

Ex-Lieutenant Governor Neal then came forward and introduced his successor to the assemblage.

Lieutenant Governor Davidson spoke briefly and took the gavel handed him by the retiring President of the Senate.

Speaker Love, at 12:40 p.m., announced that the work of the Joint Session was concluded.

At this juncture there were loud and continued calls for Senator Joseph W. Bailey, who occupied a seat on the rostrum.

Speaker Love then stated that this being a Joint Session, he would ask the presiding officer of the Senate to take the voice of the Senate.

Lieutenant Governor Davidson then asked the pleasure of the Senate.

Senator Willacy, on part of the Senate, moved that Senator Bailey be invited to address the Joint Session.

The President announced that the motion prevailed on part of the Senate.

Mr. Hamilton then moved, on part of the House, that Senator Bailey be invited to address the Joint Session.

The Speaker announced that the motion prevailed on part of the House.

The Speaker then invited Senator Bailey to come forward and address the Joint Session.

Speaker Love introduced Senator Bailey to the assemblage, who, speaking briefly, thanked the two houses for the esteem and respect shown him.

SENATE RETIRES.

On motion of Senator Kellie, the Senate, at 12:45 p.m., retired to its Chamber.

IN THE HOUSE.

Mr. Fuller moved that the House adjourn until 9 o'clock a.m.

Mr. Graham moved that the House adjourn until 12 o'clock m. tomorrow.

Question recurring on the longest time first, yeas and nays were demanded.

The Clerk was directed to call the roll, and was proceeding to call same, when Mr. Duncan asked unanimous consent of the House that the roll call be suspended.

There was no objection offered.

Mr. Graham then, by unanimous consent, withdrew the motion to adjourn.

Mr. Duncan moved that the House adjourn until 10 o'clock a.m. tomorrow.

On motion of Mr. Mason, the House, at 1 p.m., adjourned until 10:30 o'clock a.m. tomorrow.

EIGHTH DAY.

Hall of the House of Representatives, Austin, Texas, Wednesday, January 16, 1907.

The House met at 10:30 o'clock a.m., pursuant to adjournment.

Speaker Love in the chair.

Roll called, and the following members present:

Adkins. Austin. Bell of Limestone.
Alderdice. Blalock.
Austin. Blyant.
Ballengee. Bowles.
Bartlett. Bowman.
Baskin. Braly.
Beaty. Briggs.
The roll call showed quorum present and it was so announced.

Prayer by Rev. W. J. Joyce, Chaplain.
Chapter 3, of the Penal Code of the State of Texas relating to assault with intent to rape.

(The purpose of the bill is to amend the law so as to provide that the death penalty may be assessed against any person who shall assault a woman with intent to commit the offense of rape.)

Read first time, and referred to Committee on Criminal Jurisprudence.

By Mr. Alderdice:

House bill No. 155, A bill to be entitled "An Act providing for the collection of succession duties on estates passing upon the death of any resident of this State having property in this State at the time of his or her death, or of any non-resident having property within the jurisdiction of this State at the time of his or her death, whether such property pass by will or by the laws of descent and distribution of this State, or by those of any other State in which a non-resident may have his or her domicile at the time of his or her death, provided, such non-resident have property within the jurisdiction of this State; or whether it pass by deed, grant, sale, bargain or gift, made and intended to take effect in possession or engagement after the death of the grantor."

Read first time, and referred to Committee on Revenue and Taxation.

By Mr. Pool, Mr. Canales, Mr. Savage of Nueces and Mr. Austin:

House bill No. 156, A bill to be entitled "An Act to authorize the commissioners courts of the several counties of Texas to create and establish drainage districts, to construct canals, drains and ditches, to make levees, improve streams and water courses, and make other improvements for the purpose of drainage; to order and hold elections for the purpose of voting on drainage propositions and authorizing the issuance of bonds and levy of tax, and to issue bonds in payment for such drainage improvements and the maintenance thereof, and to levy and collect taxes for the payment of such bonds, the appointing of drainage commissioners and all other necessary officers of such drainage districts for the purpose of carrying into effect the provisions of this act; and authorizing the drainage commissioners to acquire by purchase, gift or grant, for such district, title to any right of way and other property, and generally authorizing the county commissioners court and the drainage commissioners to do all things necessary for the establishing and maintenance of such districts according to the provisions of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Irrigation.

By Mr. Wilson:

House bill No. 157, A bill to be entitled "An Act to amend Chapter 8, Title XXX, of the Revised Civil Statutes of the State of Texas, 1895, by adding thereto Article 1269a, and repealing all laws in conflict therewith, relating to the pleadings of the defendant and for changing venue where a plea of privilege to be sued in a different court or county is sustained, and declaring an emergency."

(The purpose of the bill is to provide a means for changing the venue in a case where a plea of abatement or privilege to be sued in a county different from that in which the suit is pending is sustained.)

Read first time, and referred to Committee on Reforms in Civil and Criminal Procedure.

By Mr. Wilson:

House bill No. 158, A bill to be entitled "An Act to prevent railroad corporations now existing or that may hereafter be organized, or that may be reorganized under the laws of this State, from in any way or manner interfering to prevent employees of any such railroad company or corporation, who may be discharged from the employ or service of such company or corporation, securing and procuring employment by other companies or corporations or persons; to require such corporations or companies to furnish to employees who may be discharged by them written reasons for such discharge, upon request for such reasons being made by such discharged employe, and to prescribe and provide for the recovery, by such discharged employe, of damages against such companies or corporations for a violation of the provisions hereof."

Read first time, and referred to Committee on Common Carriers.

By Mr. Braly:

House bill No. 159, A bill to be entitled "An Act to create a State Text-Book Board and to procure for use in the public free schools of the State of Texas a series of uniform text-books; defining duties of certain officers therein named; making an appropriation therefor; defining certain misdemeanors; providing for a bond for the faithful performance of the contract, and to cover liquidated damages for fraud or collusion and authorizing the Attorney General to bring
suit therefor, and providing penalties for violations of the provisions of this act.

Read first time, and referred to Committee on Education.

PETITIONS AND MEMORIALS.

By Mr. Braly and Mr. Camp:

Petition of 800 Democratic voters of Milam county, opposing the election of Joseph W. Bailey as United States Senator from Texas.

This petition was read, and there being no committee to which it should be referred, it was filed with the Calendar Clerk for preservation among the archives of the Thirtieth Legislature.

By Mr. Shelby:

Petition of 191 citizens of Mt. Vernon, Franklin county, asking for the passage of a more adequate law to prevent C. O. D. shipments of intoxicating liquors into prohibition districts.

Referred to Committee on Liquor Traffic.

By Mr. Wolfe, Mr. Gafford and Mr. Moore:

Petition of thirty-five citizens of Grayson county, asking for an additional appropriation for the purpose of aiding the State Entomologist at the Agricultural and Mechanical College in devising means to destroy or prevent the spread of the Aphid or Green bug.

Referred to Committee on Appropriations.

By Mr. Bowles:

Petition from seventy-five citizens of Collin county, asking for the passage of a juvenile court law.

Referred to the Judiciary Committee.

MARK LOGAN TAKES OATH OF OFFICE.

Mark Logan, elected Reading Clerk of the House, who has been kept at home on account of sickness in his family, appeared in the Hall, and the Speaker directed the Chief Clerk to administer the oath of office.

Bob Barker, Chief Clerk, then administered the oath of office to Mark Logan as Reading Clerk of the House of Representatives.

On motion of Mr. Onion, Mr. Logan was excused for Tuesday, January 8th, until today, on account of sickness in his family.

BILLS ORDERED PRINTED.

House bill No. 39, the "Torrens Land Transfer System," 300 copies for use of the House.

On motion of Mr. McKinney.

House bill No. 20, amending the Primary Election Law.

On motion of Mr. James.

BIRTHDAY OF ROBERT E. LEE.

Mr. Robertson of Travis, by unanimous consent, presented the following invitation to the House, which was read by direction of the Chair:

Austin, Texas, January 16, 1907.

Hon. J. H. Robertson, Member House of Representatives.

Dear Sir: The Confederate Veterans and Daughters of the Confederacy do most respectfully invite the members of the House of Representatives to unite with them in celebrating hundredth anniversary of the birth of Robert E. Lee, to be given in the Senate Chamber, Saturday the 19th, at 3:30 p.m.

E. B. CARRUTH,
Chairman Joint Committee.

On motion of Mr. Robertson of Travis, the invitation was accepted.

TO APPOINT A LAUNDRESS.

Mr. Alderdice offered the following resolution:

Resolved, That the Speaker be requested to appoint Mrs. Elois Barrow laundress for the session at a compensation of $2 per day.

(Signed) ALDERDICE, BRYAN, CABLE, SAVAGE of Bell, DANIEL.

The resolution was read second time. Question—Shall the resolution be adopted?

Mr. Graham offered the following substitute for the resolution:

Resolved, That the Speaker appoint one porter, whose duty it shall be to carry papers to the old Confederate Home, and that it be the sense of the House that Mrs. . . . . . . . be named for this duty; also one laundress, and whose pay shall be $2 per day for such services, to be paid out of the contingent fund of the House.

On motion of Mr. Dean, the resolution was referred to Committee on Contingent Expenses.

FOR ADDITIONAL EMPLOYEES.

Mr. Baskin offered the following resolution:

Whereas, The necessity has arisen for the following additional employes of the House; therefore, be it

Resolved, That the Speaker of the
House is hereby authorized to appoint one clerk for the Sergeant-at-Arms at a salary of $4 per day; one messenger for the Sergeant-at-Arms at a salary of $2 per day; one page for the Journal Clerk at a salary of $2 per day, and one special Assistant Sergeant-at-Arms to care for the gallery at a salary of $3 per day.

BASKIN,
GILMORE,
O'BRYAN,
McCALLUM.

The resolution was read, and a second reading being demanded,
Mr. Dean objected to a second reading, and the resolution went to the Speaker’s Table.

REPORT OF THE COMMITTEE ON CONTINGENT EXPENSES.

Mr. Baskin, Chairman, submitted the following report:

We, the Committee on Contingent Expenses, having carefully examined the resolution introduced by Mr. Graham on January 14, 1907, relative to the payment of temporary employes, recommend the following substitute therefor:

Whereas, Certain employes of the House faithfully assisted the Speaker in his work of organization prior to their appointment; therefore, be it
Resolved, That such employes be allowed the compensation provided for by resolution authorizing their appointment for each day they have so worked.

Resolved further, That the Speaker be hereby authorized to pay such other persons for actual labor performed prior to the organization of the House and the appointment of regular employes at the same rate of compensation provided for regular employes.

BASKIN, Chairman.

The report was read.
On motion of Mr. Clements the report was adopted.

QUESTION OF PERSONAL PRIVILEGE.

Mr. Terrell of McLennan, speaking to a question of personal privilege, said:

Mr. Speaker:

Rising to a question of personal privilege, I desire to notice an article appearing in the Waco Times-Herald in a special sent out from Austin dated January 11. The article is headed “The Bailey Tactics,” and the part I desire to notice is as follows:

“Early during the morning session Thursday the Baileyites began making plans for consuming the time set aside for resolutions by oratory and debate. The proposition to employ clerks and stenographers, passed over from the previous day, was seized upon and the Bailey men began to talk. To keep the record straight, it might be well to mention the leaders who delayed the proceedings of the Thirtieth Legislature. They included J. R. Heslep of Burleson county, Ben F. Gafford of Grayson, A. M. Kennedy of Mart and H. B. Terrell of McLennan county. One or two anti-Bailey men, who did not realize the situation, innocently jumped into the arena and helped to delay matters.”

Now, Mr. Speaker, to those who have served with me in former Legislatures it is not necessary for me to say that when I attempted to reduce the number of clerks from twenty-one to fifteen that I was then “keeping the record straight.” For six years I have fought for economy in the organization of this House. Did so even when there was no investigation pending, and I am unwilling for any man to deliberately misstate the facts and allow them to go unchallenged. And I here and now denounce it as a deliberate falsehood so far as I am concerned. No man has the right to parade a man before his constituents and before the world in a false light in order to vent his own spleen. True, this correspondent represents a paper in my own county whose editor bears the distinction of having been “converted” on numerous occasions during the recent agitations of the Bailey question in this State, but even then I will not allow him to place me in a false light before my people.

“Just keep the record straight.” Why, gentlemen of the House, so straight has my record been kept that with a continuous service of six years not a single vote of mine has ever been questioned from the stump or rostrum in McLennan county. So biased are some of the reporters on the floor of this House that they can not report a debate here without questioning some man’s motives. True, I do not belong to that class who would hound Senator Bailey to death, and then dance over his grave. Neither do I belong to the class who say “the king can do no wrong.” I am one of those who believe that we are sent here to enact laws that will redound to the good of Texas, and that the election of a United States Senator is only one of the many important duties before us. As to how I shall vote when the time comes depends on what is pending at that time, and as between the Duncan
resolutions and the Kennedy substitute, I am in favor of the Duncan resolution, even though it contains many things suitable only for the opening speech of a candidate for Congress from the pine hills of East Texas.

Now, Mr. Speaker, in conclusion, I desire to send to the Clerk's desk and have read and printed in the Journal a clipping, which is an editorial appearing in my own paper, the West Times, written and published before the article referred to was sent out from here. It gives my views with reference to an investigation of Senator Bailey:

(Extract from the West Times.)

"SHOULD BE INVESTIGATED.

"It has been rumored that Senator Bailey and his friends will oppose an investigation by the Legislature. We hope this is not true, for while we are classed as one of his friends, yet we refuse to join in an attempt to smother an investigation. There have been many charges and allegations preferred against Mr. Bailey during the last few weeks, and of such a nature that in our opinion it is imperative on the part of the Legislature to thoroughly investigate all the charges. If Mr. Bailey has done no wrong, then an investigation can not harm him. On the other hand, if he is guilty as has been charged, the world should know it. And know it from sworn testimony and documents presented before an investigating committee. It is due Mr. Bailey, as well as the people of Texas, that a thorough investigation be had, and we trust the rumor that Mr. Bailey and his friends are to oppose such a course is not true."

UNFINISHED BUSINESS.

The pending business on the Speaker's Table when the House adjourned yesterday was

The resolution by Mr. Duncan and others, as a special order, providing for an investigation relative to United States Senator Joseph W. Bailey and his connection with the readmission into the State of Texas of the Waters-Pierce Oil Company, and Attorney General R. V. Davidson, relative to certain charges against him and his assistants, pertaining to certain documents, papers and letters in their possession.

With substitute therefor by Mr. Kennedy and others pending, Mr. McGregor on the floor.

The Speaker laid the pending business before the House.

Question—Shall the substitute be adopted?

Mr. McGregor resumed the floor at 11:27, yielding the floor at 12:20.

Mr. Wolfe then obtained the floor to speak to the resolution.

RECESS.

On motion of Mr. Duncan, the House at 12:20 a. m. took recess for ten minutes.

AFTER RECESS.

Speaker Love called the House to order, the ten minutes having expired.

The House resumed consideration of the pending business, Mr. Wolfe on the floor.

Mr. Duncan moved that the House take a recess until 2 p. m. today.

On motion of Mr. Johnson, the House at 12:30 took recess to 2:30 p. m. today.

AFTERNOON SESSION.

The House met at 2:30 p. m., and was called to order by Speaker Love.

COMMITTEE ON PRIVILEGES, SUFFRAGE AND ELECTIONS.

The Speaker announced the appointment of the following committee:

Mr. McKinney, Chairman; Messrs. James, Robertson of Bell, Terrell of Cherokee, Duncan, Wilmeth, Bell of Limestone, Elkins, O'Bryan, Roos, Terry, Bell of Freestone, Bowles, Werner, Hume, Alderdice, Recdy, Stanford, Gaines.

PENDING BUSINESS.

(The Duncan Investigating Committee.)

The House resumed consideration of the pending business, same being the resolution by Mr. Duncan and others, as a special order, providing for a certain investigation, with the substitute by Mr. Kennedy and others pending.

Question—Shall the substitute be adopted?

Mr. Wolfe resumed the floor, speaking to the resolution.

MESSAGE FROM THE GOVERNOR.

While Mr. Wolfe was occupying the floor, a messenger from the Governor appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read in full to the House:
Executive Office,  
Austin, Texas, Jan. 16, 1907.  
To the House of Representatives:  

Honest government, fidelity to the Constitution and the lasting welfare of the State should be the aim of all.  
Upon those who value that freedom vouchsafed by constitutional government the duties and obligations of official station weigh most heavily. In the commission sought and accepted by the public servant are involved the responsibilities he voluntarily assumed, and the motives actuating him, as well as the measure of his patriotism, are determined by his conduct.  
The members of the present Legislature and Executive have been vested with well-defined political power, this power comes by grant from the people, and they have the right to expect that it will be exercised for their benefit and in obedience to their ascertained will.  
The will of the people is ascertained through expression given at the ballot box and by the platform declarations of the political party entrusted with the administration of the affairs of government.  
The entire State administration and all members of the Legislature, with few exceptions, were elected upon a platform announcing principles and containing pledges that are of binding force with every official worthy of a place in the Democratic household. Platform demands should not be lost in the mazes of selfishness and sophistry, or ground under the heel of a corporate lobby. We can in reason indulge the hope that a Democratic Legislature and Executive can and will be able to give full expression and meaning to Democratic integrity by keeping every promise made to the people.  

After reaffirming those fundamental principles which sustain our social fabric and upon which our governmental structure rests, the platform demands the enactment of effective laws:  
1. To define and prohibit lobbying.  
2. To prohibit the issuance of free passes or the giving of free transportation, franks or free privileges in any form by railroads or other corporations within this State, with certain exceptions named.  
3. To prohibit corporations from contributing to the campaign expenses of any party or individual, or to secure the adoption or defeat of any measure submitted to a vote of the people.  
4. To define and prohibit insolvent corporations from doing business in Texas, and if necessary to accomplish this purpose to submit a constitutional amendment to a vote of the people.  
5. To compel telephone and telegraph companies to transmit each other's messages, and to make necessary connections for that purpose.  
6. To require the subscribers to the capital stock of corporations to pay in at least 50 per cent of the capital stock subscribed before filing charter, and the additional capital stock within two years, and such laws as will insure greater publicity and better protection to the creditors and stockholders.  
7. To eliminate nepotism from the public service in this State.  
8. To the enactment of a uniform text-book law.  
9. To enlarge the scope and general benefit of our present drainage and irrigation laws.  
10. To confer necessary power in courts of competent jurisdiction to enable such courts to deal with youthful offenders in a more suitable and effective way.  
11. To simplify and correct our present election law, to provide a uniform test, and for nomination in blanket primary by a majority of the voters by a direct vote and without the intervention of a convention.  
12. To amply provide for the support and maintenance of our eleemosynary institutions.  
13. To enact laws relating to public roads that good roads may be secured to all of the people.  
14. To simplify the procedure in both civil and criminal trials and for reforms in our jury system.  
15. That an amendment to the State Constitution authorizing the erection and maintenance of a home for indigent and decrepit wives and widows of Confederate soldiers and sailors be submitted to the voters of the State.  
16. To remove occupation taxes on all useful occupations.  
17. To secure equality and uniformity in taxation, the just rendition of all taxable property at its full value and to compel payment of such taxes.  
18. Establishing a State Department of Agriculture, separate from all other departments and interests. That adequate facilities for agricultural and industrial training be provided for those educational institutions of our State in which such training is practicable.  
19. Compliance with the constitutional requirement of six months term of free school for each child in each year, and the principle of county taxation for
school purposes was endorsed and recommended.

These demands and defined policies contain the latest definite expression of the people upon the subjects to which they relate, and are commended to your honorable bodies as worthy of your best thought and most faithful consideration. Too much importance can not be attached to the people's demand, and this view justifies a further consideration of some of these subjects in this message, to the end that this Legislature and Executive in patriotic harmony may give the people what they want. Those receiving no further elaboration speak for themselves and are not intended to be minimized by failure of further mention.

LOBBYING.

The professional lobbyist, the hired instrument of selfish schemes, is a menace to the people and a public enemy. The unwary are his game, and the people are his victims. The right of petition should never be denied, but abuse of this right should not be tolerated. Intolerable delays of wholesome legislation and great and unnecessary expense to the State too often result from such abuse. When the welfare of any community, or that of any legitimate association or organization of individuals, is involved in any proposed legislation, its officers and its committees are guaranteed an open, full and fair hearing by the genius of our institutions. When the rights of an individual are believed by him to be imperiled he should be heard, and when the interests of corporations and other legitimate business enterprises are involved in any proposed legislation those directly in charge of such enterprise and most familiar with the affairs in hand can, with propriety, be heard, and the public weal will be best subserved when full and ample justice is done. The manner of these hearings, the procedure and necessary limitations with respect thereto should be provided. Lobbying by public officers, appointees and employes of the State should be prohibited, and the corruptors, those who by deceit and favors seek to defeat just laws, and for hire seek to fasten unwholesome policies upon the people, should be by effective laws driven from this capitol forever.

I most earnestly recommend the immediate passage of the emergency clause, so that the present Legislature and the people may have the immediate benefit of it, of a measure which shall make it unlawful for any persons other than the members of the Legislature or the Governor of the State to attempt to influence any legislator in voting upon any question, or to vote for or against any measure, otherwise than by appearing before a committee when in session, by newspaper publication, public addresses, written or printed petitions, statements, arguments or briefs, and a specified number of copies of said petitions, statements, arguments or briefs, shall be first filed with the Secretary of State subject to public inspection; and, further, that no officer, employe or agent of the State or of the United States shall attempt, directly or indirectly, to influence a member of the Legislature in voting upon any question or to vote for or against any measure affecting the pecuniary interest of such person except in the manner suggested above.

As is well known to all who have witnessed or participated in the proceedings of the Legislature while in session, one of the chief embarrassments and impediments to the orderly and easy dispatch of business is the presence upon the floor of the two houses of great numbers of lobbyists, visitors and sightseers, whose movements and conversations create such disturbance and confusion as to materially interrupt and retard business. In the construction of the capitol these persons have been amply provided for at a great expense by extensive and comfortable galleries which, under the present practice, have rarely an occupant. I, therefore, recommend to you that by the same measure it be made unlawful for any person other than members of the Legislature, State officials, employes and officers of both houses and duly accredited representatives of the press, to go upon the floor of the Senate Chamber or House of Representatives while the Legislature is in session. Infractions of the law should be made punishable by both fine and imprisonment.

FREE PASSES AND FRANKS.

The present practice of the railroads and other corporations in giving free passes and franks to the public officials and influential citizens has grown to be an evil so great, and a discrimination so unjust, that it stands almost without a defender. The people have demanded the correction of this evil many times, and upon this subject the platform of the political party recently endorsed by the voters contains the following declaration:

"We favor the enactment by the next Legislature of a statute prohibiting the
issuance of free passes or the giving of free transportation, franks or passes in any form by railroads or other corporations within this State, except to those employed by said corporations and their families, the indigent poor for whom application is made by religious or charitable organizations, and to sheriffs, rangers and other peace officers, whose duties are to execute criminal process.

And we request the next Governor of this State to keep the Legislature in session, if necessary by extraordinary call, until such a law as is demanded be passed."

The platform has named the exceptions from the operation of the law demanded. Efforts may be made to extend these exceptions on various plausible pleas, and it is respectfully urged that no modification or further exception can be made without impairing the value of the law, and defeating the plain object sought by the people.

Measures to abolish the free pass evil call for immediate attention and prompt and decisive action.

The passenger rate now paid by those favored with free passes should and I recommend that the same be reduced to 2 cents per mile. The present and growing volume of passenger traffic in Texas warrants such reduction.

CORPORATION CONTRIBUTIONS TO CAMPAIGN FUNDS.

No corporation holding a charter or enjoying a permit to do business in this State should be permitted to divert its corporate funds to influence elections, to the corruption of the ballot box, or to the support of a lobby to influence legislation. The disclosures resulting from investigations in other States and this dangerous and vicious practice known to have been indulged in our own State admonish us that the demand of the people that this evil be corrected must be speedily met.

INSOLVENT CORPORATIONS.

All corporations are creatures of the government, and as such should enjoy no privilege inconsistent with sound business principles and the general good. Under corporate cover the insolvent corporation may, under existing laws, levy tribute and prey upon the people in proportion to the sum of its obligations, no matter how largely disproportionate they may be to the real value of its property.

That the insolvent corporation should enjoy no higher privilege than the insolvent individual is a proposition which can not be refuted. The insolvency of the individual from a business viewpoint is the concern of himself and his creditors alone, while the insolvency of the corporation is the concern of the public, and in obedience to the popular will the dominant political party in its last platform declared in the following language that such corporations should cease doing business in Texas:

"We demand the enactment of a law, or, if necessary, the submission of a constitutional amendment to the people of Texas, defining insolvent corporations and prohibiting the same from doing business in this State."

It is earnestly urged that by immediate legislative enactment much can be accomplished in promptly dealing with this subject and with the subjects of free passes, lobbyists and contributions by corporations to campaign funds and to support legislative lobbies. Ample authority is given for these laws by the Constitution, but for safer and more permanent relief these evils should be finally corrected by amendments to our Constitution. Such statutes as I recommend upon these subjects for immediate relief will be under continual attack from selfish interest brought under control by their honest enforcement. Experience teaches us that the people are not always on guard, and when off their guard the agents of avarice often attack and destroy their wisest and best safeguard. If these proposed reforms are sound, as I believe them to be, the people should have immediate relief by effective laws, and they should also have an opportunity to write them into the Constitution so that in their wisdom and permanency they can there remain until removed by the hands of the people themselves. If in your wisdom suitable laws are enacted covering these demands of the people here under discussion, these statutory provisions will serve a useful purpose until the people can by their votes incorporate the same into the Constitution.

These subjects are not new to the people of Texas. As early as the year 1890 a constitutional amendment designed to safeguard the people in these particulars was proposed by one who had been a Governor of Texas, and one of the purest, most enlightened and progressive statesmen of our time, the lamented James S. Hogg. The people by their platform of that year endorsed the amendment and demanded the right and the opportunity to vote upon the same, but this was denied them.
In my campaign for the Democratic nomination for the office of Governor, I renewed the fight in favor of the amendment then and now proposed, and in discussing it throughout the entire State in a long and somewhat vigorous campaign before the people I heard no word of opposition. Its opponents have never dared to go to the people on the Hogg amendment. I promised the people that if honored by them with the office of Governor my best energy would be employed in an effort to have this amendment submitted to them for their approval or rejection. Its spirit breathes in the platform upon which this Legislature and Executive were elected, and moved by a sense of duty in the cause of right and justice, I earnestly recommend that the amendment so long under discussion and so often approved by the people be submitted to the voters of Texas. In laying this amendment before you for your thoughtful consideration, and in suggesting its submission to the people, I am not unmindful of the machinery that selfish interests will employ to defeat its submission. Doubtless every engine of corporate power will be put in motion to defeat it.

The amendment as here proposed reads as follows:

"RESOLUTION NO 1."

"A joint resolution by the Legislature to amend the Constitution of the State of Texas, by adding Article 12a thereto, which said article shall be divided into Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9.

"Be it enacted by the Legislature of the State of Texas: That the Constitution of the State of Texas shall be so amended as to add Article 12a thereto, which said article shall be divided into nine sections and read as follows:

"Article 12A."

"Section 1. That among other rights the power in this State to authorize, issue, or execute bonds or other evidences of debt, secured by liens on corporate property and all kinds of stock and shares of stock, or the execution of any kind of bonds or liens or mortgages or stocks or shares of stock by corporations, or through the receivers thereof, in this State, is a special privilege or franchise, the right and duty to supervise, regulate, limit, restrict, and control which for the protection of public interests have always been, are now, and shall continue to be vested in and imposed on the State, to be exercised and performed according to the provisions of the Constitution and laws of Texas.

"Sec. 2. That no insolvent corporation shall have the right to do business within or to exercise or retain any franchise or charter granted from the State of Texas.

"Sec. 3. Every corporation whose assets and liabilities and transfers of stock are required to be kept on record in the corporation books in this State, chartered in or doing business by the authority or consent, or under the laws, of this State, shall be deemed and held to be, and it is, insolvent when its indebtedness, added to its capital and other stock at par value and the bonds outstanding against its property within this State shall amount in the aggregate to more than three times the valuation at which the property of the said corporation in this State was last rendered for taxation by the corporation or through its agents or representatives, or to 75 per cent more than the valuation of its said property when the Railroad Commission or any lawful authority, acting expressly under and by virtue of the laws of this State, has fixed thereto one year before the institution of suit under this amendment.

"Sec. 4. That any corporation chartered by virtue of or exercising rights or franchises under the laws of this State that has issued or has outstanding any fictitious bonds or stock or shares of stock, which, if legal, are required by the law to be, or are, kept of record, or are required to be, or are, recorded in this State, or that has issued or has outstanding any stock or bonds except for money paid to, work done for, or property actually received by the corporation, which said bonds and stock shall amount to 75 per cent more than the valuation of the property belonging to said corporation within this State which has been fixed thereto by the Railroad Commission, or any authority designated by law, or to double the valuation at which said property has been last rendered for taxation in this State by the corporation, or its agents or representatives, is insolvent and shall forfeit its corporate rights, charter and franchises.

"Sec. 5. That every corporation which holds a charter or permit or exercises corporate franchises or rights, from or under the laws of or by the consent of this State, has at all times been, is yet, and shall continue to be prohibited from using all, or any part, of its money, assets or funds, except for corporate purposes, and any other use or diversion
of the laws of this authority, or shall, directly or indirectly, grant or give to any person, firm or corporation or association of persons, any privilege greater or fare or rate less than it grants, gives or concedes to any and all other persons, firms, corporations or associations of persons of similar or like calling, occupation or profession or physical or pecuniary condition for similar service to the one or ones so favored, it shall, in addition to the other penalties prescribed, pay to the State of Texas, in any action that shall be brought by the Attorney General or district or county attorney for that purpose, the sum of $5000 for each and every such act; provided, that every railway or other transportation company, or the receivers thereof, without delay or the necessity of preliminary action, shall have the right to carry free of charge all of the transportation forces, mechanics and operatives engaged in the service of the corporation or company, and members of their immediate families; and also there may be carried free of charge by the company its own directors, officers, agents and attorneys when the company or receiver shall have, previously to the said free carriage, furnished and filed with the Railroad Commission of Texas a certified list of the names, accompanied by a statement showing the particular line and branch of service in which they are severally engaged by the company or its receivers, and that they are each in good faith so employed.

"Sec. 7. That the Attorney General of Texas shall bring action of quo warranto against each and every corporation in this State that is insolvent, or that violates either or all of the provisions of this amendment or any provision of the Constitution or laws, to forfeit its license, franchise, permit or charter, and to wind up its corporate affairs; and the district judge before whom the action is filed may, on motion of the Attorney General, either in term time or in vacation, appoint a receiver or receivers to protect the public and all interested parties in the management of the corporate properties pending the litigation and settlement of the corporate and other rights in relation thereto.

"Sec. 8. That it shall be the duty of the Governor to cause the provisions of this article and all other provisions of the Constitution and laws relating to corporations to be enforced, and for this purpose he shall render the prosecuting officers, the Railroad Commission and the courts all aid necessary.

"Sec. 9. That each and every provision and penalty of this amendment shall be cumulative of all constitutional
provisions and laws on the subject and shall be self-executing without the necessity of further legislation on or in relation thereto. But the Legislature shall pass such penal and civil laws as may be deemed necessary to aid in giving full force and effect to the provisions of this amendment.

"And further, be it enacted by the Legislature of the State of Texas: That the foregoing constitutional amendment shall be submitted to a vote of the qualified electors of the State at an election to be held throughout the State of Texas on the ______ at which election all voters favoring said proposed amendment shall write or have written or printed upon their ballots the words: 'For the amendment to the Constitution by adding Article 12a and the several sections thereof, relating to corporations; and those opposed thereto shall write or have printed on their ballots the words: 'Against the amendment to the Constitution which proposes to add thereto Article 12a and the several sections thereof relating to corporations.'

"The Governor of the State is hereby directed to issue the necessary proclamation for said election and to have the same published as required by the Constitution and existing laws of the State."

TELEPHONE AND TELEGRAPH COMPANIES.

It seems that great inconvenience and much annoyance has been occasioned the people in some quarters by the failure of telephone and telegraph companies to make suitable connections at common points for the transmission of each other's messages. This policy on the part of the companies often results from indifference to the public requirements and is often the result of a desire on the part of the stronger line to make the business of the smaller line unprofitable, dissatisfy and frighten its owners and promoters, then by purchase, often at its own price, absorb and consolidate it with their own. This rife spirit of corporate consolidation and unnatural monopoly should in my opinion be dealt with in an effective way. The practice of consolidating public service corporations, or corporate wealth in any form, should be stopped. With due regard for the convenience and accommodation of the public, as well as the rights of these companies, suitable and adequate legislation requiring the companies under appropriate penalties to make such connections and transmit each other's messages is demanded by the platform and is recommended.

PRIVATE CORPORATIONS AND ANTI-TRUST LAWS:

"We demand such amendments to our laws regarding private corporations as will require the payment of at least 50 per cent of the capital stock before charter and within two years the additional 50 per cent of the capital stock, and that will insure greater publicity and a greater measure of protection to creditors and stockholders." This is a demand of the people with which I suggest ready compliance. To insure "greater publicity and a greater measure of protection to creditors and stockholders" and to aid in the enforcement of existing anti-trust laws, I suggest briefly for your consideration:

1. A comprehensive law giving the Attorney General, or his authorized assistant or duly accredited agent or representative, for the purpose of investigation, full and free access to all the works, plants, offices, books, vouchers and papers of any corporation doing business in Texas, whether under charter granted by the State or by permit, and without reference to whether such filing, plants, offices, books, vouchers and papers are situated within this State or out of it.

2. A law authorizing the Attorney General to issue his subpoena, directed to any officer of this State authorized to execute similar process, or to any agent appointed by him in any other State commanding such officer if in Texas, or such agent if out of the State, to summon any president, director, other officer or agent of any corporation doing business in Texas, either under a charter or permit, to appear in person before the Attorney General or before any judge of a court of record in Texas, and make true answers to all questions propounded to him pertaining to the subject matter then under consideration and to produce all books, vouchers, contracts and papers that may be called for by any subpoena issued by the Attorney General. As an appropriate and effective remedy for failure to obey such subpoena I would suggest as a penalty a provision for the forfeiture of the corporation's charter or permit to do business in Texas, and for a lien upon all the assets of the concern in this State to secure the payment of whatever penalties may be recovered for violation of this or any other law of the State.

3. A law to prevent the abatement
of suits for forfeiture of charter or permit and for penalties by a simple dissolution of the corporation.

4. A law with adequate penalties requiring the managing officers of all corporations in arrears for more than sixty days on its pay rolls or indebtedness to employees, or to creditors having priority or a statutory lien, to make full report of same, under oath, to the Attorney General, and also to the trustees or mortgagees named in any deed of trust or mortgage that may be subsisting against the property and franchises of the corporation.

NEPOTISM.

That the efficiency of the public service is not only threatened, but positively impaired, by the employment by public officials of members of their families and other relatives at public expense, is believed by a large percentage of the people, and in this view I most heartily concur. It is a practice often denounced by the people in their platform expressions, and a law defining nepotism and prohibiting its practice in this State is suggested as of commanding importance, and as an appropriate response to the people's will.

UNIFORM TEXT-BOOK LAW.

The present uniform text-book law was enacted in recognition of the demand for cheaper school books for the children attending our public schools. It has its imperfections and among others are the exemption of cities of over ten thousand inhabitants from its operation and the provisions by which supplementary books, or books other than those adopted, are wedged into the schools by enterprising book agents, thus undermining and impairing the value of an otherwise wholesome law.

"We demand the enactment by the next Legislature of a uniform text-book law" is the language of the platform. This is a demand for a law universal in its application, general in its benefits, and stripped of all exceptions, provisions and modification, by which its advantages can be denied the patrons of the public schools in any city or locality. The re-enactment of the present law with the objectionable features referred to eliminated was doubtless contemplated by the plain instructions of the people. The old law, its defects and the remedy proposed, are commended to your best judgment and careful consideration.

PUBLIC EDUCATION.

In Texas the cause of education is cherished by the people. The principles of public free schools is a fixed and established policy. The system of public education demanded by our Constitution is a response to the admonition of the fathers "that unless a people are educated and enlightened it is idle to expect a continuance of civil liberty and capacity for self-government."

The Constitution of the Texas Republic committed Texas to the cause of public education. Every time the people have written and adopted a constitution, every time an expression has been given in mass meetings or in political conventions, the principle has been reaffirmed. The present Constitution declares that "it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools," and further that "there shall be levied and collected an annual ad valorem State tax of such an amount, not to exceed 20 cents on the $100 valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public free schools of this State for a period of not less than six months in each year."

No higher duty rests upon this Legislature and Executive than that involved in a faithful effort to comply with these requirements of the Constitution. Much has already been accomplished in this direction, but our system is by no means perfect and is capable of improvement in many essentials. Opportunities for the better development of the public schools of the cities and towns have been no more favorable than those of the rural communities. The income from our permanent school fund, supplemented by the support from State and local taxation, furnish suitable educational advantages to the boys and girls of nearly all our cities and towns, but the rural schools are without adequate support, and too often without efficient supervision. The six months school term in each year is demanded by the Constitution and has become a threadbare pledge in the platform promises of the political party now responsible for the administration of the affairs of our State government.

An honest rendition and assessment of taxable values would have obviated this difficulty long ago, and the legislators of the past can not be justly charged with dereliction of duty in this regard when in good conscience they relied
upon the fidelity and good faith of tax officials. A six months public school term and fair compensation to teachers cannot be secured without money. The money must come from taxation. We will have to raise the tax rate to the limit of the Constitution if tax officials fail in their duty to put all property on the tax rolls at its value. Public support of our educational development is not keeping pace with our increasing wealth and population. Reliable statistics show that probably only two Southern States have shorter rural school terms than Texas, ours being an average of about four months. These same statistics indicate our unenviable position in the general school term average, and in the percentage of the school fund which is received from local taxation.

As an appropriate aid to the public schools and, especially to the rural schools, I suggest that a constitutional amendment, authorizing a county ad valorem school tax, be submitted to the voters. This principle as applied to our necessities, had its origin in the mature deliberation of some of our foremost educators, and is endorsed by the following platform expression, "We recommend that the plan of county taxation for school purposes be adopted."

Anticipating your favorable action and a commendable desire to accommodate yourselves to a popular will in all things pursuant to the unmistakable demands of the Constitution, and to the end that all available information, on the subject of public education may be utilized by your honorable bodies, your attention is called to the very comprehensive, interesting and instructive reports of the Superintendent of Public Instruction, of the Regents of the State University, and of the Boards of Managers of the State's several educational institutions. These reports will prove profitable to those interested in the promotion and development of our system of public education.

The importance of agricultural and industrial training can not be denied, and having this in view, and also the wisdom of more liberal education of the people and of liberal support to the common schools, the State University and all other institutions within our system of public education, the people through their last convention said "that there be provided adequate agricultural equipment and teaching forces for the State normal colleges, the College of Industrial Arts for Girls and the Agricultural and Mechanical College; and that the industrial thought in the schools be encouraged by teaching the elements of agriculture and the industrial arts; that the Agricultural and Mechanical College, the College of Industrial Arts for Girls, and the State normal colleges be authorized to grant diplomas having the force of State teachers' certificates to all who complete the necessary course as graduates in the industrial branches; we recommend that liberal support be provided for the Agricultural and Mechanical College experiment stations, the Farmers Institute, the College of Industrial Arts for Girls and the Texas State University for the teaching and training of our youths, and the more liberal education of our citizenship." A progressive citizenship will applaud your adoption of these policies and the further you go in their enforcement the greater will be your service to the people.

DEPARTMENT OF AGRICULTURE.

Agriculture is, of course, the most important factor in our State's growth and prosperity, and in recognition of this fact the platform recommends "that a State Department of Agriculture be established and that the same be separate and apart from all other departments and interests, and that the same be adequately supported." The benefits to flow from such a department, organized in the light of experience, amply maintained and efficiently and independently administered, can not be overestimated. The needs are so imperative and the essential functions of such a department are so apparent that additional mention here will, it is believed, be of no great profit to you in framing ample legislation upon this subject.

It is suggested, however, that the department of which the agricultural feature is now a part, be disturbed no further in its organization than is required by the elimination of that jurisdiction pertaining to agricultural and kindred interests.

CIVIL AND CRIMINAL PROCEDURE.

The people demand through the platform such legislation as will simplify the procedure in both civil and criminal trials, and also recommend reforms in our jury system.

Employing substantially the same language used by me in discussing this subject on former occasions I respectfully urge the reforms demanded.

The present complex and cumbersome procedure is a shield to the criminal, defeats justice, increases the number of our courts, and adds unnecessary bur-
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Dens upon the taxpayers. Perplexing technicalities encourage crime, employ the time of the courts to no useful end and the people pay the costs. A rigid enforcement of all the laws is essential to the social wellbeing and demanded as the only safe guarantee of life, liberty and property. All laws can be enforced and should be enforced fearlessly, impartially and without respect to locality or persons. To longer tolerate a system of technical obstacles behind which murderers and rogues may barricade themselves and defy the laws, would be a reflection upon the wisdom if not the sincerity of our statesmanship. To say that crime can run rampant in Texas and that our laws can not be enforced is to admit that we are incapable of self government. That our law-abiding citizenship is growing impatient and restless at the delays and the uncertainty of punishment for crime can not be denied. That there is just grounds for such discontent must be conceded. There is too much machinery in our criminal trials, too much literature and too many refinements in the court's charge to the jury, and too many loopholes through which criminals may escape. When the court's charge in a criminal case is heard, especially the charge in murder cases, the most intelligent citizen is often made to wonder how any man is ever punished for crime. How is it possible for any juror, not trained in the law, to ever measure the guilt or innocence of an accused person by rules and distinctions not always understood by the courts and lawyers themselves. Is it a surprise that juries disagree, that criminals go unwhipt of justice, that new trials are forced, cases reversed by the appellate courts and that the mob spirit is rife in Texas? The judges are not at fault, the jurors are not always to blame, the main difficulty is in the system. A fair and impartial trial upon the law and the facts without tangled and technical rules should be accorded the accused, and when this is done, then, and not until then, so many trials and delays can be avoided and substantial justice may with some reason be expected in all cases.

Now then without intending to suggest a limit to the remedies which you in your wisdom may devise, I respectfully suggest:

1. That you further limit jury exemptions and define and limit the causes for which the trial judge may in the exercise of his discretion grant excuses to men drawn for jury service.

2. Either prescribe by statute a common sense form of charge for the jury in every criminal case of the grade of felony, or require such charge to embrace only the nature of the accusation and a copy of the statutes applicable to the offense charged and the facts of the case.

The enactment of laws embodying these views, would, I believe, add more certainty to the law's enforcement, expedite trials, furnish ample protection to the innocent, discontinue the almost universal practice of appealing everything and prevent so many reversals and new trials. It is with confidence further suggested that these reforms if adopted would result in reducing the number of our trial courts, clear the dockets promptly and save the State and counties a large per cent of the tremendous sums now expended in efforts to enforce our criminal laws. As in criminal cases, probably more than half the civil suits tried and appealed are reversed and remanded for new trials, and many new trials are granted by trial courts on account of errors in the court's charge to the jury. Costs to litigants are increased, delays and unjust burdens are laid upon those forced to invoke the aid of the courts to secure their rights under the Constitution and laws. The costs incurred by the counties for juries and other incidental expenses in the numerous trials of the same cases is heavy and has attracted the attention of the people.

It seems to me that an effort should be made to give the relief demanded and as tending in that direction I recommend to the Legislature the enactment of laws authorizing verdicts to be returned in trial of civil cases in the district court by the concurrence of nine members thereof, and also requiring trial judges to prepare their instructions to the juries in civil cases and submit the same to the parties or to counsel on both sides of the case before the argument begins; that the charge shall as now be read to the jury on the conclusion of the argument of counsel, or on conclusion of the evidence if no arguments are to be made to the jury; and by law provide further that all special charges or additional instructions proposed or requested shall be prepared, submitted to opposing counsel for objection if any, and then delivered to the judge before the main charge is read to the jury, and that all exceptions to the main charge or to the giving or failure to give special charges, shall be taken and the ground of objection stated in writing and noted by the judge before the jury retires, and that all errors in the charge or with respect to the special charges not then assigned and again pointed out in motion for new trial shall
be considered and held to have been waived and shall not constitute grounds for new trial or reversal unless fundamental. These reforms would facilitate the business of the courts, meet the ends of justice and relieve the higher courts of many appeals and save much unnecessary annoyance and delay and lessen the expense to litigants and to the counties and State.

CONFEDERATE WIVES AND WIDOWS' HOME.

A chivalric sentiment and a sense of duty long neglected prompts a just and brave people to "recommend that the Legislature submit an amendment to the State Constitution authorizing the erection and maintenance of a home for indigent widows and wives of Confederate soldiers and sailors." Love of exalted womanhood, devotion to the sublimest of all human virtues, gratitude and State pride, all conspire to give this golden opportunity to elevated manhood. Texas owes this debt to the women of the Southern Confederacy and in its payment we will give additional lustre to her honor and glory.

PRIMARY ELECTION LAW.

In approval of the system of party nominations by direct vote of the people the party platform demands of this Legislature the enactment of such amendments to the existing law as may be found necessary to simplify and perfect the same, that provision be made for a uniform test and such amendments to the law as will by blanket primary enable a majority of the voters of the respective political parties to make nominations by direct ballot of the voters without the intervention of conventions. The simplest and most convenient method, consistent with the purity of the ballot, that can be devised for the ascertainment of the popular choice in making party nominations, uniformity in party method and that the majority shall rule, are essential to party harmony and to the preservation of individualism. Experience with the present law has disclosed its defects and complications, which to here recount would be more tedious than profitable. To the task of perfecting the same you are commended with the full expectation that from your wisdom and attention satisfactory results will follow.

PUBLIC HEALTH.

The public health is a subject of such general concern that its importance can not be overestimated. Adequate measures looking to the protection of the people against disease and appropriate legislation for the promotion of the science of medicine and surgery and the more thorough protection of the public against incompetency should be provided. Under existing law the people of those counties of our State known as the border counties have heretofore been charged with a greater portion of the burden incident to maintaining and enforcing quarantine at State lines than should be laid upon them, and ample provision should be made for the relief of these counties and for a more equitable distribution of this expense which is necessarily incurred in the interest of all the people.

REVENUE AND TAXATION.

In the midst of unexampled prosperity, surrounded with unbounded resources and enhancing values, and boasting of intelligent progress and unparalleled development, this administration is confronted at the very outset with a growing deficiency which promises to reach the uncomfortable aggregate of more than one-half million dollars at no distant date. The State can not meet its obligations without money and the money must be raised by taxation. That our present system of taxation facilitates the tax dodger and encourages official carelessness and indifference on the part of those charged with public duties thereunder, in the light of the State's unfortunate financial condition, can be assumed. The cunning and unscrupulous schemes invented by those who evade their just obligations to the government should be circumvented and delerict tax officials should be brought up with a sharp turn. No one should be required to contribute more than his just share to the support of the government, this much he should pay and the tax official who by design, incompetency or negligence aids or permits a fraudulent rendition and assessment should be removed from office. The property of corporations and individuals rarely appeals upon the tax rolls at its true value. The Constitution and laws require taxable property to be rendered and assessed for taxes at its value, but under the subterfuge known as "value for taxes" which has been invented to cheat the State, we find the property of railroad companies upon the tax rolls at not exceeding 25 per cent of its value, and other corporations are escaping taxes in like proportion. In some counties the tax officials will adopt 75 per cent valuation as the "value for taxes," others 50 per cent, and it is understood that many do not exceed an average "valuation for taxes" of more
than 25 per cent. Under the tax methods of the present system of rendition and assessment millions of money on hand, notes, accounts and credits reaching into the millions, and other personal property of great value, are escaping all taxation through false renditions and official dereliction. The small property owners of our State have just grounds for complaint. The tax burdens laid upon them are out of proportion, and common justice demands rigid laws and a more equitable distribution of the tax exactions among those receiving the protection of our laws and enjoying the blessings of our free government.

The people through their State Constitution have declared that “taxation shall be equal and uniform” and that “all property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law.” They further declared at the last State Convention through the party platform “that the owners of all property which is not exempt from taxation by the Constitution of the State should be compelled to contribute their just proportion toward defraying the expenses of the government; and to accomplish this result we pledge the Democracy of Texas to the enactment of such further laws as will secure the just rendition of such property for taxation and compel the payment of taxes properly assessed against it, and to the enactment of such laws as will secure the taxation of all property, tangible and intangible, including franchises or intangible assets or property of those corporations which, by reason of the nature or character of their assets or property, under the present laws escape their just proportion of taxation.” Here is presented the mandates of the Constitution which every office holder in Texas has sworn to support, and the express command of our party to which we should all in obedience bow.

The standard of value prescribed by the Constitution is the only basis for “equality and uniformity.” Assessment of all property at its real value is the only method by which equitable distribution of tax burdens can be expected, any departure from that standard breeds confusion, discontent, higher tax rates, sectional divisions, fiscal difficulties, favoritism to some and oppression to others. Existing inequalities in matters of taxation, the unfavorable financial condition of the State, the loss of revenue by the removal of occupation taxes on useful occupations demanded by the platform and here recommended, and the defiant attitude of the railroad corporations toward all recent tax legislation affecting them, all suggest to your honorable bodies grave and serious questions to the solution of which the Legislature has been directed by the people.

It would be better for the honor and reputation of the State to have a true rendition of property for taxes with a low rate than to have poverty-stricken tax rolls with a high rate of taxation. When the State has emerged from its present financial difficulties, and adequate laws are enacted to force honest renditions and assessments, and other appropriate sources of revenue are made to yield their just proportion of the required revenue, then we can in safety reduce the rate of taxation, and have all necessary funds with which to meet the increasing needs of the State, but it now seems that until ample legislation is provided and the deficiency covered, the rate of taxation must, at least for the next two years, be maintained at the present rate of 20 cents upon each $100 valuation for general revenue purposes, and legislation continuing such tax rate is respectfully recommended.

And in aid of existing laws, and cumulative of all other laws and parts of laws relating to the rendition and assessment of property for taxation not in conflict herewith, I recommend the enactment of the following laws:

1. Make the failure of the owners and holders of promissory notes, accounts and other credits, to make true rendition of the same for taxation an offense accompanied by heavy penalties and provide effective measures for reaching the same.

2. In all suits for the value of personal property taken, killed or otherwise destroyed, make the value of same as rendered for taxes, the measure of damages and limit the amount of recovery to the value thus ascertained.

3. Require the corporations and other property owners, their agents or representatives, list under oath all the fire insurance carried on their property of every description on the preceding January 1st, and upon the date upon which they make rendition for taxes, giving amount of each policy of insurance and the specific property covered by such insurance, and that the tax assessor shall attach to or include in the assessment sheets of the said property owners the said insurance so listed and return the same to the Commissioners Court sitting
as Boards of Equalization for use in the better performance of their duties under the law.

4. Require all corporations and individuals, their officers, agents or representatives, to make oath to the correctness of the rendition of all taxable property and also to the correctness of the value given in such rendition.

5. In addition to the oath prescribed by the Constitution require each tax assessor and each deputy tax assessor to take and subscribe the following oath:

"I, .................. , tax assessor (or deputy tax assessor as the case may be) in and for ................. County, Texas, do solemnly swear that I will personally view and inspect all the real estate and improvements thereon subject to taxation lying in said county that may be rendered to me for taxation by any corporation or individual, or by their agents or representatives, as fully as may be practicable, and that I will as accurately as is practicable view and inspect all other taxable property in said county rendered to me as aforesaid, that I will to the best of my ability make a true estimate of the cash value, the market value of such property, if such property has a market value, and if it has no market value, then the real value of all such property, both real and personal, on the first day of January next preceding and that I will make up and attach to each assessment sheet made up and sworn to by the said property owners, their agents or representatives, a true assessment and valuation of said property, together with a memorandum of all the facts which I may learn bearing upon the value of the said taxable property; that I will make all possible inquiry relative to the true value of such property and that I will attach said memorandum and statement of facts that I may ascertain as aforesaid to the said assessment sheets of the respective property owners. That I have read and understand the several provisions of the Constitution of this State relative to the valuation of taxable property, and that I will faithfully do and perform every duty required of me as tax assessor (or deputy tax assessor) by the Constitution and laws of this State. So help me God."

This oath should be administered by the county clerk and filed by him in his office and a copy thereof should be furnished the officer making and subscribing to the same.

6. Each corporation or individual, agent or representative, executor, admin-
istrator, guardian, trustee, assignee, or other person whose duty it is under the laws of this State to render, list and give the true value of any taxable property, upon being called upon by the tax assessor to render and give the value of same should be required to list the same, or fill all blanks in any printed form used, in ink or indelible pencil and sign his name to the affidavit thereto in ink or indelible pencil. And the tax assessor and deputy tax assessor should be required to use ink or indelible pencil in filling all assessment blanks and in making up all memoranda and statements required of him by law.

7. Before the members of the commissioners court begins its labors as a Board of Equalization, each of the members thereof, including the county judge, should be required to take and subscribe the following oath:

"I .................. , a member of the Board of Equalization of ................. County, for the year A. D. .............. hereby solemnly swear that in the performance of my duties as a member of such board for said year, I will not vote to allow any taxable property to stand assessed on the tax rolls of said county for said year at any sum which I believe to be less than its true market value, or if it has no market value, then its real value; that I will faithfully endeavor and as a member of said board will move to have each item of taxable property which I believe to be assessed for said year at less than its true market value, or real value, raised on the tax rolls to what I believe to be its true cash market value if it has a market value, if not then to its real value, and that I will faithfully endeavor to have the assessed valuation of all property subject to taxation within said county stand upon the tax rolls of said county for said year at its true cash market value, or if it has no market value, then at its real value.

"I further solemnly swear that I have read and understand the provisions contained in the Constitution of this State relative to the valuation of taxable property, and that I will faithfully perform all the duties required of me under the Constitution and laws of this State. So help me God."

This oath should be signed and sworn to before the county clerk, which officer should be required to furnish a copy thereof to each member of said equalization board and file the original in his office.

8. From the assessment sheets, memoranda and valuations as finally cor-
rected, adopted and approved by the Board of Equalization, the tax assessor should be required to make up the tax rolls as now provided by law, and after said rolls are made up the tax assessor should deliver said assessment sheets, lists, valuations and memoranda used by said Board of Equalization, to the county clerk who shall firmly keep the same until the next grand jury convenes in the county, when the said clerk should be required to deliver same to the grand jury, together with the copy of the tax rolls for that year required to be filed in his office. And said grand jury should be required during its sitting to examine each of said assessment sheets both for the purpose of returning bills of indictment against any person for violation of any law relating to the rendition, valuation and listing of property for taxation, and relating to the assessment of property for taxation and the equalization of same; adequate penalties for violations of the law should be provided, and the grand jury should be required to make a report in writing to the district court whether indictments are returned or not, which report should relate to the general condition of assessments, manner of assessment and equalization of property for taxation as exists and is practiced in the county, and especially as to whether all taxable property has been listed and valued as required by law. It should be made the duty of every district judge to give the tax laws relating to rendition, assessment and equalization of taxable property and the penalties provided for their violation, in special charge to each grand jury and to instruct such grand jury fully with respect to their duties in the premises. And it should be further provided that if any tax assessor, deputy tax assessor, member of the Board of Equalization, district judge, county clerk, or other officer, shall fail to perform any duty required of him under the law in matters of taxation he shall be deemed guilty of a misdemeanor and appropriate penalty provided, and if an officer, that such officer be removed from office at the suit of the Attorney General. And further provide that venue and jurisdiction of all suits to remove officers from office should be expressly conferred upon the courts of Travis county.

9. In addition to the other duties of the State Revenue Agent it should be made his duty, when and wherever practicable, to diligently inquire into the manner of rendition, assessment and valuation of taxable property, and to report all official delinquencies to the Attorney General together with the facts relating to the same.

10. The rendition and assessment of railroad property as now practiced presents probably greater inconsistencies than that pertaining to any other class of property. It is undervalued, and the same railroad is rendered and assessed at different valuations in the different counties of the State. The "equality and uniformity" required by the Constitution is practically impossible under the present system. To reach the prevailing inequalities and undervaluation of railroad property I recommend that a constitutional amendment be submitted to the voters creating a State Tax Board, composed of three members and that the Governor, Attorney General and Chairman of the Railroad Commission shall constitute said State Tax Board. Require the said board to value all the property of railroad corporations, and interurbans and street railways, and railways and terminal lines of every description. Require the valuation to include all physical property, real and personal, and the franchise, and the valuation so made and ascertained to be certified by the said State Tax Board to the tax assessor and commissioners courts of the respective counties for their observance and control as to value and as to all matters pertaining to such taxable property.

11. The removal of the occupation tax upon all useful occupations will materially reduce the income for general revenue and school funds, and the loss can be justly met by an increase of occupation taxes upon occupations other than those classed by the Legislature as useful, and a further increase of all franchise taxes, and this action is respectfully recommended.

12. A graduated income tax upon all annual incomes with appropriate exemptions should be provided and your careful consideration of this subject is suggested. I regard this principle of taxation as sound and altogether just. The revenue derived from this source should be apportioned three-fourths to general revenue and one-fourth to the available school funds.

These recommendations and suggestions are made with the earnest hope that they may be useful to you in dealing with the difficult task in hand and with the assurance that the adoption of all other fair and just methods of taxation by your honorable bodies will receive my approval and in such action you will receive my full co-operation.
DEALING IN FUTURES.

The "bucket shop" game, commonly called dealing in futures and margins, can number among its victims more ruined lives, more broken homes and greater numbers of financial wrecks among the hundreds of men who are being daily tempted and entrapped by this insidious evil, than can be rightfully claimed for any other agency of demoralization and harm in the field of speculation or gambling. The buying and selling of wheat, bacon, cotton, corn or other commodity, stock, bond or other security, when neither the seller nor the buyer expects delivery, is not entitled to be dignified with the term speculation, it is gambling, pure and simple, begets the gambling spirit, and is more hurtful to legitimate business enterprise, and a matter of as serious concern to society as all the gambling houses in the country. Effective laws prohibiting such transactions, with suitable penalties should be enacted without delay, and I so recommend.

STATE PENITENTIARY SYSTEM.

The successful management of prison labor, the profitable disposition of penitentiary products, and the many details involved in the efficient conduct of the State penitentiary system, calls for the highest order of financial skill and business sagacity. I have not yet had access to the last annual reports of the officials in charge of our penal institutions, and am, therefore, not in position to enter upon a discussion of the needs of these institutions or to make recommendations with reference thereto. This subject may and probably will demand further attention in a future communication to your honorable bodies.

CONDITION OF THE STATE.

In addition to what has been stated already with reference to the condition of the State, the sources of revenue, and the requirements to meet the expenses of State government, I request your careful consideration of the able and exhaustive message of his Excellency, the retiring Governor, which was presented to you at the beginning of your labors. I also recommend for your investigation the reports of the Comptroller, Treasurer and all other department reports accompanying said message.

CONCLUSION.

With no intention to dictate, but in a spirit of co-operation, I will say in conclusion that I stand pledged to the people by the declarations made in the most public way, to give the people of Texas a plain, economical and thoroughly business administration of public affairs. To this end I shall devote all my powers and to accomplish this purpose shall be my highest aim. That I may succeed in this I ask and expect your full co-operation and valuable assistance. Business methods without the taint of political intrigue should be adopted and enforced in every department of the State government.

To meet the absolute necessities of the government, provision should be made by the Legislature, and I enjoin upon you to make suitable appropriations for the proper maintenance and support of all eleemosynary and other State institutions and departments, using at the same time the utmost economy consistent with the efficient management of same. I particularly urge upon the Legislature not to deal grudgingly in providing for the Confederate Home and Confederate soldiers. All humiliating features of our Confederate pension laws should be eliminated and other appropriate safeguards provided. The Texas National Guard should receive adequate support, and the Legislature should resolutely support and maintain the Railroad Commission to the end that the efforts of the Commission in the full exercise of its powers and duties may not fail for the want of sufficient funds.

It has been often charged that there are abuses, idleness and graft in the public service and that useless officers and employees are burdening the payrolls of the State. That crude and inadequate methods of accounting are in use in many of the departments which not only delays and hinders the dispatch of business, but adds to the public expense and discredits the public service. To all these matters your attention is invited and I enjoin upon you strict and careful investigation of each and every department of the State government.

The taxpayer has a right to wholesome policies, efficiency and honesty in the conduct of every department of the State government, and it should be made certain and sure that the State shall have value received for every dollar expended.

Encourage a wholesome development, promote a healthy prosperity, safeguard the State, and you will have served a great people faithfully and well.

T. M. CAMPBELL,
Governor of Texas.
COMMUNICATION FROM ATTORNEY GENERAL R. V. DAVIDSON.

Immediately following reading of the Governor's message, Attorney General R. V. Davidson, accompanied by his office assistant, Jewel P. Lightfoot, appeared at the bar of the House, and was duly announced.

Speaker Love then directed that he be admitted and invited him to approach the Speaker's stand.

General Davidson then stated that he had come in compliance with the resolution of the House adopted yesterday, and submitted the following communication, which the Speaker directed the Clerk to read to the House:

January 16, 1907.

Hon. Thomas B. Love, Speaker of the House of Representatives, Austin, Texas.

Dear Sir: Responding to the resolution passed by the House of Representatives January 15, 1907, directing me to exhibit certain papers, letters, documents and books at the bar of the House for the inspection of its members, and to inform the House of Representatives officially, in writing, as to how, through whom and when such papers, letters, documents and books were obtained by me, you are respectfully advised that the Attorney General filed a suit on September 20, 1906, in the Twenty-sixth judicial district court of Travis county, in which the State of Texas was plaintiff and the Waters-Pierce Oil Company defendant, seeking by said suit to cancel its permit to do business in Texas, and to collect penalties for violation of the anti-trust laws of this State.

In its petition the State has charged a conspiracy between certain persons and corporations to monopolize the oil business in this State; that a fraud was perpetrated upon the State by the reorganization of said company, and its subsequent readmission into Texas, May 31, 1906; that many other acts have been committed by the defendant and other persons to maintain said monopoly, and to perpetrate the fraud originally committed, as aforesaid.

It is also alleged that the new company paid out money in an effort to settle litigation pending in this State against the old company, and that all such payments were audited and allowed by the Standard Oil Company of New Jersey, at a time when the defendant was denying all connection and relation with the said Standard Oil Company, and concealing said relation by holding all of the stock of defendant except four shares, in the name of H. C. Pierce, its president.

The Attorney General's department has gathered certain documentary evidence and compiled from records relating to these allegations, which are held for the use of this department in the case aforesaid, and are produced in response to said resolution for whatever light they may throw upon the subject of the resolutions pending before the House.

It would manifestly be impracticable to submit these documents to each member of the House, at the bar of the House, and for the convenience of the members we have arranged a folio of exact copies of such documents which relate to the subject, many of which are photographic.

I respectfully request the Speaker to appoint a committee to compare the copies furnished with the documents in our possession, after which the folio of copies may be retained by the House for its consideration.

In addition to this suggestion, I desire to state that the copies filed may be subsequently compared by any member of the Legislature with the documents in our possession, or said documents may be examined by them in my department.

The originals of the documents set forth on pages 2 and 27 of said folio were secured by this department on or after August 25, 1906.

The originals of the documents set forth on pages 6, 7, 8, 9, 14, 15, 17, 18, 19, 20, 21, 22, 23, 25 and 26 of said folio were secured by this Department on November 17, 1906. The photographic copies set forth were obtained on or after August 25, 1906.

All of said documents above referred to were secured from Mr. J. P. Gruet, of St. Louis, Missouri, who was for many years connected with the Standard Oil Company at No. 26 Broadway, New York, and for twelve or fourteen years in the service of the Waters-Pierce Oil Company as Secretary, Treasurer and Vice-President and Director, having resigned his position in the early part of the year 1905.

The documents referred to were delivered to my Assistant, Mr. J. P. Lightfoot, by Mr. Gruet for use by the State in the case of the State vs. The Waters-Pierce Oil Company, in which case he is a witness for the State.

The documents shown on pages 5, 10, 11, 12 and 13 of said folio were copied from documents now in the possession of
The following is an excerpt from said letter:

No. 2. (Voucher.)
St. Louis, Mo., June 15, 1900.
Waters-Pierce Oil Company, to Henry & Stribling, Waco, Texas. Dr.
Account of expense in anti-trust civil case of the State of Texas vs. W. P. O. Company at Waco, $1500.
O. K. J. D. JOHNSON.

"Draft delivered to Mr. H. C. Pierce by Mr. Gruet November 17, 19... H. N."

Nowhere, nor at any time, have I ever claimed to have that draft; but, on the contrary, all the records show that I was making an effort in a legal way to secure possession of it to complete the file of documents as they stood before the draft was delivered to H. C. Pierce, as shown from the face of said records.

The folio above referred to contains all the documents touching the Henry & Stribling transaction ever in, or claimed to be, in my possession.

R. V. DAVIDSON,
Attorney General.

After the communication was read to the House,
Mr. Duncan moved that the roll of the House be called and that each member of the House be allowed to approach the Clerk's desk and examine the documents presented by Attorney General Davidson as his name is called until the roll call should be concluded.

Mr. Pool moved as a substitute for above motion that the Speaker be authorized to appoint a committee of seven members of the House to compare the copies of certain documents presented by Attorney General Davidson with the originals in his possession.

Mr. Kennedy moved to table the substitute motion by Mr. Pool.

The motion to table was lost.
Question—Shall the substitute be adopted?

After Mr. Duncan had spoken to the substitute and yielded the floor,
Mr. Love of Williamson obtained the floor and propounded a question to Mr. Duncan.

Mr. Cobbs then raised the point of order that it was not competent for a member who was on the floor to question another who had yielded the floor and taken his seat.

The Speaker overruled the point of order, and stated that it was competent for a member on the floor to seek information from a member who had resumed his seat by properly addressing the Chair and the member questioned chose to reply.
Mr. Kennedy raised a point of order on consideration of the Pool substitute, stating that it should not be entertained by the Chair for the reason that it contravenes the object and purpose of the original resolution. The Speaker held the point of order not well taken.

Mr. Bryan moved to amend the Pool substitute by providing that Senator Bailey be invited to be present when the committee makes the examination, and that he be allowed to file his answer thereto.

Mr. McGregor raised a point of order on consideration of the Bryan amendment on the ground that it was not germane.

The Speaker overruled the point of order.

Mr. Love of Williamson moved to amend the Bryan amendment by providing that Senator Bailey be permitted to examine the original papers and documents in the possession of the Attorney General.

Mr. Duncan raised the point of order on consideration of the amendment by Mr. Love of Williamson, and stated that the House could not go beyond securing information for itself, and that the amendment is not germane.

The Speaker overruled the point of order.

Mr. Cobbs moved that further consideration of the whole matter, original motion, substitute, amendments and all be postponed until the pending business, the Investigating Resolution, be finally disposed of.

Mr. King at this juncture raised a point of order and stated that this whole discussion is out of order, and that Mr. Wolfe is entitled to and should have the floor in discussion of the pending business, the Investigating Resolution. The Chair held the point of order not well taken.

Question—Shall the motion to postpone prevail? Yea and nay were demanded, whereupon Mr. Cobbs withdrew the motion to postpone.

Mr. Duncan then moved to table the original motion, the substitute therefor and all pending amendments thereto. Yea and nay were demanded, and the motion to table prevailed by the following vote:

**Yeas—110.**

Absent—Excused.

PENDING BUSINESS.
(The Duncan Investigating Resolution.)

The House resumed consideration of the pending business, same being the resolution by Mr. Duncan and others, as a special order, providing for a certain investigation, with the substitute by Mr. Kennedy and others pending.

Question—Shall the substitute be adopted?

Mr. Wolfe resumed the floor, speaking to the resolution, and yielded in order that Mr. Heslep might offer the following amendment to the substitute:

"Be it resolved, That the Speaker of this House be and he is hereby authorized to appoint a committee of seven members, which said committee shall meet at the Capitol immediately after their appointment and elect one of their number chairman, and shall employ such necessary clerks and other help as in their judgment may be necessary. Said committee shall have the power to administer oaths and compel the attendance of witnesses and the production of papers, and shall immediately proceed to thoroughly investigate every specific charge that may be filed with them against Senator J. W. Bailey; provided, that no charge shall be investigated unless some member of this Legislature or other creditable citizen of this State shall appear before the said committee and file with it a written charge or charges setting out that he has good reason to believe and does believe that Senator J. W. Bailey has been guilty of some conduct, naming the same, which in the opinion of such person should disqualify him or render him unfit to represent the people of Texas in the United States Senate. It shall be the duty of said committee to immediately make full and complete investigation of said charges, and it shall have power to summon witnesses and to compel the attendance of the same, and to compel the production and exhibition of books and papers, and it shall have power to administer oaths and punish persons for contempt or for refusing to appear before them, and any member of said committee shall have power to administer oaths and to issue processes for witnesses; and, provided further, that said committee may propound interrogatories and take

The amendment to the substitute was accepted.

Mr. Wolfe then resumed the floor at 4:25 p. m., speaking to the resolution.

(Mr. Gafford in the chair.)

Mr. Wolfe yielded the floor at 5:26 p. m.

Mr. Robertson of Travis then took the floor to speak to the resolution.

ADJOURNMENT.

On motion of Mr. McKenzie, Mr. Robertson of Travis yielding the floor, the House, at 5:27, adjourned until 9:30 a. m. tomorrow.

NINTH DAY.

Hall of the House of Representatives, Austin, Texas.

Thursday, January 17, 1907.

The House met at 9:30 o'clock a. m., pursuant to adjournment.

Speaker Love in the chair.

Roll called, and the following members present:

The roll call showed a quorum present and it was so announced.

Prayer by Rev. W. J. Joyce, Chaplain.

GRANTED LEAVE OF ABSENCE.
On account of important business:
Mr. Lively for balance of this week, on motion of Mr. Lane.

ASSIGNMENT OF STENOGRAPHERS.

Speaker Love announced the following assignment of stenographers and apportionment of members, and at the same time stated that the stenographers would serve the members apportioned to each in the order in which requests are made:

List No. 1—Miss Flora Reisenberg:
Messrs. Stanford, Thomas of Tyler, Gafford, Crisp, Murray, Bowles, Mears, Mason, Duncan, Sperry, Reedy.

List No. 2—Miss Lillian Basford:
Messrs. Bogard, Orgain, Ballengee, Young, Jenkins, Walter, Robertson of Travis, Browne of Harris, Shelby, Terrell of McLennan, Pool.

List No. 3—Miss May Stevens:
Messrs. Ray, McKenzie, Lively, Lane, Blalock, McConnell, Austin, Brown of Wharton, Fuller, Holshousen, Onion.

List No. 4—Miss Daisy Perryman:
Messrs. Hume, Robertson of Erath, Robertson of Bell, Savage of Bell, O'Beirne, Cable, Alderdice, Peeler, Bryan, Kennedy, King.

List No. 5—J. E. Pool:

List No. 6—Miss Hattie Chenault:

List No. 7—W. V. Howerton:
Messrs. Heslep, Davis of El Paso, Wilson, Bell of Freestone, Love of Williamson, Adams, Braly, Ridgway, Camp, James, Briscoe.

List No. 8—James Worsham:

List No. 9—Miss Mary Claiborne:

List No. 10—Miss Rose Belle Schram:

List No. 11—Miss Mazeppa Guyer:
List No. 12—Miss Mary Maguire:
Messrs. Cox, Crockett, Graham, Cobbs, Dean, Fowler, McDonald, Currey, Johnson, Bartlett, Thomas of Fannin.

HON. S. R. CRAWFORD TAKES OATH OF OFFICE.

Mr. Heslep, rising in his seat, addressed the Chair, and stated that Hon. S. R. Crawford of Young county, who had been elected to fill the vacancy caused by the death of the late Hon. R. P. Dimmit of Knox county, late Representative from the One Hundred and Fourth Representative District, composed of the counties of Archer, Baylor, Haskell, Knox, Stonewall, Throckmorton and Young, is now in the Hall, and asked that he be allowed to take the oath of office.

Mr. Crawford not having his certificate of election, and it being well known that he has been duly elected to represent the One Hundred and Fourth District in the Thirtieth Legislature, Speaker Love stated that, if there was no objection, he would be permitted to come forward and take the oath of office.

There was no objection offered.

The Speaker then appointed Messrs. Robertson of Bell, Heslep and Kennedy a committee to escort Hon. S. R. Crawford to the Speaker's stand.

The committee escorted Mr. Crawford to the Speaker's stand where he took the oath of office, which was administered by Mark Logan, Acting Chief Clerk.

HOUSE BILLS ON FIRST READING.

By Mr. Robertson of Travis (by request):
House bill No. 160, A bill to be entitled "An Act to provide for the publication, sale and distribution of the Appellate Court Reports of Texas, and to amend Articles 961, 963, 964 and 966 of the Revised Civil Statutes of the State of Texas, and to repeal Article 965 of the Revised Civil Statutes, and also all laws and parts of laws in conflict with this act."

Read first time, and referred to Judiciary Committee.

By Mr. Neblett:
House bill No. 161, A bill to be entitled "An Act to amend Title XXX, Chapter 19, of the Revised Civil Statutes of the State of Texas, relating to appeals and writs of error, by adding thereto Article 1410a."

(The article the bill proposes to add provides that the record, consisting of the original papers, shall on the application of the party applying therefor be printed, and providing that the printer shall deliver to the clerk for the party applying for the record not less than twelve printed copies, etc.)

Read first time, and referred to Committee on Reforms in Civil and Criminal Procedure.

By Mr. Strickland:
House bill No. 162, A bill to be entitled "An Act amending Article 5049, Chapter 1, of the Revised Civil Statutes of the State of Texas, requiring commission merchants to make bonds and have same recorded."

(The bill provides that commission merchants shall file bond, made payable to the county judge and successors in the sum of $2000, with two or more good and sufficient sureties, with the county clerk, conditioned that such commission merchants will faithfully perform all agreements made with persons making consignments to them.)

Read first time, and referred to Judiciary Committee.

By Mr. Fuller:
House bill No. 163, A bill to be entitled "An Act to require telegraph and telephone companies operating and doing business in this State to receive and transmit each others messages, and providing a penalty for failure or refusal to receive and transmit each others messages."

Read first time, and referred to Committee on Private Corporations.

By Mr. Wilson:
House bill No. 164, A bill to be entitled "An Act to amend Chapter 4, Title VII, of the Code of Criminal Procedure, 1895, by adding thereto Article 513a, relating to issuance of subpoenas in felony cases."

(The article which the bill proposes to add provides that before the clerk of the district court shall issue a subpoena for a witness, or for witnesses, in a felony case pending in such court, the district or county attorney, the defendant or his attorney, shall make written application to such clerk to issue such subpoena, stating the name and place of residence of such witness or witnesses; such application to be made under oath and state that the person making the same believes such witness or witnesses to be material to the prosecution or to the defense, as the case may be. The article also provides that any person who shall add or insert the name of a witness in any subpoena after such subpoena has been issued by the clerk of the court under the provisions hereof.)
shall be deemed guilty of forgery, and shall be punished by imprisonment in the penitentiary not less than two nor more than seven years.)

Read first time, and referred to Committee on Reforms in Civil and Criminal Procedure.

RESOLUTIONS.
SEEKING INFORMATION ABOUT TRUSTS.

Mr. Reedy offered the following resolution:

Be it resolved by the House of the Thirtieth Legislature, That the Attorney General of the State of Texas be and he is hereby requested to inform this House at his earliest convenience if, in his opinion, there exists within the State of Texas a lumber trust, a cottonseed trust and an express company trust, or either of them; and that he lay before this House, in pursuance herewith, such a report as will enable him to furnish him with all such power and means as will enable him to prosecute and dissolve any or all such trusts as may exist, and punish all parties connected therewith.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Graham offered the following amendment to the resolution:

Amend by adding a printing trust and oil trust.

The amendment was accepted.

Mr. Love of Williamson offered the following amendment to the resolution:

Amend by inserting "beef trust," "cottonseed trust" and "oil trust."

The amendment was accepted.

Mr. McKenzie offered the following amendment to the resolution:

Amend by adding after the word "that" in line six, the following: If it is in his opinion proper, and that same will not interfere in any manner to a successful prosecution of said trusts if any such trusts in his opinion exist.

The amendment was accepted.

The resolution as amended was adopted.

INVITING HON. J. W. BAILEY TO APPEAR BEFORE THE BAR OF THE HOUSE.

Mr. Cobbs offered the following resolution:

Resolved, That Hon. J. W. Bailey be invited to appear before the House at 2 p. m. today, and given an opportunity to make any statement he may desire with reference to the vouchers and documents exhibited in the House on yesterday and that the Attorney General be requested to deliver at the bar of the House the originals of said vouchers and documents to enable Senator Bailey to inspect the same while making said statements.

(Signed) Cobbs, Mears, Kennedy, King, Mason, McDonald, Lane, Hume, Gafford, Bowles, Young, Patton, Ray.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Duncan offered the following amendment to the resolution:

Provided, Senator Bailey will in connection with such explanation ask this House to make a fair, thorough and unlimited investigation by its committee of all the facts connected with his conduct while Representative and Senator.

Mr. Camp raised a point of order on further consideration of the resolution at this time on the ground that the half hour set aside under the Rules for consideration of resolutions had been already consumed and that this resolution should go over until tomorrow.

The point of order was sustained.

Mr. Wilmeth moved that the time for consideration of resolutions be extended for the purpose of concluding action on the pending resolution.

Yeas and nays were demanded on the motion to extend.

Mr. Wilmeth then withdrew the motion.

Mr. Kennedy then moved that the time for consideration of resolutions be extended for thirty minutes.

Yeas and nays were demanded on the motion to extend and it prevailed by the following vote:

Yeas—69.

Adams.
Alderdice.
Ballengee.
Bartlett.
Baskin.
Blanton.
Bowles.
Bowman.
Brady.
Briggs.
Briscoe.
Bryan.
Canales.
Cawself.
Cobbs.
Cox.
Crockett.
Currey.
Davis of Brazos.
Davis of El Paso.
Driggers.
Fowler.
Gafford.
Gieptner.
Graham.
Grinstead.
Hamilton.
Heslep.
Hume.
Kennedy.
King.
Kubena.
Lane.
Love of Williamson.
MacInerney.
Marfin.
Mason.
McDonald.    Ridgway.
McKenzie.    Roberson of Erath.
Mears.       Roos.
Mobley.      Shelby.
Moore.       Sperry.
Murray.      Stanford.
Mebett.      Stephenson.
Nelson of Hopkins.    Terrell of McLennan.
O'Beirne.    Thomas of Tyler.
O'Neal.      Walter.
Onion.       Wilmeth.
Pool.        Witherspoon.
Ray.         Wolfe.
Rayburn.     Young.

Nays—57.

Adkins.      Henderson.
Austin.      Holshousen.
Beaty.       James.
Bell of Freestone.    Jennings.
Bell of Limestone.   Johnson.
Blalock.      Kindred.
Bogard.      McCallum.
Browne of Harris.   McGregor.
Camp.        O'Bryan.
Chapman.     Orgain.
Clements.    Pierce.
Cocke.       Ralston.
Crawford.    Reedy.
Crisp.       Robertson of Bell.
Daniel.      Robertson of Travis.
Davis of Savannah of Bell.    Savannah of Nueces.
Dean.        Schlosshan.
Dodd.        Silliman.
Duncan.      Smith.
Elkins.      Stratton.
Fuller.      Strickland.
Gaines.      Terrell of Cherokee.
Giesen.      Terry.
Gilmore.     Thompson.
Goodman.     Trenckmann.
Green.       Werner.

Absent.

McKinney.    Absent—Excused.

Jenkins.     Thomas of Fannin.
Lively.

Question—Shall the amendment by Mr. Duncan be adopted?
Mr. Hamilton moved the previous question on the resolution, and the main question was ordered.
Question then first recurred on the amendment by Mr. Duncan.
Mr. Cobbs raised a point of order on consideration of the Duncan amendment on the ground that it is not germane to the resolution.
The Chair held the point of order not well taken.
There were many calls for reading of the resolution and the Speaker directed the Clerk to read the resolution again and the pending amendment.
The Clerk then read the resolution.
Yeas and nays were demanded on the amendment.
Mr. Neblett asked unanimous consent of the House to offer an amendment to the amendment, to which
Mr. Duncan objected.
The Clerk then proceeded with the roll call until it was concluded.
And the amendment was lost by the following vote:

Yeas—60.

Adkins.      James.
Baker.       Jennings.
Beaty.       Johnson.
Bell of Freestone.    Kindred.
Bell of Limestone.   McCallum.
Blalock.      McGregor.
Bogard.      Moore.
Browne of Harris.   O'Bryan.
Cable.       Orgain.
Camp.        Pierce.
Chapman.     Pool.
Clements.    Ralston.
Cox.         Reedy.
Crawford.    Robertson of Bell.
Crisp.       Robertson of Travis.
Currey.      Savage of Bell.
Daniel.      Savage of Nueces.
Dean.        Schlosshan.
Dodd.        Silliman.
Duncan.      Smith.
Davis of Williamson.  Davis of Williamson.

Nays—65.

Alderdice.   Canales.
Austin.      Carswell.
Ballengee.   Chapman.
Baskin.      Cobb.
Blanton.     Crockett.
Bowles.      Davis of Brazos.
Bowman.      Davis of El Paso.
Braley.      Davis of Williamson.
Briscoe.
I vote "no," as I believe this body can and will conduct a fair and impartial investigation without requesting Senator Bailey to make such a request at the bar of the House. GRAHAM.

PAIRED.

Mr. Bartlett (present), who would vote "yea," with Mr. Thomas of Fannin (absent, excused), who would vote "nay."

Question then recurring on the resolution, it was adopted.

Mr. Kennedy moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider. The motion to table prevailed.

The Speaker appointed Mr. Cobbs to notify Senator Bailey and Attorney General Davidson of the action of the House in adopting above resolution.

UNFINISHED BUSINESS.

The pending business on the Speaker's Table when the House adjourned yesterday was

The resolution by Mr. Duncan and others, as a special order, providing for an investigation relative to United States Senator Joseph W. Bailey and his connection with the readmission into the State of Texas of the Waters-Pierce Oil Company, and Attorney General R. V. Davidson, relative to certain charges against him and his assistants, pertaining to certain documents, papers and letters in their possession.

With substitute therefor by Mr. Kennedy and others pending, Mr. Robertson of Travis on the floor.

The Speaker laid the pending business before the House.

Question—Shall the substitute be adopted?

REPORT OF JOINT COMMITTEE.

(On Election of United States Senator.)

Mr. Bryan, chairman on part of the House, submitted the following report:

MAJORITY REPORT.

Austin, Texas, January 17, 1907.

Hon. Thos. B. Love, Speaker of the House, and Hon. A. B. Davidson, President of the Senate.

Sirs: Your joint committee, appointed for the purpose of arranging for the election of a United States Senator, have had the same under consideration, and beg leave to report as follows:

1. That the Senate proceed to nominate and ballot for a United States Senator on January 22, at 11:30 a.m.

2. That the House proceed to nominate and ballot for a United States Senator on January 22d at 12:15 p.m.

3. That the Senate and House shall meet in joint session on Wednesday, January 23d, at 12 o'clock noon, in the House of Representatives, for the purpose of declaring the result of the previous balloting.

Respectfully submitted,

WILLACY,

HUDSPETH,

On part of the Senate.

BRYAN,

COBBS,

ROBERTSON of Travis,

On part of the House.

MINORITY REPORT.

Austin, Texas, January 17, 1907.

To the Senate and House of Representatives of the State of Texas:

We, a minority of your committee, appointed to report upon the mode and manner of electing a United States Senator at this, the first session of the Thirtieth Legislature, dissenting from a majority of your committee for the purposes above named, file this minority re-
port, and recommend that the election of a United States Senator be postponed from day to day until the committees appointed to act upon the investigation of certain charges against Senator Bailey shall have made report, and it shall be acted upon, and we further beg to report that in our opinion the Federal statute upon this subject is directory and not mandatory.

(Signed) GREER.

The report was read.

Mr. Duncan moved to substitute the minority for the majority report.

Mr. Hamilton raised a point of order on the motion of Mr. Duncan, and stated that the motion should not be entertained for the reason that the United States statute regulating the election of a United States Senator is mandatory, and that the House has no discretion in the matter and must proceed in the manner as required by said statute.

Mr. Alderdice requested that the Clerk be directed to be read from the United States Statutes the Federal law regulating the election of a United States Senator.

The volume containing such statute was handed to the Clerk and he read same to the House.

Pending discussion of the point of order raised by Mr. Hamilton.

On motion of Mr. Alderdice, further consideration of the report was postponed until 10 o'clock a.m. tomorrow.

PENDING BUSINESS.

(The Investigating Resolution by Mr. Duncan.)

The House resumed consideration of the resolution providing for certain investigation.

With substitute by Mr. Kennedy and others pending.

Mr. Robertson of Travis on the floor. Question—Shall the substitute be adopted?

RECESS.

On motion of Mr. Gafford, the House, at 11:47 a.m., took recess to 2 o'clock p.m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p.m., and was called to order by Speaker Love.

COMMUNICATION FROM THE ATTORNEY GENERAL.

The Speaker directed the Clerk to read the following communication from the Attorney General:

ATTORNEY GENERAL'S DEPARTMENT,
STATE OF TEXAS.

Austin, Texas, January 17, 1907.
Hon. Thos. B. Love, Speaker of the House of Representatives.

Dear Sir: Responding to the resolution passed this day directing the Attorney General to present at the bar of the House the documents in his possession, copies of which we furnished the House of Representatives on yesterday, I desire to place in your custody for the use specified in said resolution the following documents, to wit:

No. 1. Waters-Pierce Oil Co., Cipher Code No. 601.
No. 2. Voucher of Waters-Pierce Oil Co. to H. C. Pierce, dated June 30, 1900, for $3300.
No. 3. Memorandum of Henry & Stibring fees.
No. 4. Receipt of H. C. Pierce to Waters-Pierce Oil Co. for $1500, dated June 15, 1900.
No. 5. Telegram from H. C. Pierce to A. M. Finlay, dated June 12, 1900.
No. 6. Voucher of Waters-Pierce Oil Co. to Henry & Stibring, dated June 15, 1900, for $1500.
No. 7. Voucher of Waters-Pierce Oil Co. to H. C. Pierce, dated November 20, 1900, for $3100.
No. 8. Voucher of Waters-Pierce Oil Co. to H. C. Pierce, dated November 23, 1900, for $200.
No. 9. Note of J. W. Bailey to H. C. Pierce, dated March 1, 1901, for $8000.
No. 10. Voucher of Waters-Pierce Oil Co. to H. C. Pierce, dated March 6, 1901, for $8000.
No. 14. Voucher of Waters-Pierce Oil Co. to J. W. Bailey, dated June 12, 1901, for $1750.
No. 15. Letter of Geo. Clark to J. D. Johnson, dated Waco, Texas, June 5, 1900.
No. 17. Letter of J. D. Johnson to Geo. Clark, dated St. Louis, August 2, 1900.
No. 19. Letter of Geo. Clark to J. D.
You are respectfully requested to return all of said documents to my custody immediately after they have served the purpose called for in said resolution. Awaiting your further directions, I am,

Yours very truly,

R. V. DAVIDSON,
Attorney General.

Mr. Cobbs, who was appointed by the Speaker to convey to Mr. Bailey and the Attorney General information of the action of the House today in the adoption of the resolution inviting the former to appear at the bar of the House and inspect certain documents and papers, and requesting the latter to furnish certain documents and papers, reported that he had performed that duty.

SENATOR BAILEY APPEARS.

At 2:10 p.m. Senator Bailey appeared in the Hall, and, accompanied by Mr. Gafford, approached the Speaker's stand, and was invited by the Speaker to take a seat on the rostrum. Seated by the Speaker, Mr. Bailey was permitted to examine the papers furnished by the Attorney General.

Speaker Love then stated that Senator Bailey requested a short time in which to examine the papers, as this was the first time he had had the opportunity to see them.

RECESS.

On motion of Mr. Cobbs, the House, at 2:12 p.m., took recess for twenty minutes, the Speaker and the Senator together retiring to the Speaker's private room, taking the documents with them.

AFTER RECESS.

Speaker Love called the House to order at 2:30 p.m.

SENATOR BAILEY ADDRESSES THE HOUSE.

Speaker Love then presented Senator Bailey to the House, who examined the documents furnished by Attorney General Davidson and now upon the Speakers' stand, one by one, closing his remarks at 3:45 p.m.

PENDING BUSINESS.

(The Investigation Resolution by Mr. Duncan and others.)

The House resumed consideration of the pending business, same being the resolution by Mr. Duncan and others, as a special order, providing for a certain investigation, with the substitute by Mr. Kennedy and others pending, Mr. Robertson of Travis on the floor.

Question—Shall the substitute be adopted?

Mr. Robertson of Bell in the chair.

Mr. Robertson of Travis yielding the floor at 5:27 p.m., Mr. Duncan moved that the House take a recess to 8 p.m. today.

ADJOURNMENT.

Mr. Lane moved that the House adjourn until 9 o'clock tomorrow.

Mr. Duncan then withdrew the motion for a recess.

Mr. McKenzie moved that the House adjourn until 9:30 a.m. tomorrow, and the motion was lost.

On the motion of Mr. Lane, the House at 5:30 p.m. adjourned until 9 o'clock a.m. tomorrow.

TENTH DAY.

Hall of the House of Representatives,
Austin, Texas,
Friday, January 18, 1907.

The House met at 9 a.m., pursuant to adjournment,
Speaker Love in the chair.
Roll called, and the following members present:

Adams.          Adams.
Adkins.        Adkins.
Alderdice.    Alderdice.
Austin.       Austin.
Ballenger.    Ballenger.
Bartlett.    Bartlett.
Baskin.      Baskin.
Beaty.        Beaty.
Bryant.      Bell of Freestone.
Bell of Limestone.
Browne of Harris.
Bragg.        Braggs.
Bray.         Bray.
Briscoe.     Briscoe.
Browne of Harris.
Camp.        Camp.
Canales.     Canales.
Carrwell.    Carrwell.
Clements.    Clements.
The roll call showed a quorum present, and it was so announced.

Prayer by Rev. W. J. Joyce, Chaplain.

GRANTED LEAVE OF ABSENCE.

On account of sickness:
Mr. McKinney for this morning, on motion of Mr. Driggers.

On account of sickness in his family:
Mr. Love of Williamson for this evening, on motion of Mr. Fuller.

HOUSE BILLS ON FIRST READING.

By Mr. Mobley:
House bill No. 165, A bill to be entitled "An Act to amend Chapter 6, Title XVII, Article 841, of the Penal Code of the State of Texas, as reported by the codifiers to the Twenty-fourth Legislature and adopted at the Regular Session thereof in 1895, defining "entry" as used in Article 838 and Article 839 of Chapter 6, Title XVII, of the said Penal Code, defining burglary."

(The purpose of the bill is to so amend the law as to provide that "entry" shall not be confined to the entrance of the whole body, but it may consist of any part of the body for the purpose of committing a felony or the crime of theft.)

Read first time, and referred to Committee on Criminal Jurisprudence.

By Mr. Mobley:
House bill No. 166, A bill to be entitled "An Act to provide for revising, digesting and publishing the civil and criminal laws of the State of Texas."

(The bill provides for the appointment of three commissioners by the Governor to make such revision, and it requires them to report to the Governor on or before the meeting of the Thirtieth Legislature.)

Read first time, and referred to Judiciary Committee.

By Mr. Sperry:
House bill No. 167, A bill to be entitled "An Act to amend an act passed by the Twenty-seventh Legislature of the State of Texas, being Chapter 22 of the Acts of the Twenty-seventh Legislature, approved March 12, 1901, entitled 'An Act to amend Articles 379 and 381, Chapter 3, Title II, of the Penal Code of the State of Texas,' relating to gaming."

(The purpose of the bill is to amend the law so as to provide that if any person shall play at any game of cards or shall bet or wager any money or other thing of value, or representative of either, at any game of cards played at any place, he shall be fined not less than $25 nor more than $100.)

Read first time, and referred to Committee on Reforms in Civil and Criminal Procedure.

By Mr Briggs:
House bill No. 168, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of the State of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature; Chapter 129, Acts of the Twenty-eighth Legislature; Chapter 24, Chapter 62 and Chapter 109, Acts of the Twenty-ninth Legislature, by adding to said Article 642, a new subdivision, to be known as Subdivision 65, authorizing
the incorporation of companies for the
purpose of constructing, owning, operat-
ing and maintaining bath houses and
bathing resorts; and Subdivision 66, au-
thorizing the incorporation of companies
for the purpose of doing a general con-
tact business, including the hand-
ing of freight and cargoes.

Read first time, and referred to Com-
mittee on Private Corporations.

By Mr. Sperry:

House bill No. 169, A bill to be entitled
"An Act to amend Article 21, of Title
IV, of the Revised Civil Statutes of the
State of Texas, and to create the Sixth
Supreme Judicial District of Texas, and
to provide for the organization of a
Court of Civil Appeals within, and for
the Sixth Supreme Judicial District of
Texas."

(The bill provides that the new dis-
trict proposed shall be composed of the
counties of Grayson, Fannin, Lamar, Red
River, Bowie, Delta, Hunt, Hopkins,
Rains, Wood, Titus, Camp, Upshur, Ma-
rian, Harrison, Cass, Morris, Franklin,
Cook, Smith, Gregg and Panola.)

Read first time, and referred to Com-
mittee on Judicial Districts.

By Mr. McKinney:

House bill No. 170, A bill to be entitled
"An Act to amend Section 3 of Chapter
128 of the General Laws of the State of
Texas, passed at the Regular Session of
the Twenty-ninth Legislature, entitled
'An Act to provide for recording notices
lisd pendens and levies, to define the ef-
effect of such notice,' and to repeal all
laws in conflict therewith, and to declare
an emergency."

(The purpose of this bill is to limit
the effect of the provisions of the lis
pendens act in regard to real estate
out of the county in which the suit or
action is pending.)

Read first time, and referred to Judi-
ciary Committee.

By Mr. Nebblett (by request of Hon.
V. W. Grubbs):

House bill No. 171, A bill to be entitled
"An Act to provide for the introduction
of industrial training, including agricul-
ture and kindred subjects into the pub-
lic free schools, and for the appointment
of an Assistant State Superintendent of
Public Instruction."

Read first time, and referred to Com-
mittee on Education.

By Mr. Bogard:

House bill No. 172, A bill to be entitled
"An Act to amend Article 471 of the
Code of Criminal Procedure, permitting
the district courts to transfer minor
indictments to justice courts."

Read first time, and referred to Com-
mittee on Reforms in Civil and Criminal
Procedure.

By Mr. Young:

House bill No. 173, A bill to be entitled
"An Act to amend Article 3698, Chapter
6, of Title LXXIX, of the Revised Civil
Statutes of the State of Texas, 1895, and
to fix the salaries of the under officers
and employes of the State penitentiaries
of Texas."

(The bill proposes to amend the law
so as to fix the salaries of such under
officers and employes at a specified
amount.)

Read first time, and referred to Com-
mittee on Penitentiaries.

By Mr. Wilson:

House bill No. 174, A bill to be entitled
"An Act to reorganize the Fourth Judi-
cial District and to create the Sixty-sev-
enth Judicial District; prescribing the
time of holding the district courts there-
in, and providing for the appointment
of a district judge for the Sixty-seventh
Judicial District, and providing that the
said Sixty-seventh Judicial District
Court shall have jurisdiction of civil
suits that are pending in and cognizable
by the county court of Harrison county."

(The bill provides that the county of
Harrison shall be constituted the Sixty-
seventh Judicial District.)

Read first time, and referred to Com-
mittee on Judicial Districts.

By Mr. Stratton (by request):

House bill No. 175, A bill to be entitled
"An Act to amend Article 5065 of Title
CIV, Chapter 2, of the Revised Civil
Statutes of the State of Texas, as
amended by Chapter 27 of the General
Laws of the State of Texas, passed by
the Twenty-ninth Legislature at its Reg-
ular Session in A. D. 1905, so as to de-
fine, exempt and regulate the exemption
of endowment funds of educational in-
titutions from taxation."

Read first time, and referred to Com-
mittee on Revenue and Taxation.

By Mr. Roberson of Erath:

House bill No. 176, A bill to be entitled
"An Act incorporating the Stephenville
Independent School District, in Erath
county, Texas, for free school purposes
only; defining its boundaries and pro-
viding for a board of trustees; devoting
the city of Stephenville of the control
of its public schools and title to school
property, and vesting the same in said Stephenville Independent School District and its board of trustees; prescribing the rights, powers, privileges and duties of said Stephenville Independent School District and its board of trustees, and declaring an emergency."

Read first time, and referred to Committee on Education.

RESOLUTIONS.

Mr. Baskin called up from the Speaker's Table for consideration by the House the following resolution, which was read on Wednesday, January 16th, and went to the Speaker's table:

Whereas, The necessity has arisen for the following additional employes of the House; therefore, be it

Resolved, That the Speaker of the House is hereby authorized to appoint one clerk for the Sergeant-at-Arms at a salary of $4 per day; one messenger for the Sergeant-at-Arms at a salary of $2 per day; one page for the Journal Clerk at a salary of $2 per day, and one special Assistant Sergeant-at-Arms to care for the gallery at a salary of $3 per day.

BASKIN,
GILMORE,
O'BRYAN,
McCALLUM.

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

Question—Shall the resolution be adopted?

The resolution was adopted.

RELATIVE TO THE LIQUOR TRAFFIC.

Mr. Wilmeth offered the following resolution:

House Concurrent Resolution No. 4, Petitioning members of Congress from Texas to support the Doliver-Hepburn bill, looking to and having for its purpose the State control of its liquor traffic, now pending in that body.

Whereas, In many counties and districts in this State the citizens are in favor of, and have adopted local option laws, prohibiting the sale of intoxicating liquors within the limits of counties and districts where the law has been adopted; and

Whereas, Non-residents, who have contributed nothing to the expense of policing made necessary by the liquor traffic, are by their agents invading local option territory, in disregard of public sentiment, and in defiance of good morals and the will of the people are soliciting and taking orders for intoxicating liquors to be shipped under such terms as to be protected as interstate commerce; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring:

Section 1. That the members of Congress from the State of Texas are respectfully petitioned to support the Doliver-Hepburn bill now before the Congress of the United States, or any other measure looking to and having for its purpose the State control of its liquor traffic.

Sec. 2. That a copy of this resolution, properly authenticated, be transmitted to each of our Congressmen.

The resolution was read, and a second reading was demanded.

Mr. Onion objected to a second reading.

There was no motion for a second reading, and the resolution went to the Speaker's Table.

TO SUBSCRIBE FOR DAILY NEWSPAPERS.

Mr. Murray offered the following resolution:

Resolved, That each member of the House of Representatives be permitted to subscribe for four (4) daily newspapers, to be paid for out of any funds appropriated for contingent expenses of the House of Representatives, said papers to cost not more than 3 cents per copy.

(Signed) MURRAY,
GAFFORD.

The resolution was read second time, and a second reading was demanded.

Mr. Kennedy objected to a second reading.

There was no motion for a second reading, and the resolution went to the Speaker's Table.

TO REPRIMAND A REPORTER.

Mr. Silliman offered the following resolution:

Whereas, The Houston Post and the Fort Worth Record of yesterday quoted a member of the House (without giving the name of member) as saying, "No, we do not hope to defeat Bailey, but we can put a stain on his character"; and

Whereas, Every member of this House is on record as being in favor of either the original or substitute resolution providing for an investigation, and such an expression by any member would be a serious reflection on the honor and in-
HOUSE JOURNAL 145

For the first time in my limited service in this House, I rise to speak to a question of personal privilege. As a text from which to speak, I read from the Houston Daily Post of yesterday. And at this point I wish to disclaim an criticism of the press table or of the Post, for this is a communication, signed by a citizen of the State, who assumes responsibility for his words.

(Extract from the Post.)

LEGISLATORS' MILEAGE.

Houston, Texas, January 15, 1907.

To the Editor:

In these days when all good citizens are presumed to be trying to eliminate graft from the public service, the members of the House and Senate have their usual biennial opportunity for rising above graft or again branding themselves as grafters in the matter of mileage. Representative Clements says there is no law under which members of the Legislature can draw mileage and per diem. He introduces, therefore, House bill No. 30, providing for the usual per diem and virtually proposes to perpetuate the old graft of 20 cents a mile for each mile traveled. In the days of stage coaches this might have been all right, but when the members of the Legislature vote themselves more than 3 cents a mile (short line mileage) each way it is a plain, unvarnished steal. They know it. We know it. I guess they know we know it, but that does not make it anything but graft.

TOM C. SWOPE.

Now, Mr. Speaker, I seek no newspaper notoriety, and will not, therefore, answer Mr. Swope through the press; but I feel if I do not say something in refutation of the above charge that before another week shall have passed I may be known as the "lone highwayman of this House."

These are the facts, gentlemen: My bill No. 30 does not provide for the maximum mileage fixed by the Constitution; but, on the contrary, provides for only one-fourth of it. But why, Mr. Swope might ask, do you fix the mileage at 5 cents a mile instead of 3 cents, the usual railroad fare? Because the Constitution requires the mileage to be computed by the most direct route by land, without regard to railway or water route. Many members must travel circuitous routes to reach the capital, and as no distinction can be made between the members, I deemed it but just to allow them to allow in my bill the rate of 5 cents a mile.
I have not only offered the above bill, but I opposed in the committee room and on the floor of the House, as the record shows, the passage of Senate bill No. 1, carrying an appropriation to pay the mileage and per diem of members. In this opposition I stood alone.

This bill, though passed and signed by the Governor, is absolutely null and void, for the reason that Section 44 of Article 3 of the Constitution forbids the Legislature from appropriating any money for any purpose unless provided for by pre-existing law.

I charged you, Mr. Speaker, and you, Mr. Chief Clerk, that you had no authority in law for issuing any certificate showing the amount due members of this body, yet you have issued to me, over my protest, a certificate showing that I am entitled to receive 20 cents a mile and $5 a day. Denying the fact that this House is a body of grafters and that I am chief of them, I yield the floor.

UNFINISHED BUSINESS.

The pending business on the Speaker’s Table when the House adjourned yesterday was

The resolution by Mr. Duncan and others, as a Special Order, providing for an investigation relative to United States Senator Joseph W. Bailey and his connection with the readmission into the State of Texas of the Waters-Pierce Oil Company, and Attorney General R. V. Davidson, relative to certain charges against him and his assistants, pertaining to certain documents, papers and letters in their possession.

With substitute therefor by Mr. Kennedy and others pending.

The Speaker laid the pending business before the House.

Question—Shall the substitute be adopted?

Mr. King obtained the floor, speaking to the resolution.

REPORT OF JOINT COMMITTEE TAKEN UP.

Mr. Duncan asked unanimous consent of the House that the report of the joint committee on election of United States Senator, which was postponed until 10 a. m. today, and which was set aside by above Special Order, be taken up now and disposed of.

There was no objection offered.

The Speaker then laid the report before the House, which is as follows:

MAJORITY REPORT.

Austin, Texas, January 17, 1907.

Hon. Thos. B. Love, Speaker of the House, and Hon. A. B. Davidson, President of the Senate.

Sirs: Your joint committee, appointed for the purpose of arranging for the election of a United States Senator, have had the same under consideration, and beg leave to report as follows:

1. That the Senate proceed to nominate and ballot for a United States Senator on January 22 at 11:30 a. m.

2. That the House proceed to nominate and ballot for a United States Senator on January 22d at 12:15 p. m.

3. That the Senate and House shall meet in joint session on Wednesday, January 23d, at 12 o’clock noon, in the House of Representatives, for the purpose of declaring the result of the previous balloting.

Respectfully submitted,

WILLACY,
HUDSPETH,
On part of the Senate.
BRYAN,
ROBERTSON of Travis.
On part of the House.

MINORITY REPORT.

Austin, Texas, January 17, 1907.

To the Senate and House of Representatives of the State of Texas:

We, a minority of your committee, appointed to report upon the mode and manner of electing a United States Senator at this, the first session of the Thirtieth Legislature, dissenting from a majority of your committee for the purposes above named, file this minority report, and recommend that the election of a United States Senator be postponed from day to day until the committee appointed to act upon the investigation of certain charges against Senator Bailey shall have made report, and it shall be acted upon, and we further beg to report that in our opinion the Federal statute upon this subject is directory and not mandatory.

(Signed) GREER.

This report was read yesterday, and Mr. Duncan then moved to substitute the minority for the majority report, whereupon

Mr. Hamilton raised a point of order on the motion of Mr. Duncan, and stated that the motion should not be entertained for the reason that the United States statute regulating the election of a United States Senator is mandatory, and that the House has no discretion in
the matter and must proceed in the manner as required by said statute.

The pending question when the above report was postponed was—The point of order raised by Mr. Hamilton.

Speaker Love sustained the point of order raised by Mr. Hamilton, and in making the ruling said:

The Chair is ready to rule on the point of order raised by the gentleman from Hunt, Mr. Hamilton. The matter before the House is the adoption on the part of the House of the report of the joint committee of the House and Senate heretofore appointed by concurrent resolution of the House and Senate to make arrangements for the election of a United States Senator. A minority report was made by one of the members of the committee appointed on behalf of the Senate recommending that no arrangements be made for the election of a United States Senator, but that such election be postponed, and stating that the Federal statute governing the time of electing United States Senators is directory and not mandatory.

The gentleman from Smith, Mr. Duncan, moved to adopt the minority report. The gentleman from Hunt, Mr. Hamilton, raised the point of order that the motion to adopt the minority report was out of order because the course recommended by the minority report was in contravention of a Federal statute mandatory upon the House providing the time for electing United States Senators. The House and Senate are at this time without joint Rules. The Rules of the House do not provide for the motion to adopt the minority report. Under the House Rules the views of a minority of a committee on any proposition reported by a committee can only be brought before the House by amendments offered on the floor of the House by some member of the minority of the committee. On this ground the Chair would hold the point of order to be well taken. The Chair holds the point of order to be well taken for the additional reason that the minority report, if offered as an amendment, would be out of order, because in contravention of the Federal statute providing for the time of electing United States Senators, which the Chair holds to be mandatory upon the House and upon the Chair as well, and to govern the proceedings of the House in so far as the matters to which it relates are concerned, as much as the rules adopted by the House. In so far as the validity of the title of a Senator of the United States elected in contravention of the statute to his office might be concerned, it might be that the statute there referred to would be directory and not mandatory, but it is the duty of the Speaker to enforce the Rules—constitutional, statutory and those adopted by the House itself as well—whenever such enforcement is insisted upon, or called to his attention by point of order raised by any member, as in this case.

The Chair believes that the following precedent, which the Clerk will read for the information of the House, is conclusive of the precise question raised. The Clerk will read Section 88, Parliamentary Precedents of the United States House of Representatives, edition 1899:

"Sec. 88. It is the duty of the Speaker to take notice of a mandatory provision of law. On March 1, 1887, the House resumed consideration of the objections to the counting of the vote of Henry N. Solace as Presidential Elector from the State of Vermont, and a resolution relating thereto having been adopted, Mr Wm. J. O'Brien of Maryland claimed the floor to submit a resolution notifying the Senate of the action of the House.

"The Speaker stated that he had allowed a vote to be taken on every legislative motion. He had allowed the motion to reconsider to be voted upon whenever it had been made, so that the House might have an opportunity to correct any error it might have committed. The House had an opportunity to vote on the motion to lay on the table the propositions themselves, and on the motion to reconsider the vote upon those propositions, now when the House had advanced to a declaration of its judgment on the objection to counting the vote from the State of Vermont, it was brought to the following paragraph of the (electoral) law as its guide and its mandatory instructions:

"'When the two houses have voted, they shall immediately again meet, and the presiding officer shall then announce the decision of the question submitted.'

"The Senate has notified the House of its action upon the objection to counting the vote from Vermont. The House has now reached its judgment upon the objection, and, as far as the Chair is concerned, it is his duty, by the terms of the act, mandatory and ministerial, to notify the Senate to that effect, and he would, therefore, direct the Clerk accordingly, and that the House is now ready to meet the Senate to proceed with
the counting of the electoral votes for President and Vice-President."

This ruling was made by Samuel J. Randall, Speaker of the House, Forty-fourth Congress.

The point of order raised by the gentleman from Hunt, Mr. Hamilton, is well taken. The question is upon the adoption on the part of the House of the joint report of the committee heretofore appointed to arrange for the election of a United States Senator.

In support of the Speaker's ruling sustaining point of order against minority report of committee appointed to arrange for the election of a United States Senator, in which the Speaker held Revised Statutes of the United States, Title II, Chapter I, Sections 14-15, regulating the election of a United States Senator, to be mandatory, Mr. Hamilton, Chairman of the Committee on Rules, cited the following authorities in addition to the authorities already cited, sustaining the Speaker's ruling:

Article I, Section 4, of the Constitution of the United States; Revised Statutes, United States, Title II, Chapter I, Sections 14-15; McCray on Elections, 4th Ed., Sections 152-153; Patterson vs. Belford, 1 Elsw. El. Cas. 52; 1 Hughes, 592; Case of Abijah Gilbert, Second Session, Forty-first Congress; Case of Norwood, Senate Report No. 10, Second Session, Forty-second Congress.

The majority report was adopted.

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

The motion to table prevailed.

PENDING BUSINESS.
(The Investigation Resolution by Mr. Duncan and Others.)

The House resumed consideration of the pending business, same being the resolution by Mr. Duncan and others, as a Special Order, providing for a certain investigation, with the substitute by Mr. Kennedy and others pending. Mr. King on the floor.

Question—Shall the substitute be adopted?

Mr. King yielded the floor at the request of Mr. Alderdice in order that the latter might offer amendments to the substitute.

Mr. Alderdice then offered the following amendment to the substitute:

Amend the resolution as substituted:
1. By striking out the word "specific" between the words "every" and "charge."
2. By striking out the words "and does believe" between the words "believe" and "that."
3. By striking out the word "should" between the words "person" and "disqualify, and insert in lieu thereof the words "tends to."

(Signed) ALDERDICE, POOL.

The amendment was accepted.

Mr. King yielded the floor at the request of Mr. Duncan, in order that the latter might offer amendments to the original resolution.

Mr. Duncan then offered the following amendments to the original resolution, signed by himself and others:
1. Amend resolution "For the legislative investigation of certain charges against the Honorable Joseph W. Bailey and the Honorable R. V. Davidson and his official assistants" by adding after the word "authorized," at the close of the unfinished paragraph on page 6 of said resolution the following words, "or alone, if not."
2. Strike out at page 6 the words "and in the City of St. Louis and the City of New York," and insert "and at such other places without the State as may be proper or necessary."
3. Amend by substituting last paragraph by the following: "All expenses of said committee and incident to the exercise of its powers and duties as herein provided for to be paid out of the contingent fund of this House."

The amendments were accepted.

(Mr. O'Neal in the chair.)

Mr. King yielded the floor at 10:55 a.m.

QUESTION OF PERSONAL PRIVILEGE.

At this juncture Mr. Robertson of Travis, rising to a question of personal privilege, said:

In the Statesman of today, some of the remarks made by me on yesterday are misquoted. In discussing the documents referred to, and discussed by Senator Bailey on yesterday, I am quoted as saying that he (meaning Senator Bailey) answers by a plea of confession and avoidance. He admits the charge, but does not admit having done any wrong. This statement is incorrect. I did not say that Senator Bailey admitted any charge, but that he admitted certain facts to be true, and offered explanations in connection therewith that he was guilty of no wrong.

Again the article in the Statesman re-
ferred to states that Mr. Wolfe asked me the following question: "Were you ever employed by the Waters-Pierce Oil Company?" to which I am quoted as saying, "Yes; and I have noting to cover up." This statement is erroneous. The question asked by Mr. Wolfe was as to whether or not I had been spoken to or requested to defend H. Clay Pierce, or the Waters-Pierce Oil Company, to which I replied that I had never had any connection in any way with the Waters-Pierce Oil Company, but that I had been spoken to by the attorneys for Mr. Pierce and asked if I would accept employment to assist them in defending Mr. Pierce upon any indictment which might be preferred against him by the grand jury of Travis county for false swearing, to which I replied that if he were tried in Travis county upon any such charge and we could agree upon a fee I would assist in his defense in his trial before the court and the jury, and I was so retained.

Again, I am reported in the article referred to as having, in answer to a question asked by Mr. Gafford, said: "I believe that a lawyer has a right to render service to any corporation where the case involved does not seek to override the Constitution and the State laws." What I said in answer to the question was that I believe that a lawyer while a representative either in the Legislature or in Congress has the right to accept special employment to defend or prosecute any suit in a court of justice for or against a private corporation; but that I do not believe that a lawyer who is the salaried attorney of a public service corporation and generally employed to attend to its business, should, while so engaged, be a member of a legislative body which is called upon to act in passing laws to regulate and control such public service corporation by which he was so generally employed.

I make no complaint at the mistakes in the article published as being intentional, because I know they were not, but resulted from a mistake.

MOTION TO RECONSIDER ENTERED ON JOURNAL.

Mr. Kennedy moved to reconsider the vote by which the resolution offered by Mr. Silliman today, relative to certain daily newspapers and the reporters for same in this Hall was adopted, and asked to have the motion to reconsider entered on the Journal.

It was so ordered.

PENDING BUSINESS.

(The Investigating Resolution by Mr. Duncan and Others.)

The House resumed consideration of the resolution providing for certain investigation.

With substitute by Mr. Kennedy and others pending.

Question—Shall the substitute be adopted?

Mr. Patton obtained the floor at 11 o'clock a.m., speaking to the resolution, and yielded the floor at 11:45 a.m.

The Speaker then directed the Clerk to read the substitute as amended, and it was read.

Mr. Duncan obtained the floor at 11:50 a.m., speaking to the resolution, yielding the floor that the House might receive the following

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 18, 1907.
Hon. Thos. B. Love, Speaker of the House of Representatives.
Sir: I am directed by the Senate to inform the House that the Senate has passed the following
House Concurrent Resolution No. 2, endorsing the action of President Roosevelt relative to the Brownsville outrage.

The Senate has adopted the majority report of the joint committee appointed to arrange for the election of a United States Senator.

CLYDE D. SMITH,
Secretary of the Senate.

PENDING BUSINESS.

The House resumed consideration of the pending business, same being the resolution by Mr. Duncan and others, providing for a certain investigation, with substitute by Mr. Kennedy and others pending, Mr. Duncan on the floor.

(Speaker in the chair.)

RECESS.

Mr. McKinney moved that the House take a recess to 3 o’clock p.m. today and the motion was lost.

On motion of Mr. Duncan, the House, at 1:05 p.m. took recess to 2:30 p.m. today.

AFTERNOON SESSION.

The House met at 2:30 p.m., and was called to order by Speaker Love.
APPOTMENTS ANNOUNCED.

Under authority of the resolution adopted today, the Speaker announced the following appointments:

Clerk to the Sergeant-at-Arms—J. W. Holsey of Navarro county.

Special Assistant to Sergeant-at-Arms to be in charge of the members' gallery—Wallace Cater of Travis county.

Page to the Journal Clerk—Edgar Richardson of Atascosa county.

Messenger to the Sergeant-at-Arms—Elmer Dodd of Bowie county.

PENDING BUSINESS.

(The Investigation Resolution by Mr. Duncan and others.)

The House resumed consideration of the pending business, same being the resolution by Mr. Duncan and others, as a Special Order, providing for a certain investigation, with the substitute by Mr. Kennedy and others pending, Mr. Duncan on the floor.

Question—Shall the substitute be adopted?

EXCUSED.

On account of sickness:

Mr. Martin until next Monday, on motion of Mr. Briscoe.

Mr. McKinney for today, on motion of Mr. Driggers.

On account of important business:

Mr. Lively until next Monday, on motion of Mr. Lane.

STATEMENT BY MR. HUME.

Mr. Hume asked leave of the House (and it was granted) to have the following statement printed in the Journal:

In order to correct a false impression created in certain papers as to my position as a legislator, and as an opponent of the Duncan resolution, permit me to say:

1. That I have not opposed a full, thorough and complete investigation, but that I have opposed and will continue to oppose the passage of the Duncan resolution. I shall also vote for the substitute as amended.

2. I maintain that the question of an investigation is to be decided by each member of the Legislature for himself; if he thinks he can not, in justice to himself, vote for the party's nominee, as the case now stands against Mr. Bailey, he should, upon his own responsibility, vote for an investigation. The party has not ordered an investigation.

3. The people of this State have a political, though not a legal right, to choose a United States Senator—not directly, but indirectly. The Democratic party has, through its machinery, expressed the wish that Hon. J. W. Bailey be elected; and having pledged my fealty as a candidate of the party, I can not disobey the instructions except upon my personal responsibility. My opinion of Mr. Bailey's unfitness would not authorize me to vote against Mr. Bailey in opposition to the duly expressed wishes of the people. If they, in proper manner, rescind my original instructions, not by petitions of individual citizens, but by action of the party, I should certainly obey their instructions. The people are supreme; and by accepting my own election from their hands, I recognize all the terms and conditions upon which I stood for election. Any other view is to place the individual members' opinion above the wish of the whole party duly expressed.

HUME.

THE SILLIMAN RESOLUTION.

The Speaker directed the Clerk to read from the Proceedings of today the resolution offered by Mr. Silliman this morning and adopted, relative to reprimanding the representative or representatives of certain daily papers, which resolution appears in the morning session of today's Proceedings.

The Clerk read the resolution.

The Speaker then stated that, notwithstanding a motion to reconsider the vote adopting said resolution had been entered upon the Journal, it was his duty, under the terms of the resolution and the same touching the rights and dignity of the House, to comply with its provisions.

Mr. Kennedy asked unanimous consent of the House that further proceeding under the resolution be postponed until the pending business be disposed of.

There was no objection to the postponement, and it was so ordered.

PENDING BUSINESS.

(The Investigation Resolution by Mr. Duncan and others.)

The House resumed consideration of the pending business, same being the resolution by Mr. Duncan and others, as a Special Order, providing for a certain investigation, with the substitute by Mr. Kennedy and others pending.

Question—Shall the substitute be adopted?

Mr. Duncan obtained the floor at 2:45 p.m., speaking to the resolution.
(Mr. Robertson of Bell in the chair.)

Mr. Duncan yielded the floor at 3:35 p. m.

Mr. Pool offered the following amendment to the substitute:

Amend the substitute (as amended) for the original resolution by adding after the word "investigation," in the paragraph of the resolution next to the last, the following:

"Provided, that if said committee should come into possession of reliable information which would lead it to believe that material and competent testimony bearing upon the truth or falsity of any charge they may be investigating, and which could not be properly taken by depositions, exists beyond the borders of the State, and that they can obtain the same, then such committee shall have authority, and it shall be its duty, to authorize and empower two of its members to proceed to the point beyond the State of Texas at which point said testimony can be procured, for the purpose of procuring same, and presenting the same to the committee."

(Signed) POOL, ALDERDICE, TERRELL of McLennan, BRIGGS, SHELBY, NEBLETT.

The amendment was adopted.

Mr. Cobbs obtained the floor at 3:37 p. m., speaking to the resolution.

(Speaker in the chair.)

Mr. Cobbs yielded the floor at 5:58 p. m.

Mr. Wilmeth moved the previous question on the substitute, and the main question was ordered.

Mr. Duncan called for the reading of the substitute as amended.

The Speaker then directed the Clerk to read same.

The Clerk then read the substitute as amended, as follows:

SUBSTITUTE AS AMENDED.

Whereas, For many weeks past there have been numerous charges against Hon. Joseph W. Bailey, United States Senator from this State, and the nominee of the Democratic party by general primary election held under authority of law, and by the Democratic convention, which ratified said election by vote and by resolution, to succeed himself as United States Senator from this State by election by the present (the Thirtieth) Legislature; and

Whereas, Senator Bailey has made answer in detail in the public prints, and upon the platform, to said charges made against him, and has repeatedly asserted some of the private transactions about which it is proposed to investigate, and which are not, therefore, in dispute; and

Whereas, Said charges are still persisted in by many, though no specific charge, with a tender of competent proof has been made; and

Whereas, As the public good requires that Senator Bailey’s enemies or accusers be given an opportunity to form specific charges and to make a tender of any competent proof legitimately bearing on any issue that would affect his qualification to serve as a Senator from Texas in the United States Senate; and

Whereas, The best interests of the Democratic party require that said accusers be given said opportunity; and

Whereas, Senator Bailey has repeatedly stated, and now states, his position to be one of willingness to be investigated on any specific charge based on competent evidence tendered that would reasonably raise an issue affecting his qualification or integrity as a Senator, and inasmuch as an injustice would be done Senator Bailey and the Democratic party, and the citizenship of this State by groundless and unsupported charges against a Senator of Texas and an investigation based thereon; now, therefore, be it

Resolved, That the Speaker of this House be and he is hereby authorized to appoint a committee of seven members, which said committee shall meet at the capitol immediately after their appointment and elect one of their number chairman, and shall employ such necessary clerks and other help as in their judgment may be necessary. Said committee shall have the power to administer oaths and compel the attendance of witnesses and the production of papers, and shall immediately proceed to thoroughly investigate every charge that may be filed with them against Senator J. W. Bailey; provided, that no charge shall be investigated unless some member of this Legislature or other credible citizen of this State shall appear before the said committee and file with it a written charge or charges setting out that he has good reason to believe that Senator J. W. Bailey has been guilty of some conduct, naming the same, which in the opinion of such person tends to disqualify him or render him unfit to represent the people of Texas in the United States Senate. It shall be the duty of said committee to immediately make full and complete investigation of said charges, and it shall have power to summon witnesses and to compel the at-
tendance of the same, and to compel the production and exhibition of books and papers, and it shall have power to administer oaths and punish persons for contempt or for refusing to appear before them, and any member of said committee shall have power to administer oaths and to issue processes for witnesses; and, provided further, that said committee may propound interrogatories and take depositions under the rules prescribed by law in the conduct of civil cases of witnesses who may reside out of the State and under such rules as the committee may prescribe.

The actual expense of said committee and all attending officers and witnesses shall be paid out of the contingent fund of the House; provided, that witnesses and officers shall not be paid more than is allowed witnesses or officers in civil cases.

It shall be the duty of said committee to thorougly investigate any and all new matter that may be developed by its investigation; provided, that if said committee should come into possession of reliable information which would lead it to believe that material and competent testimony bearing upon the truth or falsity of any charge they may be investigating and which could not be properly taken by depositions, exists beyond the borders of the State, and that they can obtain the same, then such committee shall have authority and it shall be its duty to authorize and empower two of its members to proceed to the point beyond the State of Texas at which point said testimony can be procured, for the purpose of procuring same, and presenting the same to the committee.

Said committee shall as soon as possible make a full and impartial investigation, and shall report to this House its findings, and said report shall be accompanied by a correct stenographic report of all evidence secured, together with the copy of all documentary evidence offered.

Yeas and nays were demanded on the substitute, and it was adopted by the following vote:

**Yeas—64.**


Mr. Bartlett (present), who would vote "nay," with Mr. Thomas of Fannin (absent, excused), who would vote "yea."
Mr. Camp (present), who would vote "nay," with Mr. Heslep (absent, excused), who would vote "yea."

Mr. Orgain (present), who would vote "nay," with Mr. Briscoe (absent), who would vote "yea."

The Speaker announced that the substitute was adopted by a vote of 64 "yeas" to 55 "nays."

VERIFICATION OF VOTE.

Mr. Duncan called for a verification of the vote.

The Clerk was then directed to call the roll of those recorded as voting "yea."

The roll of "yeas" was called, and found correct as first announced.

The Clerk was then directed to call the roll of those recorded as voting "nay."

The roll of "nays" was called, and found correct as first announced.

I vote "no" on the substitute to the original motion to investigate charges against Senator Bailey because I prefer the original resolution. I believe that justice to Senator Bailey, the people of Texas and the Democratic party demand an impartial and thorough, searching investigation. I do not believe there should be any restrictions thrown around the investigating committee. I believe that an investigation held under the Duncan resolution would completely satisfy the people, and if it acquitted Senator Bailey, it would destroy his enemies and place Senator Bailey again in possession of the same influence and power that he enjoyed before those charges were made against him. I fear it will not be so with an investigation held under the substitute. If an investigation held under the substitute acquits Senator Bailey, I fear that his enemies will, as they did six years ago, cry "white wash."

I also believe that Attorney General Davidson, against whom serious charges have been made, should be investigated. The substitute does not provide for an investigation of Attorney General Davidson.

For these and other reasons I prefer the original resolution to the substitute.

DODD.

My reasons for voting "no" on the substitute are:

1. It divorces the Bailey and Davidson investigation.
2. I believe the same committee is disqualified to gather testimony for or against Bailey or Davidson, respectively, as they, being human, will be biased by reason of the subjects being antagonistic.
3. The time for election of United States Senator is so near at hand and the Federal statute being mandatory, therefore we, under oath, must obey the Federal statutes.
4. It gives as extensive an investigation as does the Duncan resolution.

BALLENGEE.

I have requested that I be marked "present, not voting" for the reason that I have been instructed by a majority vote in the Democratic primaries of Travis county to oppose the re-election of Senator Bailey to the United States Senate, regardless as to whether he be exonerated or not. In other words, I am branded "anti-Bailey," although he may be unanimously acquitted by an unbiased investigating committee of every charge and of every suspicion; hence, I take it, that it would be folly for me to vote for or against this resolution be-
cause finally my instructions will compel me to vote against him.

PEELER.

I vote "aye" as I look upon the substitute as being the better of two evils.

SCHLOSSHAN.

I vote "no" for I believe that the committee should have the right to go out of the State at any time it may see proper to do so, and if this was allowed would support this substitute. I believe they should have this power.

GRAHAM.

Mr. Wilson moved to reconsider the vote by which the substitute was adopted and to table the vote to reconsider.

The motion to table prevailed.

Question—Shall the resolution as substituted be adopted?

Mr. Hamilton offered the following amendment to the resolution:

Amend by striking out the words "enemies or."

Question—Shall the amendment be adopted?

Mr. Kennedy moved the previous question on the resolution as substituted, and the motion was duly seconded.

Question—Shall the main question now be ordered?

Yeas and nays were demanded, and the House ordered the main question by the following vote:

Yeas—59.

Adams.
Alderice.
Austin.
Ballengee.
Baskin.
Blanton.
Bowles.
Bowman.
Brady.
Briggs.
Bryan.
Canales.
Carswell.
Chapman.
Cobb.
Crockett.
Davis of Brazos.
Davis of El Paso.
Davis of Williamson.
Dean.
Dodd.
Dreiggers.
Elkins.
Fowler.
Gafford.
Giepnter.
Giesen.
Hamilton.
Hume.
Kennedy.
King.
Kubena.
Lane.
Love of Williamson.
MacInerney.
Mason.
McDonald.
McKenzie.
Mears.
Mobley.
Moore.
Murray.
Nebbett.
Nelson of Hopkins.
O'Beirne.
O'Neal.
Onion.
Patton.
Peeler.
Pool.

Ray.
Rayburn.
Ridgway.
Roberson of Erath.
Roberton of Bell.
Roos.
Schlosshan.
Shelby.
Sperry.
Stanford.

Stephenson.
Terrell of McLennan.
Thomas of Tyler.
Wade.
Walter.
Wilson.
Witherspoon.
Wolfe.
Young.

Nays—51.

Adkins.
Baker.
Beaty.
Bell of Freestone.
Bell of Limestone.
Blalock.
Bogard.
Browne of Harris.
Cable.
Camp.
Clements.
Coke.
Cox.
Crawford.
Crip.
Curray.
Daniel.
Duncan.
Fuller.
Gaines.
Gilmore.
Goodman.
Graham.
Grinstead.
Henderson.
Holshousen.
Jackson.

James.
Jennings.
Johnson.
Kindred.
McCallum.
McGregor.
Nelson of Travis.
O'Bryan.
Pierce.
Raiston.
Reedy.
Robertson of Travis.
Savage of Bell.
Savage of Nueces.
Silliman.
Smith.
Stratton.
Strickland.
Terrell of Cherokee.
Terry.
Thompson.
Trenckmann.
Werner.
Wilmeth.

Absent.

Brown of Wharton.
Brown of Wharton.
Brown of Wharton.
Brown of Wharton.
Brown of Wharton.
Brown of Wharton.

Absent—Excused.

Brown of Wharton.
Brown of Wharton.
Brown of Wharton.
Brown of Wharton.
Brown of Wharton.
Brown of Wharton.

PAIRED.

Mr. Orgain (present), who would vote "nay," with Mr. Briscoe (absent), who would vote "yea."

Mr. Bartlett (present), who would vote "nay," with Mr. Thomas of Fannin (absent, excused), who would vote "yea."

Question now first recurred on the amendment by Mr. Hamilton, and it was adopted.

The resolution as substituted and amended was adopted.

Mr. Kennedy moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider. The motion to table prevailed.
ADJOURNMENT.

Mr. Duncan moved that the House adjourn until 10 o'clock a. m. tomorrow.
Mr. McKenzie moved that the House adjourn until 10 o'clock a. m. next Monday, and the motion was lost.

On the motion of Mr. Duncan the House at 6:52 p.m. adjourned until 10 o'clock a. m. tomorrow.

ELEVENTH DAY.

Hall of the House of Representatives, Austin, Texas, Saturday, January 19, 1907.

The House met at 10 o'clock a. m. pursuant to adjournment, Speaker Love in the chair.

Roll called, and the following members present:

- Adams
- Adkins
- Alderdice
- Austin
- Ballengee
- Bartlett
- Baskin
- Beatty
- Bell of Freestone
- Bell of Limestone
- Bland
- Blanding
- Baskin
- Beaty
- Bland
- Blalock
- Blanton
- Bogard
- Bogle
- Bowles
- Bowman
- Braly
- Brown of Harris
- Bryan
- Cable
- Camp
- Canales
- Carmel
- Chapman
- Clements
- Collins
- Connell
- Crawford
- Crisp
- Crockett
- Currey
- Daniel
- Davis of Brazos
- Davis of El Paso
- Davis of Williamson
- Dean
- Dodd
- Driggers
- Duncan
- Elkins
- Fowler
- Fuller
- Roos
- Savage of Bell
- Savage of Nueces
- Schlosshan
- Shelby
- Silliman
- Smith
- Sperry
- Stanford
- Stratton
- Strickland
- Terrell of Cherokee

The roll call showed a quorum present, and it was so announced.

Prayer by Rev. W. J. Joyce, Chaplain.

GRANTED LEAVE OF ABSENCE.

On account of important business:
- Mr. McCallum and Mr. Walter for today, on motion of Mr. Jackson.
- Mr. Holshousen for today, on motion of Mr. Fuller.
- Mr. Stephenson for today, on motion of Mr. Moore.
- Mr. Gilmore for today, on motion of Mr. Currey.
- Mr. Baker for today, on motion of Mr. Jennings.
- Mr. Gilmore for today, on motion of Mr. Bowman.
- Mr. Onion for today, on motion of Mr. Bullock.
- Mr. Kennedy for today, on motion of Mr. Hume.
- Mr. Provost for today, on motion of Mr. King.
- Mr. Pool for today, on motion of Mr. Goodman.
- Mr. O'Bryan until next Tuesday, on motion of Mr. Davis of Brazos.
- Mr. Trenckmann for today, on motion of Mr. Dodd.
- Mr. McKenzie for today, on motion of Mr. Davis of El Paso.
- Mr. Kubena for today, on motion of Mr. Roos.
- Mr. Briscoe for today, on motion of Mr. Canales.

Absent—Excused.

- Baker
- Briggs
- Briscoe
- Gafford
- Giesen
- Gilmore
- Holshousen
- Johnson
- Kennedy
- Brown of Wharton
- Martin
- Heslep
- McConnell
- Lively
- Thomas of Fannin

The roll call showed a quorum present, and it was so announced.

Prayer by Rev. W. J. Joyce, Chaplain.

GRANTED LEAVE OF ABSENCE.

On account of important business:
- Mr. McCallum and Mr. Walter for today, on motion of Mr. Jackson.
- Mr. Holshousen for today, on motion of Mr. Fuller.
- Mr. Stephenson for today, on motion of Mr. Moore.
- Mr. Gilmore for today, on motion of Mr. Currey.
- Mr. Baker for today, on motion of Mr. Jennings.
- Mr. Gilmore for today, on motion of Mr. Bowman.
- Mr. Onion for today, on motion of Mr. Bullock.
- Mr. Kennedy for today, on motion of Mr. Hume.
- Mr. Provost for today, on motion of Mr. King.
- Mr. Pool for today, on motion of Mr. Goodman.
- Mr. O'Bryan until next Tuesday, on motion of Mr. Davis of Brazos.
- Mr. Trenckmann for today, on motion of Mr. Dodd.
- Mr. McKenzie for today, on motion of Mr. Davis of El Paso.
- Mr. Kubena for today, on motion of Mr. Roos.
- Mr. Briscoe for today, on motion of Mr. Canales.
On account of sickness: Mr. Gafford until next Monday, on motion of Mr. Moore.

BILL NOT TO BE PRINTED.

On motion of Mr. Cox, it was ordered that House bill No. 18, appropriating $5000 for the use of the Railroad Commission to defray certain expenses, be not printed.

CLAIMS REFERRED TO THE COMMITTEE ON CLAIMS AND ACCOUNTS.

Mr. O'Neal, Chairman of the Committee on Appropriations, asked that the following claims filed with said committee be referred to the Committee on Claims and Accounts:

Account of Ward S. Dillard, official stenographer of the district court of Maverick county for $214.92.

Petition of the Phoenix Insurance Company of Hartford, Conn., asking that certain moneys paid to the State of Texas under the franchise tax law be refunded to that company, claiming that the company had been doubly taxed.

Account of Ward S. Ireland, official stenographer of the district court in Brewster county, for $37.87.

Accounts of H. V. Abel, official stenographer of the district court in McLennan county, one for $24 and the other for $349.43.

Account of J. A. Lord, official stenographer of the district court of McLennan county, for $300.

All above accounts were referred to the Committee on Claims and Accounts.

SPECIAL COMMITTEE ANNOUNCED.

Speaker Love, in accordance with the provisions of a resolution, providing for a committee of seven members to investigate charges which may be filed with them against United States Senator J. W. Bailey, adopted yesterday, stated that he was ready to announce the committee. Before announcing the committee, Speaker Love said:

"The Chair will state, in connection with the appointment of this committee, that under parliamentary precedents and practices, as the Chair understands them, the gentleman from Smith, Mr. Duncan, would be a proper member of this select committee, and he would have been appointed by the Chair as a member of the committee, but for the fact that he has advised the Chair that for reasons satisfactory to himself he did not desire to be appointed as a member of it."

The Speaker then announced the names of the following members composing the committee:

Messrs. O'Neal, Robertson of Travis, Cobbs, Jenkins, Wolfe, McGregor, Patton.

Mr. Robertson of Travis asked that on account of certain business engagements which made it almost impossible for him to fill and at the same time serve on the committee, he be relieved from service on the committee.

Speaker Love stated that, since the committee had been announced, he did not feel authorized to excuse the gentleman from Travis from service on the committee, but that the matter was in the province of the House.

Mr. Hamilton then moved that Mr. Robertson of Travis be excused from service on the committee.

However, after some consultation among the members, Mr. Hamilton withdrew the motion.

STANDING COMMITTEES ANNOUNCED.

Speaker Love announced the appointment of the following standing committees:

AGRICULTURE.

Mr. Cable, Chairman; Messrs. Lively, Ralston, Beaty, Mears, Jackson, Blalock, Mobley, Roberson of Erath, Johnson, Ballengee, Dodd, Terrell of Cherokee, Gaines, Green, Nelson of Kaufman, Stanford.

BANKS AND BANKING.

Mr. Terrell of McLennan, Chairman; Messrs. Jennings, Blanton, Crockett, Canales, Bogard, Peeler, Baker, Kubena, Lively, Fuller, Austin, Davis of El Paso, Browne of Harris, Fowler, Young, Cocke, Clements, Lane, Stratton, Sperry.

CLAIMS AND ACCOUNTS.

Mr. Patton, Chairman; Messrs. Beaty, Orgain, Dodd, Werner, Bowman, Chapman, McKenzie, Peeler.

COMMERCE AND MANUFACTURES.

Mr. Murray, Chairman; Messrs. Cox, Jennings, Young, McCallum, Currey, Stratton, Baskin, Daniel, Witherspoon, Johnson, Schlosshan, O'Beirne, Martin, Browne of Harris, Mason, Bogard.
COMMON CARRIERS.

Mr. Robertson of Bell, Chairman; Messrs. Robertson of Travis, Bartlett, O'Neal, Carswell, Wilson, Duncan, Wolfe, Jenkins, Graham, Terry, Maclerney, Wade, Ray, Rayburn, Moore, Wilmeth, Elkins, Henderson, Strickland, Cox.

CONSTITUTIONAL AMENDMENTS.

Mr. Dean, Chairman; Messrs. McKinney, Neblett, Mason, Davis of Brazos, Bell of Limestone, Gaines, Henderson, Onion, Rayburn, Moore, Walter, Adkins, Stillman, Thomas of Tyler, Hume, Fowler, Heslep, Cobbs, Goodman, Stephenson.

COUNTIES.

Mr. McConnell, Chairman; Messrs. Bell of Freestone, Clements, Gaines, Wilmeth, Kennedy, Gafford, Bowles, Bryan, canales, Driggers, Werner, Holshousen, Adkins, Kubena, Heslep, McDonald, Camp, Jackson.

CRIMINAL JURISPRUDENCE.

Mr. Gafford, Chairman; Messrs. McGregor, McConnell, Baskin, Jenkins, Bell of Freestone, Adams, Thompson, Holshousen, Murray, Maclerney, Bowles, Wade, Walter, Stratton, Ridgway, Fuller, McKenzie, Roos, Onion, O'Bryan.

EDUCATION.

Mr. Alderdice, Chairman; Messrs. Murray, Neblett, McDonald, Dean, McKinney, Davis of Brazos, Gafford, Strickland, Bell of Freestone, Braly, Robertson of Travis, Patton, Jenkins, Johnson, Browne of Harris, Ridgway, Young, Rayburn, Trenckmann, Terrell of Cherokee.

FEDERAL RELATIONS.

Mr. Nelson of Hopkins, Chairman; Messrs. Bartlett, Moore, Brown of Wharton, Fuller, McDonald, Camp, O'Neal, Crisp.

FORESTRY.

Mr. Fuller, Chairman; Messrs. McKinney, King, Gieptner, Thomas of Fannin, Adams, O'Neal, Holshousen, Driggers, Kindred, Wilson.

GAME AND FISHERIES.

Mr. Briscoe, Chairman; Messrs. Holshousen, Austin, Terry, Green, Savage of Nueces, Baker, Stratton, Blalock, Brown of Wharton, Martin.

INSURANCE.

Mr. McGregor, Chairman; Messrs. Briggs, Ballengee, Cobbs, Blanton, Jennings, Terrell of McLennan, Mears, Nelson of Hopkins, Young, McCallum.

IRRIGATION.

Mr. Wilmeth, Chairman; Messrs. Hume, Adams, Elkins, Canales, Austin, Kindred, Thomas of Tyler, Pool, McKenzie, Davis of El Paso.

JUDICIAL DISTRICTS.

Mr. Sperry, Chairman; Messrs. Shelby, Adams, Briscoe, Terrell of Cherokee, Johnson, King, Savage of Nueces, MacInerney, Reddy, Walter, Holshousen, Adkins, Bogard, Cox, Smith, Dean, Crawford, Thomas of Fannin.

JUDICIARY.

Mr. Carswell, Chairman; Messrs. Cobbs, Wolfe, Duncan, Neblett, Robertson of Travis, Patton, Henderson, Love of Williamson, Briggs, Briscoe, Calum, Savage of Nueces, Moore, Elkins, Blanton, Stephenson, Thomas of Fannin, McDonald, Thomas of Tyler, Nelson of Hopkins.

LABOR.

Mr. Graham, Chairman; Messrs. Strickland, O'Beirne, Wade, McGregor, MacInerney, McCallum, Daniel, Moore, Wilson, Stephenson.

LIQUOR TRAFFIC.

Mr. Jenkins, Chairman; Messrs. Thompson, Baskin, Elkins, Love of Williamson, Terry, Robertson of Bell, McGregor, Savage of Bell, Wilmeth, King, Murray, Nelson of Kaufman, Kubena, Nelson of Hopkins, Onion, Roberson of Erath, Sperry, Alderdice, Shelby, Ballengee.

MILITARY AFFAIRS.

Mr. McCallum, Chairman; Messrs. Camp, O'Beirne, King, Orgain, Savage of Nueces, Smith, Bowman, Peeler, Cocke, Crawford.

MINES AND MINING.

Mr. Gilmore, Chairman; Messrs. Adams, Johnson, Gieptner, Roberson of Erath, Blalock, Grinstead, Carswell, Davis of El Paso, McKenzie, Camp.

MUNICIPAL CORPORATIONS.

Mr. MacInerney, Chairman; Messrs. Baskin, Gafford, Davis of Williamson,
McGregor, McCallum, Cobbs, Adams, Terrell of McLennan, McDonald, Heslep, Thomas of Tyler, Peeler, Crisp, Ridgway, Hamilton, Roos, Neblett, Kindred.

**PENITENTIARIES.**

Mr. Goodman, Chairman; Messrs. Terrell of Cherokee, Ralston, McKinney, Mason, Savage of Bell, Wade, Beatty, Currey, Mears, Young, Austin, Shelby, Stephenson, Lively, Driggers, Cable, King, Crisp, Kindred, Crawford.

**PRIVATE CORPORATIONS.**

Mr. Love of Williamson, Chairman; Messrs. Hamilton, Wolfe, Goodman, Briscoe, Briggs, Davis of Brazos, Reedy, Roos, Canales, Fuller, Bowman, Hume, Heslep, Fowler, Schlosshan, Crisp.

**PUBLIC DEBT.**

Mr. James, Chairman; Messrs. Orgain, Reedy, Crisp, Nelson of Kaufman, Kindred, O'Beirne, Driggers, Moore, Ridgway, Elkins.

**PUBLIC GROUNDS AND BUILDINGS.**

Mr. Peeler, Chairman; Messrs. O'Bryan, O'Beirne, Giesen, Lane, Pierce, Ralston, Stanford, Chapman, Adkins, Smith.

**PUBLIC HEALTH.**

Mr. Ralston, Chairman; Messrs. Dodd, Neblett, Chapman, Witherspoon, McConnell, McCallum, Bartlett, Camp, Cox, Hume.

**PUBLIC LANDS AND LAND OFFICE.**

Mr. Canales, Chairman; Messrs. Bowles, Briscoe, Wilmeth, Ballengee, Baker, Braly, Silliman, Witherspoon, Hamilton, Martin, Murray, Carswell, Clements, Crockett, Pool, Bryan, MacInerney, O'Neal, Bowman, Jenkins.

**PUBLIC PRINTING.**

Mr. Thomas of Fannin, Chairman; Messrs. Savage of Bell, Johnson, Ray, Cox, Martin, Grinstead, Gilmore, Lively, Pierce, Crisp.

**REFORMS IN CIVIL AND CRIMINAL PROCEDURE.**

Mr. Duncan, Chairman; Messrs. Carswell, Gafford, Jenkins, Cobbs, Wolfe, Robertson of Travis, Canales, Heslep, Hamilton, Dean, Neblett, James, Wilson, Fowler, Hume, Orgain, Smith, Mobley, King, Silliman.

**REVENUE AND TAXATION.**

Mr. Kennedy, Chairman; Messrs. Robertson of Bell, Cable, Alderdice, Cobbs, Strickland, Mobley, Beatty, Bartlett, Duncan, Bell of Freestone, Ralston, Jennings, Davis of Williamson, Terrell of McLennan, Camp, Thomas of Fannin, Patton, Braly, Jackson, Roos.

**ROADS, BRIDGES AND FERRIES.**

Mr. Crockett, Chairman; Messrs. Mason, Treneckmann, Green, Briggs, Dodd, Currey, Daniel, Shelby, Blalock, Lively, Gilmore, Nelson of Kaufman, Schlosshan, Reedy, Roberson of Erath, Cocke, Cable, Bell of Limestone.

**RULES.**

Mr. Hamilton, Chairman; Messrs. Bryan, Kennedy, Gafford, Mobley, Robertson of Travis, Duncan.

**STATE AFFAIRS.**

Mr. Bryan, Chairman; Messrs. Robertson of Bell, Mason, Baskin, Bell of Limestone, Treneckmann, Briggs, Savage of Bell, O'Beirne, Smith, Savage of Nueces, Crawford, Blanton, Braly, Giepner, Silliman, Nelson of Hopkins, Sperry, Thompson, Mobley, Pool.

**STATE ASYLUMS.**

Mr. Beaty, Chairman; Messrs. Wilson, Ballengee, Nelson of Kaufman, Bartlett, Davis of Williamson, Giepner, Cocke, Kubena, Rayburn, Roberson of Erath, Thompson, Mobley, Shelby, Lively, Walter, Grinstead, Gilmore, Driggers, Goodman, Peeler.

**STOCK AND STOCKRAISING.**

Mr. Jackson, Chairman; Messrs. Briscoe, Johnson, Silliman, Witherspoon, Martin, Driggers, Adkins, Bowman, Davis of El Paso, Kindred, Bryan, Canales, Ralston, Brown of Wharton, Crawford, Pierce.

**ADDITIONS TO COMMITTEES.**

Mr. MacInerney, to the Committee on Reforms in Civil and Criminal Procedure,
On motion of Mr. Duncan, Chairman.
Mr. Crockett, to the Committee on Labor,
On motion of Mr. Graham, Chairman.
Mr. Schlosshan, to the Committee on Education,
On motion of Mr. Green, Chairman.
Mr. Lane to the Committee on Constitutional Amendments,
On motion of Mr. Dean, Chairman.
Mr. Clements, obtaining the floor, objected to any further additions to committees at this time.

HOUSE BILLS ON FIRST READING.

By Mr. Neblett:
House bill No. 177, A bill to be entitled "An Act to establish the Texas State Board of Pharmacy, and to prescribe the power and duties of said board, and to regulate the practice of pharmacy, and the licensing of pharmacists and the compounding and sale of medicines, drugs and poisons in the State of Texas, and to provide penalties for any infringement of the provisions of this act, and to repeal all laws in conflict herewith."

Read first time, and referred to Committee on Public Health.

By Mr. Wilmeth:
House bill No. 178, A bill to be entitled "An Act to amend an act to fix the time within which power of sale conferred in mortgages or deeds of trust may be exercised, and after which vendor's liens, equitable or otherwise, shall be presumed to be released and satisfied, and to repeal all laws and parts of laws in conflict therewith, and also declaring an emergency."

Read first time, and referred to Judiciary Committee.

By Mr. Bowles and Mr. Murray (by request):
House bill No. 179, A bill to be entitled "An Act to amend Article 421, Chapter 4, Title XVIII, of the Revised Civil Statutes of the State of Texas, relating to the powers and duties of city councils and boards of aldermen, and to provide and authorize cities and towns to manufacture and sell gas or electricity to the inhabitants thereof for commercial purposes, and declaring an emergency."

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Wilmeth:
House bill No. 180, A bill to be entitled "An Act to amend Title XL, Chapter 2, of the Revised Civil Statutes of the State of Texas, 1895, by repealing Article 2274a, and amendment to Articles 2282 and 2284 of said Title and Chapter, relating to notice for and the manner of taking depositions in civil cases, as amended by the Acts of the Twenty-ninth Legislature, page 105."

Real first time, and referred to Committee on Reforms in Civil and Criminal Procedure.

By Mr. Sperry and Mr. McCallum:
House bill No. 181, A bill to be entitled "An Act to amend Article 198, Chapter 2, Title VII, of the Penal Code of the State of Texas, relating to horse racing and other species of gaming on Sunday."

(The purpose of the bill is to so amend said article as to prohibit horse racing and other species of gaming mentioned therein being engaged in on Sunday at any place, the present provisions of the article prohibiting such gaming in cities and towns only.)

Read first time, and referred to Committee on Criminal Jurisprudence.

By Mr. Sperry, Mr. McCallum and Mr. Smith:
House bill No. 182, A bill to be entitled "An Act to amend Articles 375 and 376, Chapter 2, Title XI, of the Penal Code of the State of Texas, relating to raffles."

(The bill proposes to amend the two articles mentioned above so as to prohibit the disposition by raffle of any estate, real or personal, of any value whatever, the present law including only property exceeding $500 in value.)

Read first time, and referred to Committee on Criminal Jurisprudence.

By Mr. Sperry, Mr. McCallum and Mr. Smith:
House bill No. 183, A bill to be entitled "An Act to amend Article 388, Chapter 3, Title II, of the Penal Code of the State of Texas, relating to gaming."

(The purpose of the bill is to amend Article 388 so as to extend its provisions to the game of matching with money or other objects, or at heads or tails. It also amends the law so as to prohibit betting on the games mentioned at a private residence.)

Read first time, and referred to Committee on Criminal Jurisprudence.

HOUSE BILL NO. 18 ON SECOND READING.

Mr. Cox asked unanimous consent of the House that House bill No. 18 be taken up and placed on its second reading.

There was no objection offered.

Speaker Love then laid before the House on its second reading and passage to engrossment,

House bill No. 18, A bill to be entitled
An Act appropriating $5000, or so much thereof as may be necessary, for use by the Railroad Commission of Texas to defray the expense of any extra labor, traveling or other necessary expenses in preparing the defense of the Railroad Commission in the suits now pending in the Federal District Court for the Western District of Texas, wherein certain railroad companies are suing to enjoin the enforcement of orders reducing their rates, and declaring an emergency.

The bill was read second time, and was passed to engrossment.

INVITING HON. V. W. GRUBBS TO ADDRESS THE HOUSE.

Mr. Clements offered the following resolution:

Whereas, The Democratic party of Texas has by the nineteenth plank of its platform committed this Legislature to the enactment of laws for the establishment and maintenance of an efficient system of industrial training, including agriculture and kindred subjects in the public free schools of this State; and

Whereas, Hon. V. W. Grubbs of Texas, the recognized leader of the great movement culminating in said platform, is in the city in the interest of the legislation contemplated by said platform; therefore, be it

resolved, That he be invited to address the House of Representatives on said subject, and that a committee of three be appointed to confer with him as to the time of said address and to make all necessary arrangements, including the matter of invitations to those who are interested in said subject.

The resolution was read second time. Question—Shall the resolution be adopted?

Mr. Robertson of Travis moved to amend the resolution so as to provide that the address shall be delivered at night.

The amendment was adopted.

The resolution as amended was adopted.

In accordance with above resolution, the Speaker announced the following committee:


SERGEANT-AT-ARMS FOR THE INVESTIGATING COMMITTEE.

Mr. Duncan offered the following resolution:

Resolved, That the Bailey Investigating Committee shall be authorized to employ and duly invest with the proper power a Sergeant-at-Arms and such assistants as may be necessary for the service of process and procuring testimony.

The resolution was read second time, and was adopted.

Mr. Hume moved that the House adjourn until 10 o'clock a. m. next Monday.

Mr. Reedy moved that the House adjourn until next Monday in honor of the 100th anniversary of the birth of Robert E. Lee.

Mr. Clements moved that when the House adjourns today, it do adjourn in honor of the memory of General Robert E. Lee.

The motion of Mr. Clements prevailed. The other motions to adjourn were then withdrawn.

THE SILLIMAN RESOLUTION.

Mr. Silliman called up from the Speaker's Table the resolution adopted yesterday relative to reprimanding the representative or representatives of certain daily papers, proceeding under which was yesterday, by unanimous consent, postponed until today.

On motion of Mr. Silliman, further proceeding under the provisions of said resolution was postponed until next Monday at 10 o'clock a. m.

ADJOURNMENT IN HONOR OF THE 100TH ANNIVERSARY OF THE BIRTH OF GENERAL ROBERT E. LEE.

On motion of Mr. MacInerney, the House, at 10:55 a. m., adjourned until 9:55 a. m. next Monday.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, January 19, 1907.

Hon. Thomas B. Love, Speaker of the House of Representatives.

Sir: We, your Committee on Contingent Expenses, beg leave to recommend that the resolution offered by Mr. Graham, providing for the appointment by the Speaker of one porter, whose duty it shall be to carry papers left on desks of members of the House to the Confederate Home; and further providing for one laundress, to be appointed by the Speaker, both of whom to receive a compensation of $2 per day each, be adopted.

BASKIN, Chairman.
Committee Room,
Austin, Texas, January 19, 1907.
Hon. Thomas B. Love, Speaker of the House of Representatives.

Sir: We, your Committee on Contingent Expenses, beg leave to report that we recommend that the resolution by Messrs. Blanton, O'Beirne and others, in reference to the employment of a stenographer for joint committees, be not adopted.

BASKIN, Chairman.

Committee Room,
Austin, Texas, January 19, 1907.
Hon. Thomas B. Love, Speaker of the House of Representatives.

Sir: We, your Committee on Contingent Expenses, beg leave to recommend that the resolution by Mr. Martin in reference to the employment of Mr. P. Henderson to carry newspapers from the House to the Confederate Home be not adopted, for the reason that the same matter is covered in another resolution which has been recommended for adoption.

BASKIN, Chairman.

TWELFTH DAY.

Hall of the House of Representatives.
Austin, Texas,
Monday, January 21, 1907.
The House met at 9:55 a. m., pursuant to adjournment, Speaker Love in the chair.

Roll called, and the following members present:

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Absent—Excused:

O'Bryan.

The roll call showed a quorum present, and it was so announced.

Prayer by Rev. W. J. Joyce, Chaplain.

GRANTED LEAVE OF ABSENCE.

On account of important business:
Mr. Kennedy for today, on motion of Mr. King.
Mr. Davis of Brazos for today, on motion of Mr. Wolfe.
Mr. Driggers for today, on motion of Mr. Hamilton.
Mr. Goodman for this week, on motion of Mr. Pool.
Mr. Love of Williamson for this morning, on motion of Mr. Adams.

Mr. Austin for today, on motion of Mr. Fuller.

Mr. Bowles for today, on motion of Mr. Crisp.

On account of sickness:

Mr. Martin indefinitely, on motion of Mr. Briscoe.

On account of important committee work:

Mr. O'Neal, Mr. Robertson of Travis, Mr. Cobbs, Mr. Jenkins, Mr. Wolfe, Mr. McGregor and Mr. Patton indefinitely, on motion of Mr. O'Neal, chairman.

ADDITIONS TO STANDING COMMITTEE.

Mr. Bowman, to the Committee on Labor, on motion of Mr. Graham, Chairman.

Mr. McKenzie, to the Committee on Public Lands and Land Office, on motion of Mr. Canales, Chairman.

Mr. Brown of Wharton, to the Committee on Criminal Jurisprudence, on motion of Mr. Gafford, Chairman.

HOUSE BILLS ON FIRST READING.

By Mr. Gaines:

House bill No. 184, A bill to be entitled "An Act for the relief of the present owners and occupants, and their heirs and assigns, of three surveys of land situated in Comanche county, Texas, consisting of one-third league each, one of which was patented to the heirs of Thomas J. Blakemore by patent No. 85, Volume 16, issued on the 4th day of October, 1859; one patented to the heirs of Joseph J. Blakemore by patent No. 84, Volume 16, issued on the 4th day of October, 1859, and one patented to the heirs of Joseph Blakemore by patent No. 278, Volume 15, issued on the 11th day of February, 1861, whereby the State of Texas relinquishes to the said owners and occupants of said land whatever right, title or interest there may be in the said land at the time that Texas was a Republic and while they, the said heirs, were aliens to the said Republic of Texas, without thereafter complying with the provisions of the Constitution of the Republic of Texas for such cases made and provided."

Read first time and referred to Committee on Public Lands and Land Office.

By Mr. Jenkins (by request):

House bill No. 185, A bill to be entitled "An Act to regulate and place certain restrictions upon the shipment and transportation of intoxicating liquors into any county, justice precinct, school district, city or town, or subdivision of a county within this State, where the sale of intoxicating liquors has been prohibited under the laws of this State; and providing a tax to be placed upon express companies that maintain or operate an office or place of business in the State at which C. O. D. packages containing intoxicating liquors deliverable are delivered; and fixing penalties for the violation of this act, and declaring an emergency."

Read first time, and referred to Committee on Liquor Traffic.

By Mr. Jennings:

House bill No. 186, A bill to be entitled "An Act to compel hotels, boarding houses, or other public places used for sleeping apartments, to provide means of escape in case of fire from building of two or more stories high, not already provided for by cities operating under special charter."

Read first time, and referred to Committee on Criminal Jurisprudence.

By Mr. Murray and Mr. Crisp:

House bill No. 187, A bill to be entitled "An Act to provide for teaching in the public schools of Texas the modes by which the dangerous communicable diseases are spread, and the best methods for the restriction and prevention of such diseases."

Read first time, and referred to Committee on Stock and Stockraising.

By Mr. Fuller:

House bill No. 188, A bill to be entitled "An Act to provide for teaching in the public schools of Texas the modes by which the dangerous communicable diseases are spread, and the best methods for the restriction and prevention of such diseases."

Read first time, and referred to Committee on Education.

By Mr. Terrell of Cherokee and Mr. Alderdice:

House bill No. 189, A bill to be entitled "An Act to create a State Text-book Board, to select a uniform series of text-books to be used in the public free schools of this State, for a period of five years, beginning September 1, 1908, providing the manner of appointing said board, defining their duties, defining certain misdemeanors, providing for a bond for the faithful performance of the contract, and to cover damages for fraud or collusion, and authorizing the Attorney General to bring suit for the recov-
ery of such damages, providing penalties for the violation of the provisions of this act, and making an appropriation therefor.”

Read first time, and referred to Committee on Education.

By Mr. Savage of Bell:

House bill No. 190, A bill to be entitled “An Act to amend Article 5212b, page 1064, of the Revised Civil Statutes of the state of Texas, relating to suits for the collection of delinquent taxes, and the pleading of the statute of limitation in connection therewith.”

(The bill proposes to amend said article by providing that the same shall not apply to any suit that may be brought to force the collection of taxes due on lands and real estate of any nature that may be delinquent in the payment of taxes for more than four years prior to the first day of January of the year in which any such suit may have been brought, but such parties when so sued shall have the right to plead the statute of limitation of four years.)

Read first time, and referred to Judiciary Committee.

HOUSE JOINT RESOLUTION ON FIRST READING.

By Mr. Camp:

House Joint Resolution No. 9, Authorizing the submission to a vote of the people of the State of Texas of a proposed amendment to Section 3 of Article VII of the Constitution of the State of Texas, defining and setting apart an available school fund, authorizing the levying of a general tax therefor, not to exceed 25 cents on the $100 valuation, and providing for the formation of school districts and the authorizing of a special school tax not exceeding 75 cents on the $100 valuation by any county or any school subdivision thereof, for the procuring of sites and erecting and equipping school buildings and the maintenance of the public schools of such county, or school subdivision thereof, and exempting certain districts therefrom.

Read first time, and referred to Committee on Constitutional Amendments.

PETITIONS AND MEMORIALS.

By Mr. Canales and Mr. Elkins:

Claim of Adolph Oosterween for services rendered as a quarantine guard in Starr county from the 21st day of August, 1903, to the 14th day of November, 1903, $129.00.

Referred to the Committee on Claims and Accounts.

REPORT OF SPECIAL COMMITTEE.

Mr. Clements, Chairman, submitted the following report:

Austin, Texas, January 21, 1907.

Hon. Thos. B. Love, Speaker of the House of Representatives.

We, the Special Committee to invite Hon. V. W. Grubbs to deliver an address to the House, beg leave to report that he has consented to do so on Tuesday, January 22, at 8 p. m., as shown by the attached correspondence:

The committee is pleased to report that Judge Grubbs has given many years of careful study to the questions raised by the educational plank of the platform, in whose adoption he was largely instrumental, and that, as an evidence of the appreciation of his work, the State Democratic Convention, by resolution, reported by the Platform Committee, gave him a strong personal indorsement. In 1901, he responded to an invitation to address the National Educational Association in Buffalo, N. Y., and his speech on that occasion was extensively published and quoted by the press of the United States and awakened such an interest in the subject of educational reform that recently a national organization was formed to push the idea in every State of the Union.

We therefore respectfully urge the members to be present.

Respectfully submitted,
(Signed) CLEMENTS, THOMPSON, NELSON of Kaufman.

The report was read and adopted.

ATTACHED CORRESPONDENCE.

Austin, Texas, January 21, 1907.
Hon. V. W. Grubbs, Austin, Texas.

Dear Sir: This is to advise you that the House of Representatives has by resolution invited you to deliver an address in the Hall of the House on the subject embraced in the nineteenth plank of the Democratic platform.

We, the undersigned committee, appointed by the Speaker, desire to know your pleasure in regard to the time for your address.

CLEMENTS, THOMPSON, NELSON of Kaufman.
Austin, Texas, January 21, 1907.
Hon. Phil H. Clements, Chairman, and Others, Austin, Texas.

Dear Sirs: I beg to acknowledge the receipt of your courteous favor informing me of the action of the House of Representatives in extending to me an invitation to deliver an address on educational topics. It is with much pleasure that I accept your invitation and will, if it suits the convenience of the members of the House, deliver said address Tuesday evening, January 22, at 8 o'clock.

Again thanking you, and through you, the House of Representatives, for the high honor thus conferred upon me, I subscribe myself,

Your obedient servant,

V. W. Grubbs.

BILL ORDERED PRINTED.

House Bill No. 54, the "Santa Fe Merger Bill" (three hundred copies for use of the members).

On motion of Mr. Sperry.

THANKING MR. PEELER.

Mr. Alderdice offered the following resolution:

Resolved by the House of Representatives, That the thanks of this body be extended to our fellow member, the Hon. John L. Peeler, for the souvenirs furnished us on the occasion of the inaugural ball and other courtesies extended by him.

(Signed) ALDERDICE, BRYAN, SAVAGE of Bell, MacINERNEY, CARSWELL, HAMILTON.

The resolution was read second time, and was adopted.

HEAT IN THE HALL.

Mr. Onion offered the following resolution:

Resolved by the House of Representatives, That the Superintendent of Public Buildings and Grounds be requested to heat the Hall of Representatives in cold weather, and not in warm weather.

(Signed) ONION, MCKENZIE, ROBERSON of Erath.

The resolution was read second time, and was adopted.
Resolved, That each member of the House of Representatives be permitted to subscribe for four (4) daily newspapers, to be paid for out of any funds appropriated for contingent expenses of the House of Representatives, said papers to cost not more than 3 cents per copy.

(Signed) MURRAY, GAFFORD.

The resolution was read second time.

Question—Shall the resolution be adopted?

Mr. Young offered the following amendment to the resolution:

Amend by striking out the figure "4" and inserting the figure "2" instead.

(Signed) YOUNG, REEDY.

Mr. Terry moved to table the resolution.

Mr. Heslep called for a division of the question.

Question then first recurred on the amendment, and it was tabled.

Question—Shall the resolution be tabled?

Yea and nay were demanded, and the motion to table was lost by the following vote:

Yea—35.

Ballengee, Mason.
Baskin, McCallum.
Beaty, McDonald.
Bell of Freestone, Mobley.
Bell of Limestone, Neblitt.
Blanton, Nelson of Hopkins.
Bogard, Reedy.
Braly, Robertson of Erath.
Cable, Robertson of Bell.
Canales, Schlosshan.
Carwell, Strickland.
Clements, Terrell of Cherokee.
Dodd, Terrell of McLennan.
Gaines, Terry.
Gleatner, Trenchman.
Jackson, Willmeth.
King, Young.

Nay—68.

Adams, Crawford.
Adkins, Crisp.
Alderdice, Crockett.
Blalock, Currey.
Briggs, Davis of El Paso.
Briscoe, Davis of Williamson.
Brown of Harris, Dean.
Brown of Wharton, Duncan.
Camp, Elkins.
Chapman, Fowler.
Cooke, Fuller.

Gaford, Onion.
Giesen, Orgain.
Graham, Peeler.
Green, Pool.
Grinstead, Ralston.
Henderson, Ray.
Heslep, Ridgway.
Hume, Savage of Bell.
James, Savage of Nueces.
Jennings, Shelby.
Kindred, Silliman.
Kubena, Smith.
Lively, Sperry.
MacInerney, Stanford.
McConnell, Stephenson.
McKenzie, Stratton.
McKinney, Thomas of Fannin.
Mears, Thomas of Tyler.
Moore, Thompson.
Murray, Wade.
Nelson of Bell, Kaufman.
O’Beirne, Werner.
O’Neal, Witherspoon.

Absent.

Bowman, Lane.
Cox, Pierce.
Hamilton, Rayburn.
Hols housen, Roos.
Johnson, Walter.

Absent—Excused.

Austin, Love of Williamson.
Baker, Martin.
Bartlett, McGregor.
Bowles, O’Bryan.
Cobb’s, O’Neal.
Davis of Brazos, Patton.
Driggers, Robertson of Travis.
Goodman, Wolfe.
Jenkins, Kennedy.

(Mr. Hamilton in the chair.)

Question—Shall the resolution be adopted?

Mr. McKenzie moved the previous question, and the main question was ordered.

Yea and nay were demanded, and the resolution was adopted by the following vote:

Yea—70.

Adams, Chapman.
Adkins, Cocke.
Alderdice, Crawford.
Blalock, Crisp.
Briggs, Crockett.
Briscoe, Currey.
Brown of Harris, Davis of El Paso.
Brown of Wharton, Davis of Williamson.
Camp, Dean.
MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, January 21, 1907.

Hon. Thos. B. Love, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following bill:

Senate bill No. 12, A bill to be entitled "An Act to amend Title XVIII, Chapter 3, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 400a, pertaining to the appointment of policemen in cities and towns, and requiring them to take an oath of office and make a good and sufficient bond, and declaring an emergency."

CLYDE D. SMITH,
Secretary of the Senate.

SENATE BILL ON FIRST READING.

Senate bill No. 12, reported above from the Senate, was laid before the House on its first reading, was read first time and was referred to the Committee on Municipal Corporations.

RELATIVE TO MANNER OF PRINTING BILLS.

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

Resolved, That the Speaker of this House take such steps as may be necessary to have House bills printed on paper of the proper size and perforated so as to fit the bill files belonging to the House and with same size type as is now used in printing the Journal.

(Signed) HAMILTON.
BRYAN.

The resolution was read second time. Question—Shall the resolution be adopted?

Mr. Dean offered the following amendment to the resolution?

Amend by adding, "And to have 250 copies of journals perforated so as to fit the files."

The amendment was adopted.

The resolution as amended was adopted.

(Speaker Love in the chair.)

TO PURCHASE SAYLES' STATUTES AND GREEN'S DIGEST.

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

Resolved, That the Sergeant-at-Arms be authorized to purchase, to be paid out of the contingent fund of the House, one copy of the latest edition of Sayles' Statutes and Supplements and one copy
of Green’s Digest for the use of the Judiciary Committee, the Committee on Reforms in Civil and Criminal Procedure and such other committees as may desire to use them.

The resolution was read second time, and was adopted.

Mr. Duncan asked unanimous consent of the House to offer a resolution relative to the election of a United States Senator, in order that it might be read first time and entered on the Journal.

Mr. Canales objected.

The resolution was read second time, and was adopted.

Mr. Duncan asked unanimous consent of the House to offer a resolution relative to the election of a United States Senator, in order that it might be read first time and entered on the Journal.

Mr. Canales objected.

The Speaker laid before the House the following report of the committee on Contingent Expenses:

Committee Room, Austin, Texas, January 19, 1907.

Hon. Thomas B. Love, Speaker of the House of Representatives.

Sir: We, your Committee on Contingent Expenses, beg leave to recommend that the resolution offered by Mr. Graham, providing for the appointment by the Speaker of one porter, whose duty it shall be to carry papers left on desks of members of the House to the Confederate Home; and further providing for one laundress, to be appointed by the Speaker, both of whom to receive a compensation of $2 per day each, be adopted.

BASKIN, Chairman.

The report was read.

Question—Shall the resolution be adopted?

The resolution was adopted.

APPOINTMENTS ANNOUNCED.

The Speaker announced the following appointments under the provisions of the resolution just adopted:

Laundress—Mrs. Eloise Barrow.

Porter to carry papers to Confederate Home—Mrs. P. Henderson.

MOTION TO SUSPEND THE RULES.

Mr. Duncan moved to suspend the Rules relative to consideration of resolutions in order that he might offer a resolution.

Mr. Duncan was asked to state the subject matter of the resolution, which he did.

Mr. Hamilton then raised a point of order on the motion of Mr. Duncan, stating that the motion should not be entertained for the reason that said resolution did not come within the meaning of the Rule.
present that we obey the Federal Statute in regard to the election of a United States Senator by meeting from day to day and balloting as required by law for a United States Senator, but that we use our best efforts to prevent the election of a United States Senator until a full, complete and thorough investigation is had upon all of the charges, as contemplated in the resolution, and report containing all of the material facts bearing upon the charges made shall be presented to or adopted by this House; be it further

Resolved, That it is not our intention or desire to defeat for re-election Senator J. W. Bailey, but it is our sole purpose to withhold our judgment and votes in this matter until all the facts are known and we submit that this can be done without violence to the law, without prejudice to Senator Bailey and with the highest regard for the best interest of the Democratic party and the welfare of the people, by simply casting our votes for some citizen of our own district who is not now a candidate for this office and who may never be seriously considered for such position, each voting for a different man, thereby scattering our votes and preventing the election of any man until the investigation is completed and all of the facts are before the House, so that each member can act intelligently and base his vote upon the material facts brought out in this investigation; and, be it further

Resolved, That in the event Senator Bailey is exonerated of all of the material charges against him, we hereby agree to support him for re-election and send him back to the United States Senate with all of the power and influence that the great State of Texas through her representatives can bestow upon him.

(Signed) TERRELL of Cherokee.

DUNCAN.

The resolution was read and a second reading was called for.

Mr. King objected to a second reading.

Mr. Duncan then moved that the resolution be read second time.

Mr. Baskin raised a point of order on consideration of the motion for a second reading and stated that it should not be entertained for the reason that the rules had been suspended simply for the purpose of having the resolution read the first time.

The Speaker overruled the point of order and stated that it was entirely within the province of the House to have the resolution read second time if it so desired.
EMPOWERING THE INVESTIGATING COMMITTEE TO EMPLOY COUNSEL.

Mr. Cobbs at this juncture of the proceedings (by unanimous consent), on behalf of the Investigating Committee, Mr. Duncan yielding the floor, offered the following resolution:

Resolved, That the committee appointed to investigate any charges that may be preferred before it against Senator Bailey shall have, and they are hereby given full power to employ and arrange to compensate a competent lawyer to represent the committee and the House of Representatives in the investigation of any charges that may be made against Senator Bailey and to assist the committee in the development of truth relating thereto.

(Signed) ROBERTSON of Travis, COBBS.

The resolution was read, second time.
Question—Shall the resolution be adopted?

Mr. McGregor offered the following substitute for the resolution:

Whereas, Messrs. Crawford, Etheridge, Crane, Cockrell and Porter, reputable lawyers of Dallas county, have tendered their services to the Chairman of the Investigating Committee to develop the charges preferred against Senator Bailey without charge to the State; be it

Resolved, That said attorneys, or any two of them, to appear before said committee and participate in any investigation before such committee.

The Speaker held the point of order not well taken, stating that as a matter of order the substitute is germane.

PENDING BUSINESS.

When the House recessed it had under consideration a resolution by Mr. Cobbs authorizing the Investigating Committee to employ counsel, with substitute therefor by Mr. McGregor pending.

Question—Shall the substitute be adopted?

HOUSE BILL NO. 18 ON THIRD READING.

Mr. Cox asked unanimous consent of the House that House bill No. 18 be taken up and placed on its third reading and final passage.

There was no objection offered.

Speaker Love then laid before the House on its third reading and final passage.

House bill No. 18, A bill to entitled "An Act appropriating $5000, or so much thereof as may be necessary, for use by the Railroad Commission of Texas to defray the expense of any extra labor, traveling or other necessary expenses in preparing the defense of the Railroad Commission in the suits now pending in the Federal District Court for the Western District of Texas, wherein certain railroad companies are suing to enjoin the enforcement of orders reducing their rates, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

Yeas—106.

Kindred. Kindred. Robertson of Bell.
King. King. Savage of Bell.
Lively. Lively. Schlosshan.
Mason. Mason. Sperry.
McDonald. McDonald. Stratton.
Mears. Mears. Terrell of Cherokee.
O'Neal. O'Neal. Trenckmann.
Ray. Ray. Young.
Rayburn. Rayburn. 

Nays—4.

Gaines. Gaines. Werner.

Absent.

Dean. Dean. Mobley.
Johnson. Johnson.

Absent—Excused.

Austin. Austin. Goodman.
Davis of Brazos. Davis of Brazos. Roos.
Driggers. Driggers.

I vote "No" because the bill, not having been printed and not being advised as to whether the appropriation is necessary, I am unwilling to vote at random in favor of the bill. (GAINES.)

Question—Shall the substitute be adopted?

Mr. McGregor withdrew the substitute, whereupon Mr. Duncan offered the following substitute for the resolution by Mr. Cobbs:

Resolved, That the party or parties preferring charges against Senator Bailey and filing same with the Investigating Committee, shall be entitled to appear before the committee by counsel of his own selection and by person and fully examine all witnesses and in all things represent the person filing charges as fully as if before a court of law; provided, such counsel shall serve without any expense to the State.

(Signed) DUNCAN, SMITH.

Mr. Duncan moved the previous question on the resolution, and the motion was seconded.

Mr. Cobbs then withdrew the resolution from further consideration of the House.

Mr. Jenkins raised a point of order on the withdrawal of the resolution, stating that the resolution is the property of the House and should not be withdrawn without consent of the House.

The Speaker overruled the point of order.

Mr. Jenkins appealed from the ruling of the Chair.

The Speaker, waiving a second, called Mr. Robertson of Bell to the chair pending the appeal.

The Chair then stated the question—Shall the House sustain the ruling of the Speaker?

The ruling of the Speaker was sustained.

Speaker Love resumed the chair.

Mr. Duncan then asked unanimous consent of the House to offer as a resolution the substitute just offered by him for the Cobbs resolution.

Mr. Wolfe objected.

PENDING BUSINESS.

The House now resumed consideration of the resolution offered by Mr. Duncan relative to election of United States Senator, which was under consideration when the resolution by Mr. Cobbs was taken up by unanimous consent.

The pending question being—Shall the resolution be read, second time?

Mr. McKenzie raised a point of order on consideration of the resolution and stated that it should not be entertained by the Chair for the following reasons:
That the resolution, by its terms, prescribes and undertakes to dictate to members of the House the person for whom and the way how they shall vote, upon the election of a United States Senator; that the statute regulating and governing the election of a United States Senator is mandatory and prescribes the mode of procedure for the election of a United States Senator; that each member of this House, under said statute, is required to vote directly for some person who is by law qualified to hold the office of United States Senator; therefore, 1. Such a resolution as the pending resolution is in contravention of the statute which governs the election of a United States Senator; 2. That under the law each member of this House has the inalienable right to vote for whom he pleases, if such party is qualified under the law to hold such office, for United States Senator; 3. That any rule, order or resolution which seeks to direct, govern, control, prescribe or influence a member of this House as to whom he shall vote for, for United States Senator is an infringement upon the legal rights and privileges of each member of this House; 4. That said resolution seeks to indirectly the thing which, under the law, it cannot do directly; 5. That said resolution undertakes to suspend the law governing the election of United States Senator, and for the above reasons said resolution is out of order.

The Speaker held the point raised by Mr. McKenzie not well taken as to a question of order and stated that it is within the province of the House to determine whether it will take up the resolution for consideration today, that being the pending question.

Mr. Duncan moved the previous question on the motion for a second reading, which was duly seconded.

Question—Shall the main question now be ordered?

Yeas and nays were demanded and the main question was ordered by the following vote:

Yeas—86.


Absent—Excused.

Nays—27.


Absent.


Goodman. Martin.
Johnson. Roos.
Kennedy. 

Question—Shall the resolution be read second time.
Yea's and nay's were demanded and the motion for a second reading was lost by the following vote:

Yeas—47.
Adkins. Jennings.
Baker. King.
Bartlett. Lively.
Beaty. McCullum.
Bell of Limestone. McGregor.
Bogard. Nelson of
Brown of Harris. Ralston.
Cable. Reedy.
Camp. Robertson of Bell.
Clements. Robertson of
Cocke. Travis.
Cox. Savage of Bell.
Crawford. Savage of Nueces.
Crisp. Schooshan.
Curray. Smith.
Dodd. Stratton.
Duncan. Strickland.
Fuller. Terrell of
Gaines. Cherokee.
Giesen. Terry.
Gilmore. Thompson.
Holshousen. Trenckmann.
Jackson. Werner.
James. Wilmeth.
Jenkins. 

Nays—64.
Adams. King.
Alderdice. Kubena.
Ballengee. Lane.
Baskin. Love of
Blanton. Williamson.
Braly. MacInerny.
Briggs. Mason.
Briscoe. McConnell.
Bryan. McDonald.
Canales. McKenzie.
Carswell. Mears.
Cobbs. Mobley.
Crockett. Moore.
Daniel. Murray.
Davis of Williamson. Nelson of Hopkins.
Dean. O'Beirne.
Elkins. O'Neal.
Fowler. Onion.
Pawfford. Patton.
Parr. Pool.
Gieptner. Ray.
Graham. Rayburn.
Green. Ridgway.
Grinstead. Robertson of Erath.
Hamilton. Shelby.
Heslep. Silliman.
Hume. Sperry.

Stanford. Wade.
Stephenson. Walter.
Terrell of. Witherspoon.
McLennan. Wolfe.
Thomas of Fannin. Young.
Thomas of Tyler. 

Present—Not Voting.
Peeler.

Absent.
Bell of Freestone. McKinney.
Blalock. O'Gurn.
Bowman. Pierce.
Chapman. Roos.
Johnson. 

Absent—Excused.
Austin. Goodman.
Bowles. Kennedy.
Davis of Brazos. Martin.
Driggers. O'Bryan.

It is my belief that since an investigation has been ordered and is in progress to determine whether or not Senator Bailey is guilty of the charges preferred against him, which, if established, would render him unfit to be elected United States Senator, the election should be postponed, if postponement can be had under the law, but believing that the resolution is in contravention of the law, I vote "No."

SILLIMAN.

I vote "No" on resolution to postpone the election of the United States Senator because the Federal Statute regulating the election, in my opinion, makes it mandatory upon the Legislature to proceed to ballot on the second Tuesday following the organization of that body. In my judgment the contemplated ballot is in good faith for the purpose of electing, and not a ballot for the purpose of preventing an election. Any procedure with the express purpose of postponing the election would, I think, be irregular and subject to review by the United States Senate, the majority of which body is Republican, and would, I have no doubt, be only too glad to oust a Democratic Senator for cause.

There are grave charges against Senator Bailey now pending before the Investigating Committee appointed by this House, and in justice to all interests involved, I regret that I have not the benefit of the results of the investigation before voting, but as that is impossible, I shall vote to proceed with the election in manner and form provided by law, fully believing that should
any charge against Senator Bailey be sustained which reflects on his integrity and renders him unfit to represent this State in the United States Senate, he will redeem his promise and resign at once.

ALDERDICE.

The House having refused to order a second reading, the resolution went to the Speaker's Table.

Speaker Love directed the Clerk to read the following announcements:

TIMES FOR REGULAR MEETINGS OF COMMITTEES AND ASSIGNMENTS OF CLERKS AND PAGES.

JUDICIARY.
Daily at 9 a.m.
J. E. Pool, Clerk; Edward House, Page.

REFORMS IN CIVIL AND CRIMINAL PROCEDURE.
Daily at 10:30 a.m.
W. V. Howerton, Clerk; Edward House, Page.

INSURANCE.
Monday and Thursday at 8 p.m.
Miss Rose Belle Schram, Clerk; Charles Graham, Page.

STATE ASYLUMS.
Tuesday and Friday at 8 p.m.
Miss Rose Belle Schram, Clerk; Dan Craddock, Page.

CRIMINAL JURISPRUDENCE.
Daily at 9 a.m.
Miss Flora Reisenberg, Clerk; Earl Benedict, Page.

PRIVILEGES, SUFFRAGE AND ELECTIONS.
Monday, Wednesday and Friday at 10:30 a.m.
J. E. Pool, Clerk; Earl Benedict, Page.

BANKS AND BANKING.
Tuesday and Friday at 10:30 a.m.
Miss Lilian Basford, Clerk; Jesse Roach, Page.

JUDICIAL DISTRICTS.
Monday and Thursday at 8 p.m.
Miss Lilian Basford, Clerk; Jesse Roach, Page.

MUNICIPAL CORPORATIONS.
Tuesday and Friday, at 8 a.m.
Miss Lilian Basford, Clerk; Jesse Roach, Page.

STATE AFFAIRS.
Tuesday and Friday at 9 a.m.
Edwin O'Quinn, Clerk; Joe Robertson, Page.

PRIVATE CORPORATIONS.
Monday, Wednesday and Friday at 8 p.m.
Edwin O'Quinn, Clerk; Joe Robertson, Page.

LABOR.
Tuesday and Friday at 8 p.m.
Edwin O'Quinn, Clerk; Joe Robertson, Page.

COMMON CARRIERS.
Monday, Wednesday and Friday at 10:30 a.m.
J. E. Pool, Clerk; Cecil McHenry, Page.

LIQUOR TRAFFIC.
Tuesday, Thursday and Friday, at 8 p.m.
D. L. Whitehurst, Clerk; Cecil McHenry, Page.

CONSTITUTIONAL AMENDMENTS.
Tuesday and Thursday at 9 a.m.
Miss Mary Maguire, Clerk; Cecil McHenry, Page.

REVENUE AND TAXATION.
Tuesday, Wednesday and Friday, at 9 a.m.
Miss Maye McEachin, Clerk; Robert Heflin, Page.

COUNTIES.
Tuesday and Friday at 10:30 a.m.
Miss Hattie Chenault, Clerk; Robert Heflin, Page.

ROADS, BRIDGES AND FERRIES.
Monday and Wednesday at 10:30 a.m.
Miss Hattie Chenault, Clerk; Robert Heflin, Page.

APPROPRIATIONS.
Daily at 9 a.m.
W. H. March, Clerk; Dan Craddock, Page.

PUBLIC DEBT; CONTINGENT EXPENSES; EXAMINATION OF COMPTROLLER'S AND TREASURER'S ACCOUNTS.
Meet when called by the Chairman.
O. C. Funderburk, Clerk; Dan Craddock, Page.
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<td><strong>PUBLIC LANDS AND LAND OFFICE.</strong></td>
<td>Tuesday at 9 a.m.</td>
<td>Miss Mary Claiborne</td>
<td>Elmer Dodd</td>
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<td><strong>COMMERCe AND MANUFACTURES.</strong></td>
<td>Wednesday at 9 a.m.</td>
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<td><strong>MINES AND MINING.</strong></td>
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<td><strong>IRRIGATION.</strong></td>
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<td><strong>AGRICULTURE.</strong></td>
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<td><strong>STOCK AND STOCK RAISING.</strong></td>
<td>Tuesday and Friday at 9 a.m.</td>
<td>Miss Daisy Perryman</td>
<td>Charles Graham</td>
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<tr>
<td><strong>EDUCATION.</strong></td>
<td>Monday, Wednesday and Friday, at 9 a.m.</td>
<td>James Worsham, Clerk; Noel Brown</td>
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<tr>
<td><strong>CLAIMS AND ACCOUNTS; MILITARY AFFAIRS; PUBLIC HEALTH.</strong></td>
<td>Meet when called by the Chairman</td>
<td>James Worsham, Clerk; Noel Brown</td>
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<tr>
<td><strong>PUBLIC GROUNDS AND PUBLIC BUILDINGS; PUBLIC PRINTING; FEDERAL RELATIONS.</strong></td>
<td>Meet when called by the Chairmen</td>
<td>Miss May Stephens, Clerk; Roy Florence</td>
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The roll call showed a quorum present, and it was so announced.

Prayer by Rev. W. J. Joyce, Chaplain.

GRANTED LEAVE OF ABSENCE.

On account of important business:
- Mr. Pierce for yesterday, on motion of Mr. Smith.
- Mr. Bowles for yesterday, on motion of Mr. Mears.

PETITIONS RELATIVE TO ELECTION OF UNITED STATES SENATOR.

Mr. Nelson of Hopkins sent up to the Clerk’s desk and asked to have read certain petitions from citizens of Hopkins county relative to election of United States Senator.

While the Clerk was reading the petitions,
- Mr. Dean raised the point of order that the petitions were sent to the gentleman from Hopkins personally, and not to the House, and that it was entirely out of order to have them read to the House.

The Chair held the point of order not well taken.

On motion of Mr. Dean, the petitions were referred to the Committee on Federal Relations.

Mr. Reedy then sent up to the Clerk’s desk a telegram to have read to the House, whereupon on motion of Mr. Jenkins, it was ordered that all petitions, telegrams, memorials, papers, documents, etc., bearing on election of a United States Senator be referred, without reading, to the Committee on Federal Relations.

DOCUMENTS REFERRED TO THE COMMITTEE ON FEDERAL RELATIONS.

Petition of citizens of Bell county, asking their Representatives to vote against Senator Bailey.
- Referred to Committee on Federal Relations.

Petition of 79 citizens of Reilly Springs, requesting Mr. Shelby to vote against Senator Bailey.
- Referred to Committee on Federal Relations.

Petition of 210 voters of Hopkins county, requesting their Senator and Representative to vote against Senator Bailey.
- Referred to Committee on Federal Relations.

Petition of 700 voters of Hopkins county, requesting their Senator and Representatives to vote for Senator Bailey.
HOUSE JOURNAL.

Referred to Committee on Federal Relations.

Telegram from chairman of Bailey Club of McGregor, asking Mr. O'Bryan to vote for Senator Bailey.

Referred to Committee on Federal Relations.

Telegram from citizens of Tyler, asking Mr. Reedy to vote for Senator Bailey.

Referred to Committee on Federal Relations.

Telegram from citizens of Huntsville, congratulating Mr. Driggers upon his vote for Senator Bailey.

Referred to Committee on Federal Relations.

Telegram from citizens of Albany, asking Mr. McConnell to vote for Senator Bailey.

Referred to Committee on Federal Relations.

Telegram from citizens of Conroe, commending Mr. Driggers' course and vote for Senator Bailey.

Referred to Committee on Federal Relations.

HOUSE BILLS ON FIRST READING.

By Mr. Walter and Mr. Jenkins:
House bill No. 191, A bill to be entitled "An Act to amend Article 639 of Chapter 7, Title XV, of the Penal Code of the State of Texas, in reference to castration as an additional punishment for the offense of rape."

(The purpose of the bill is to amend the law so as to provide for castration as an additional punishment for the offense of rape.)

Read first time, and referred to Committee on Criminal Jurisprudence.

By Mr. Walter and Mr. Jenkins:
House bill No. 192, A bill to be entitled "An Act to amend Article 608 of Chapter 3, Title XV, of the Penal Code of the State of Texas, relating to the penalty for assault with intent to rape."

(The purpose of this bill is to amend the law so as to provide for castration as an additional punishment for the offense of assault with intent to commit the offense of rape.)

Read first time, and referred to Committee on Criminal Jurisprudence.

By Mr. Walter and Mr. Jenkins:
House bill No. 193, A bill to be entitled "An Act to amend Article 349 of Chapter 2, Title X, of the Penal Code of the State of Texas, in reference to incest."

(The amendment proposed in this bill is similar in purpose to the amendments proposed in House bills Nos. 101 and 192.)

Read first time, and referred to Committee on Criminal Jurisprudence.

By Mr. Strickland:
House bill No. 194, A bill to be entitled "An Act to tax property passing by will or by descent or by grant or gift taking effect on the death of the grantor or donor."

Read first time, and referred to Committee on Revenue and Taxation.

By Mr. Camp:
House bill No. 195, A bill to be entitled "An Act to amend Articles 643, 644 and 646 of Title XXI, Chapter 2, of the Revised Civil Statutes of the State of Texas, 1895, relating to the creation of corporations."

(The bill amends by providing that if the corporation be one for profit the charter shall state that at least 75 per cent of the capital stock has been subscribed and at least 50 per cent of its capital stock has been paid in, and by providing further that if said capital stock is paid in other than cash, such charter shall enumerate what it is paid in, giving the value of each thing or article so taken as capital.)

Read first time, and referred to Committee on Private Corporations.

By Mr. Davis of El Paso:
House bill No. 196, A bill to be entitled "An Act to provide a charter for the city of El Paso, in El Paso county, Texas, and to fix the boundaries thereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Committee on Municipal Corporations.

By Mr. Wilmeth:
House bill No. 197, A bill to be entitled "An Act to amend Article 284, Chapter 6, of the Penal Code of the State of Texas, by adding article 284a, providing that no county clerk or other officer shall issue marriage license until ten days' notice has been given in the county of the residence of the bride to be, and providing a penalty."

Read first time and referred to Committee on State Affairs.

By Mr. Sperry:
House bill No. 198, A bill to be entitled "An Act providing for the levy and collection of an occupation tax upon commercial travelers, drummers and salesmen soliciting trade in intoxicating liquors in local option territory, for himself or for any other person, firm, company or corporation, and defining..."
By Mr. Carswell, Mr. O'Neal, Mr. MacInerney, Mr. Pool and Mr. Canales:

House bill No. 199, A bill to be entitled "An Act to amend Sections 3 and 6 of Chapter 103, General Laws of the State of Texas, passed at the Regular Session of the Twenty-ninth Legislature, approved April 15, 1905, providing for the sale and lease of the public free school and asylum lands, and to add thereto Sections 6a, 6b, 6c, 6d and 6e, providing for the placing of the school lands in certain counties on the market for sale; also, providing for the sale of land in other counties, without condition of settlement; to protect the owners of improvements, and to make certificates of occupancy a muniment of title, and for the sale of mineral land with the reservation of the mineral thereon, and to repeal all laws and parts of laws in conflict with this act, and declaring an emergency."

Read first time, and referred to Committee on Revenue and Taxation.

By Mr. O'Beirne:

House bill No. 200, A bill to be entitled "An Act to amend Article 5890 of Chapter 3 of the Revised Civil Statutes of the State of Texas, 1895, and repealing all laws in conflict therewith, relating to the other duties of assessors in the rendering of lists of taxable property, and declaring an emergency."

Read first time, and referred to Committee on Revenue and Taxation.

By Mr. Wilson:

House bill No. 201, A bill to be entitled "An Act to amend Article 367, Title X, Chapter 5, of the Penal Code of the State of Texas, 1895, relating to interference with dead human bodies."

(The bill amends so as to make it unlawful to disinter, remove or carry away any part or portion of any human body. It also provides that the fine shall not be less than $500.)

Read first time, and referred to Committee on Criminal Jurisprudence.

By Mr. Wilson:

House bill No. 202, A bill to be entitled "An Act to amend Subdivision 23 of Article 119d, Title XXX, Chapter 4, of the Revised Civil Statutes of the State of Texas, relating to venue of suits, so as to hereafter include both foreign and domestic railroad corporations."

Read first time, and referred to Judiciary Committee.

By Mr. Walter (by request):

House bill No. 203, A bill to be entitled "An Act to create a more efficient road system for Gonzales county."

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

By Mr. Walter:

House bill No. 204, A bill to be entitled "An Act to amend Section 3 of Chapter 58 of the Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, reorganizing the Twenty-third, Twenty-fourth, Twenty-fifth, Thirty-sixth and Forty-ninth Judicial Districts of the State of Texas, and fixing the time of holding district courts therein, so as to change the time of holding district court in Gonzales county."

Read first time, and referred to Committee on Judicial Districts.

HOUSE JOINT RESOLUTION ON FIRST READING.

By Mr. Mason:

House Joint Resolution No. 10, Proposing an amendment to Section 20 of Article 16 of the Constitution of the State of Texas, relating to local option laws.

(The purpose of the resolution is to give the Legislature more power in the matter of enacting laws for the regulation of the sale, etc., of intoxicating liquors.)

Read first time, and referred to Committee on Constitutional Amendments.

PETITIONS AND MEMORIALS.

By Mr. McKinney:

Claim of W. Y. Robinson, ex-sheriff of San Jacinto county, for $352.90 for sheriff's fees in felony cases, rendered in the district court of San Jacinto county at the October term, 1900, of said court.

Referred to the Committee on Claims and Accounts.

BILLS ORDERED PRINTED.

House bill No. 82, relative to vagrants (200 copies), on motion of Mr. Thompson, on request of the chairman of the Committee on Criminal Jurisprudence.

House bill No. 5, the Pure Food Bill (200 copies), on motion of Mr. Dean.

House bill No. 92, to make the separate coach law apply to street car and interurban railway lines (250 copies), on motion of Mr. Graham.

House bill No. 4, prohibiting free
passes, franks, etc. (200 copies), on motion of Mr. Gafford.

ADDITIONS TO STANDING COMMITTEES.

Mr. Peeler, to the Committee on Game and Fisheries, on motion of Mr. Briscoe, Chairman.

Mr. Pool, to the Committee on Private Corporations, on motion of Mr. Love of Williamson, Chairman.

Mr. Orgain, to the Committee on Revenue and Taxation, on motion of Mr. Kennedy, Chairman.

Mr. McKenzie and Mr. Wilson, to the Committee on Judicial Districts, on motion of Mr. Sperry, Chairman.

RESOLUTIONS.

RELATIVE TO ELECTION OF UNITED STATES SENATOR.

Mr. Duncan offered the following resolution:

Resolved, That is the sense and judgment of this body that the issues involved in the choice of United States Senator, under the existing circumstances, should be determined directly by the entire membership of the Democratic party of this State, and to the end that their sovereign will may control, we recommend,

1. That Senator Bailey shall before the first ballot for Senator, send a communication in writing to this Legislature and pledge himself to immediately resign and renounce the office of United States Senator, to which he may be elected, if he shall be elected, and at once go before the whole body of the Democracy and give them an opportunity to pass upon his candidacy, with the understanding that the investigation of the pending charges and any others filed and accepted by the committee, shall proceed to a conclusion as contemplated by the resolution under which the committee was appointed.

2. In the event that Senator Bailey shall adopt the course above suggested, we who vote for this resolution pledge ourselves to vote upon ballot today for his re-election and to urge and to use our utmost endeavors to secure such a period of time for the making of a campaign as will be acceptable to Senator Bailey, and also to abide by the result of said general Democratic primary as indicated by the majority of all the votes cast in said election, and to vote in accordance with the wishes of such majority.

We further pledge ourselves to endeavor to secure action upon said result during the present session of the Legislature.

The resolution was read and a second reading was demanded.

Mr. Kennedy objected to a second reading.

Mr. Duncan moved that the resolution be read second time.

While Mr. McConnell was occupying the floor speaking to the motion, Mr. Duncan raised a point of order on further consideration of the question on the ground that the time for consideration of resolutions had expired.

The point of order was sustained.

Mr. Duncan then moved that the time be extended thirty minutes.

The motion was lost and the resolution went to the Speaker's Table.

RELATIVE TO JOINT RULES.

Mr. Hamilton offered the following resolution:

House Concurrent Resolution No. 5, relative to adopting joint rules for the House and Senate. Be it

Resolved, By the House of Representatives of the Thirtieth Legislature, the Senate concurring, that the joint rules of the Twenty-ninth Legislature, be and they are hereby adopted to govern the joint sessions of the Senate and House of this Legislature until such time as permanent joint rules may be adopted.

(Signed) HAMILTON, KENNEDY.

The resolution was read second time and was adopted.

RELATIVE TO PRINTING THE LEGISLATIVE MANUAL.

Mr. Fuller offered the following resolution:

House Concurrent Resolution No. 6, providing for printing and binding the Legislative Manual for the use of the House and the Senate. Be it

Resolved, By the House of Representatives, the Senate concurring, that there be printed for the use of the House and Senate three hundred copies of the Texas Legislative Manual, which shall contain the Rules of the House, Rules of the Senate, and the Joint Rules of Senate and House, all of which shall be properly indexed; a list of the standing committees of the two houses; the names of the Senators and Representatives and their respective districts; the names of the officers of the House and Senate, and of the representatives of the press in
attendance; the Constitution of this State and the United States; and that the Committee on Rules of the House, acting with the Senate Committee on Rules, is hereby authorized and instructed to have said copies bound and printed as follows: Two hundred and fifty copies to be bound in flexible Morocco covers at an extra cost of not exceeding 25 cents per copy above the cost of the same books in flexible cloth, according to the specifications of the contract with the Public Printer; three-fourths of such copies of each binding shall be for the use of the House and one-fourth for the use of the Senate, and they shall be paid for out of the contingent funds of the two houses, in the said proportions; provided, the said bound volumes to be in the hands of the members of this House and the Senate within thirty days from the passage of this resolution.

The resolution was read second.

Question—Shall the resolution be adopted?

Mr. Gafford offered the following amendment to the resolution:

Provided, further, That the name of each member of the House and Senate be embossed upon the back of one copy of said book of rules, said copy to be the property of the member who is to have his name upon said copy.

The amendment was accepted.

Mr. Kennedy offered the following amendment to the resolution:

Provided, That the Public Printer shall not be paid for composition but one time.

The amendment was accepted.

Mr. Alderdice offered the following amendment to the resolution:

Amend by providing that the Manual shall contain a diagram of the House with the names of the members printed in the place of their respective desks.

The amendment was adopted.

Question—Shall the resolution as amended be adopted?

Yeas and nays were demanded and the resolution was adopted by the following vote:

Yeas—103.

Adams. Blalock.
Adkins. Bogard.
Alderdice. Bowles.
Austin. Bowman.
Ballenger. Briggs.
Bartlett. Briscoe.
Beaty. Browne of Harris.
Bell of Freestone. Bryan.

Cable. Lane.
Camp. Lively.
Canales. Love of Williamson.
Chapman. MacInerney.
Cobbs. Mason.
Cooke. McCullum.
Cox. McDonald.
Crawford. McGregor.
Crisp. McKinney.
Crockett. Mears.
Currey. Moore.
Daniel. Murray.
Davis of Williamson. O'Beirne.
Dean. Onion.
Dodd. Orgain.
Driggers. Patton.
Duncan. Peeler.
Elkins. Pierce.
Fowler. Pool.
Fuller. Ralston.
Gafford. Reedy.
Gaines. Ridgway.
Giepner. Robertson of Bell.
Giesen. Robertson of Travis.
Gilmore. Roos.
Goodman. Savage of Bell.
Graham. Savage of Nueces.
Green. Schlosshan.
Grinstead. Shelby.
Hamilton. Stillman.
Henderson. Smith.
Holshouser. Sperry.
Hume. Stephenson.
Jackson. Stratton.
James. Thomas of Fannin.
Jenkins. Thomas of Tyler.
Jennings. Thompson.
Johnson. Wade.
Kindred. Werner.
Kubena. Witherspoon.

Nays—26.

Bell of Limestone. Ray.
Blanton. Rayburn.
Carswell. Roberson of Erath.
Clements. Stanford.
Davis of Brazos. Strickland.
Kennedy. Terrell of Cherokee.
King. Terry.
McConnell. Trenckmann.
McKenzie. Walter.
Mobley. Wilmeth.
O'Bryan. Young.

Absent.

O'Neal. Terrell of McLennan.

Absent—Excused.

Martin.
QUESTION OF PERSONAL PRIVILEGE.

Mr. Reedy, rising to a question of personal privilege, said:

It was charged in the Houston Post last week, on reputed good authority, that the members of this House who were supporting the Duncan resolution did not expect to defeat Senator Bailey and only hoped to blacken his character. As one of the members who signed the Duncan resolution to investigate Senator Bailey, as one who voted for every effort to secure the adoption of that resolution, I desire to say that as far as I am concerned, that statement is absolutely and unqualifiedly untrue. I am not Senator Bailey's personal or political enemy. The whole purpose of every effort of mine has been to secure a full, fair and thorough investigation of Senator Bailey before voting for him for United States Senator. I have no other candidate for Senator. If Senator Bailey had been investigated and vindicated I should have voted for him with pleasure. I will, when my name is called, vote for some honest, unpretentious farmer of my county. I will do this because I can not and I will not vote for any man to represent this great State in the United States Senate while two committees of this Legislature are investigating his official conduct on charges but little short of criminal.

(Mr. Reedy asked that the above remarks be printed in the Journal, to which there was no objection offered and it was so ordered.)

LIMITING NOMINATING SPEECHES.

Mr. Love of Williamson offered the resolution:

Resolved, That all nominating speeches for United States Senator be limited to ten minutes each, and all seconding speeches to seven minutes each.

The resolution was read second time and was adopted.

SPEAKER'S TABLE.

The Speaker laid before the House for present consideration the resolution offered by Mr. Duncan and Mr. Terrell of Cherokee yesterday, relative to election of United States Senator, and which, failing to reach a second reading, went to the Speaker's Table.

The resolution was read second time. Question—Shall the resolution be adopted?

Mr. Kennedy raised several points of order upon the consideration of the resolution, all of which were overruled by the Speaker.

Mr. King moved to refer the resolution to the Committee on Federal Relations.

Mr. Duncan moved the previous question on the motion to refer and the motion was seconded.

Question—Shall the main question now be ordered?

Yeas and nays were demanded and the main question was ordered by the following vote:

Yeas—71.

Adkins. Jackson.
Alldrin. James.
Alderdice. Jenkins.
Baker. Jennings.
Bartlett. Johnson.
Beaty. Kindred.
Bell of Freestone. Lively.
Bell of Limestone. McCallum.
Blalock. McGregor.
Bogard. McKinney.
Browne of Harris. O'Neal.
Camp. Orgain.
Clements. Pierce.
Cobbs. Ralston.
Cocke. Reedy.
Coax. Ridgway.
Crawford. Robertson of Bell.
Crisp. Robertson of Travis.
Curry. Savage of Bell.
Daniel. Savage of Nueces.
Dodd. Schlosshan.
Duncan. Silliman.
Gaines. Smith.
Giesen. Stratton.
Gilmore. Terrell of Cherokee.
Goodman. Terry.
Graham. Thompson.
Green. Trenckmann.
Grinstead. Walker.
Hamilton. Werner.
Henderson. Wilkens.
Holshousen. Wilmeth.

Nays—57.

Adams. Davis of Brazos.
Ballengee. Davis of El Paso.
Baskin. Davis of Williamson.
Blanton. Dean.
Blount. Driggers.
Bowman. Fowler.
Bryan. Fuller.
Canales. Gafford.
Crockett. Geiptner.
Question—Shall the resolution be referred to the Committee on Federal Relations?

While Mr. King was on the floor speaking to the question, Mr. Fuller raised the point of order that the hour (12:15 p.m.) set apart by concurrent vote of the two houses for the House to go into the election of a United States Senator, had arrived and that pending business should now be suspended for that purpose.

The Speaker sustained the point of order.

ELECTION OF UNITED STATES SENATOR.

Speaker Love directed the clerk to read from the House Journal of Friday, January 18, the following report of the joint committee, which was that day adopted:

MAJORITY REPORT.

Austin, Texas, January 17, 1907.

Hon. Thomas B. Love, Speaker of the House, and Hon. A. B. Davidson, President of the Senate.

Sirs: Your joint committee, appointed for the purpose of arranging for the election of a United States Senator, have had the same under consideration, and beg leave to report as follows:

1. That the Senate proceed to nominate and ballot for a United States Senator on January 22, at 11:30 a.m.
2. That the House proceed to nominate and ballot for a United States Senator on January 22, at 12:15 p.m.
3. That the Senate and House shall meet in joint session on Wednesday, January 23, at 12 o'clock noon, in the House of Representatives, for the purpose of declaring the result of the previous balloting.

Respectfully submitted,

WILLACY,
HUDSPETH,
On part of the Senate.
BRYAN
ROBERTSON of Travis.
On part of the House.

Speaker Love then announced that the hour set apart in above concurrent action of the two houses having arrived, nominations for United States Senator are now in order.

Hon. W. L. Blanton of Cooke county nominated Joseph W. Bailey of Cooke county, and, in making the nomination, said:

Mr. Speaker and Gentlemen of the House:

It is my pleasure in the discharge of an agreeable duty to my constituents to submit for your consideration the name and public services of Hon. Joseph Weldon Bailey.

That he is the choice of the Democrats of Texas for the exalted office of United States Senator from this sovereign State will not be denied in any quarter, however much that quarter may be blinded by prejudice, or swept by anger. That he is the nominee of the Democrats of Texas for the exalted position of United States Senator from this sovereign State is attested by the official pronouncement of a Democratic convention, discharging a delegated duty according to the law and custom of a party which has never to this good hour stained its record with an act of treachery or betrayed the people, its master, with the kiss of Judas.

But it is not merely as the nominee of the party, according to every requirement of its law and custom, that I present to your consideration that fair name and services of Joseph W. Bailey. Above and beyond all that, as binding as it must be upon your consciences and fidelity to the great duty which the Democrats of Texas have commissioned you to perform, without delay or evasion, I present Hon. Joseph W. Bailey, your junior Senator in the Congress of the United States, as the profoundest champion of government by written constitution which this country has given to the public life of the nation since the tempest of civil war.
shook the fabric of the republic to its base.

That this statement may escape the challenge of thoughtful men who have not analyzed his course with the unclouded vision of the patriot as well as the denial of those who have strewn his path with such obstacles as calumny produces and envy nourishes, I recount a few of his deeds, as distinguished in their performance by the initiative and grasp of a masterful intellect, and so conspicuous because of their insight into the needs and future of the nation that no man of his day may say of him that he is not a statesman without confessing himself guilty of insincerity and that no American may declare him unmindful of the obligations of a great Senator to the nation without confessing himself blind to the imperative demands of a republic, the peace and happiness of which is measured today by the insidious advances of centralization as it has never been threatened by war.

His party triumphs I will not recount, for as extraordinary as they have been, they do not of themselves reveal the power of this man who we are to return to the American Senate at the behests of the people of Texas.

But of his services to the country as an American Senator I feel that I am privileged to speak, without having it said that my tribute carries with it the loyalty of a neighbor or the partiality of a friend.

Upon two great questions of the day he stands foremost among his peers.

Upon the successful solution of the one the country relies for its redemption from the heresy of government ownership, which is the final expression of centralization, while upon the other the country must depend for its escape from the dominating power of the Federal courts.

Upon both of these the junior Senator from Texas has commanded the attention and admiration of the country and earned for himself a claim to statesmanship that neither envy nor detracion can impair when American political history shall come to record its final verdict.

In one of these the junior Senator from Texas pointed the way to curb the insatiate greed of monopoly by writing into the Hepburn rate bill the amendment which gave statutory life to the proposition that a common carrier should not be allowed to unite the sources of production with the business of transportation; and it was the junior Senator from Texas who brought the Standard Oil trust within the regulating power of the Interstate Commerce Commission by writing into the same great measure the provision which hobbled that monster of extortion for the first time in all its soulless career by declaring its pipe lines to be common carriers under the law.

In these he showed himself alert for the people and masterful in their service. But it yet remained for him to demonstrate to the best brains of the republic that he was not only a statesman of watchful and constructive ability in the beaten paths of national thought, but a statesman of constructive ability in untraversed fields in which none but the boldest pioneers, such as those who laid the foundation of this vast republic would dare to venture.

This demonstration, however, Hon. Joseph Weldon Bailey completed when he submitted the proposition, with reference to Federal courts, that "the power to create and destroy, in the very nature of things, carried with it the power to limit and control." In view of the practice and custom which has prevailed from the very establishment of the government this proposition was audacious, for it meant that Congress should take away from the courts of inferior jurisdiction the power to muzzle the decrees of the Interstate Commerce Commission reducing railroad rates with restraining orders. It is true that the junior Senator did not succeed in this heroic remedy for the evils which the transportation lines inflict upon the people. But if he is returned to the Senate of the United States, as the people of Texas have twice willed that he shall, he will succeed, unless the Interstate Commerce Commission is fated to become the plaything of politics and the favored refuge of demagogues.

Without in any way reflecting upon the acumen of the humblest of my colleagues, I dare the prediction that when the efforts of designing and envious critics who have engaged in the unholy work of decrying the patriotism of the junior Senator from Texas shall have been forgotten and when the full dawn of calm and dispassionate judgment shall have flooded the country with the light of truth, the ugly revelation will appear to all men that the chief offending of Joseph W. Bailey has been that he has shown himself the boldest, truest, most alert and masterful champion of all the people in their death struggle with the greatest monopolies the nation has ever known, and that for that reason the trusts and despoilers of the country have determined to drive him out of public life, that the American Senate may be
left alone in the grasp of their agents and retained attorneys.

As for myself and the people I have the honor to represent, whose bidding I do with clean conscience and hand, I beg of you, my colleagues, that none of you so vote today that hereafter, when the fogs of error and the shadows of prejudice shall have been driven away, no man standing in the glorious sunlight of an honest day may say of you that you gave your voice to the support of a conspiracy to retire Joseph W. Bailey of Texas from the Senate of the United States.

With confidence in your integrity of purpose in all that affects the welfare of our beloved State, I commit to your keeping the political fortunes of my friend and neighbor, Joseph W. Bailey, who has honored Texas in compensatory measure and who as your junior Senator in the distinguished character of his services to you and the country at large, is so fit to represent the purest Democracy in the republic and the most tremendous State in the American Union that not one of his enemies dares this day to stand forth to oppose him and the expressed will of his countrymen.

Now, Mr. Speaker and Gentlemen of the House, I present to you today a man that is strong in mind, pure in heart and a man whom the spoils of office cannot buy.

Hon. J. M. Duncan of Smith county nominated W. L. Bostick of Smith county.

Hon. C. C. Pierce of Webb county nominated Cecil A. Lyon of Grayson county and, in making the nomination said:

Mr. Speaker and Gentlemen of the House:

I rise as one of the two representatives of the dominant political party in this great nation, although of the minority in this great State, to place in nomination a candidate of the Republican party of Texas for the honored and exalted position of United States Senator, and in doing so, wish to remind you that since this magnificent Capitol was finished that party has never presented within its walls any candidate for any position, and this will be the first occasion it does so.

A great change in the minds of the people of this nation and of this State is now occurring, and they are thinking for themselves to that extent that extreme party lines are being weakened and freedom in thought and in political belief is now tolerated in all places.

The Republicans of Texas, inspired by the memories of our honored dead, among whom are the pure and gentle Abraham Lincoln and the charitable and noble William McKinley, and encouraged by the manly, liberal and wise leadership of our present standard-bearer, Theodore Roosevelt, believe the time propitious to strengthen their armors and enter the list to fight for and preserve our party ideals and principles.

To my colleague, Mr. Werner of Guadalupe county, and myself were presented the choice, on the one hand of nominating that honored Nestor of our party, the last of the "Old Guard," whose days are not long with us, Hon. Webster Flanagan of Travis county, in whose person are embodied the past glories of our party, and, on the other hand, a younger and more aggressive member, who represents and stands for the living issues of 1907.

Our decision was soon reached when the old soldier and chief joined with us to honor the younger warrior.

The candidate who I will present is of the South and for the South, and especially for Texas. He is of distinguished ancestors, young, aggressive and ready to do battle. He stands for protection, purity, progress, prosperity and purity in public and private life. His character is of the highest for integrity and his ability to fill the position we shall nominate for him is unquestioned and his record, both private and public, as clean as a sheet of white paper.

For all the ideals that our brave and fearless Theodore Roosevelt stands for, he stands for—"A square deal and a fair deal."

I take pleasure in presenting as a candidate of the Republican party for United States Senator from Texas that gallant young chieftain of Texas, Cecil A. Lyon of Grayson county.


Hon. J. C. Kindred of Colorado county nominated Sam L. Green of Colorado county.

Hon. J. L. Goodman of Robertson county nominated J. Fulton Lane of Robertson county.

Hon. S. J. Jennings of Navarro county nominated George T. Jester of Navarro county.

Hon. M. G. Jackson of Eastland county nominated Captain June Kimble of Eastland county.

Hon. R. L. Cable of Montague county nominated J. R. Wiley of Montague county.

Hon. R. M. Brown or Wharton county nominated J. F. Onion of Bexar county.

Hon. W. A. Trenckmann of Austin county nominated J. W. Logan of Austin county.

Hon. C. J. Bartlett of Falls county nominated Tom Connolly of Falls county, and in making the nomination said:

Believing that the people whom I have the honor to represent think as I do that a fair and impartial inquiry into the truth or falsity of the charges preferred and filed against Senator Bailey involving his fitness to serve the people of Texas in the Senate of the United States by a committee, as provided for in the resolution adopted by the House of Representatives, said committee appointed by the Speaker, Mr. Love, a personal friend and supporter of Mr. Bailey, but who has upon every occasion shown himself to be eminently fair and just, a fact conceded by all, and in view of the further fact that said committee of investigation is just beginning upon its work of judicially determining the truth or falsity of the grave charges preferred against Senator Bailey, I have deemed it best and most consistent with what I conceive to be the duty I owe to those for whom I am commissioned to act not to vote for Mr. Bailey at this time pending the investigation, but I wish to be understood as being ever ready and willing, whether he be my personal choice or not, because of the instructions I received at the hands of the Democratic party, to give him my vote whenever the committee shall have made a favorable report. In the absence of any such report at this time and since it is construed to be mandatory that a ballot be taken for United States Senator at this time, I ask that my vote be recorded for a gentleman who, without any expectation or even a desire on my part at this time of his election, but who would, if elected, reflect credit upon the great State of Texas, the modest young statesman and an honorable man, Mr. Tom Connally of Falls county.

Hon. Lea Beatty of Caldwell county nominated Hon. E. H. Rogan of Caldwell county.

Hon. Jeff D. Cox of Rockwall county nominated J. F. Peak of Rockwall county.

Hon. Russell Savage of Nueces county nominated P. F. Dunn of Nueces county.

Hon. M. M. Smith of Camp county nominated T. M. Campbell of Anderson county.

Hon. D. M. Reedy of Smith county nominated Perry Ray of Smith county.

Hon. Sam E. Stratton of McLennan county nominated J. E. Yantis of McLennan county.

Hon. Joe A. Adkins of McCulloch county nominated W. J. McDowell of Lampasas county.


Hon. George A. Bell of Limestone county nominated James B. Kimball of Limestone county.

Hon. B. F. James of Ellis county nominated Captain William ("Bill") McDonald of Hardeman county.

Hon. W. A. Cocke of Bexar nominated Guy S. McFarland of Bexar county.


Hon. S. E. Johnson of Blanco county nominated Joseph Bird of Blanco county.

Hon. Joe Holshousen of Polk county nominated Tom M. Drew of Polk county.

Hon. W. R. Blalock of Wood county nominated R. N. Stafford of Wood county.

Hon. Phil H. Clements of Mills county nominated C. K. Bell of Tarrant county.

Hon. John T. Browne of Harris county nominated Hamp Cook of Harris county.

Hon. E. C. Lively of Dallas county nominated Charles F. Clint of Dallas county.

Hon. F. Werner of Guadalupe county seconded the nomination of Cecil A. Lyon.

Hon. J. F. Onion of Bexar county seconded the nomination of Joseph W. Bailey and said:

Mr. Speaker:

It has been said, and perhaps truly, that the Senate of the United States is the greatest deliberative body in the world. Certain it is that some of the greatest and brightest minds on this continent have graced that body. Webster, Clay, Calhoun, Hayne and scores of other, perhaps less noted, men, have added the weight of their membership and presence in that august assembly. Next to
the Presidency of the United States it is considered the highest gift in the hands of the American people.

Texas has contributed her quota of great men in the persons of Coke, Throckmorton, Maxey, Reagan, Chilton, Mills, Culberson and other distinguished Democratic leaders. In selecting, therefore, a United States Senator, care should be taken that he measure up to the standard set by our forefathers. Grand and imperial Texas has a hundred men who could fill this great office with honor to themselves and credit to the State. But amid this galaxy of brilliant statesmen there is one who stands out as some giant, towering oak surrounded by the smaller trees in the forest. His competitors are great, but he is greater. Their intellects are high, but his is higher. Their statesmanship is of a high order, but his is higher. Wherever the English language is spoken he is known to the highest and the lowest.

He is the peer of Spooner, Lodge, Knox and other brilliant men of that great body—the United States Senate. His keen and trusty Democratic blade has been the terror of every Republican scheme in the Senate for the past six years.

A leader in the Lower House of Congress while scarcely in his thirties, we find him the Democratic leader in the Senate while scarcely entering his forties. The annals of American history from the foundation of the republic present no parallel. From sheer force of will power, energy and determination based on one of the greatest intellects this or any country has ever produced, he has accomplished that which no man has ever before accomplished. He has climbed high on the pinnacle of fame. But few men have stood there before him. He was carried there by no surging, ceaseless tide. He is not a political accident. As a young man, without friends, acquaintances or money, he came to Texas. By the splendid force of an indomitable will power and a superb intellect he began the ascent of the hill of life, and today there remains but one higher height to which he may go.

During his ten years in the Lower House and his six years in the Senate no complaint has ever been made by any constituent, or any Democrat, of his official record. His greatest political enemies have never claimed, intimated or insinuated that any vote or action of his was not in the interest of the people. Lest we forget, amid the turmoil and confusion of the past six months, let us remember that no accuser has even pointed his finger at the official record of this distinguished citizen of Texas. He has been true to the interests of the people. His voice and talent have been used in the interest of his people during his residence of sixteen years in Washington.

But there are not wanting those who would detract from his reputation. Washington, Patrick Henry, Franklin, Jefferson, Jackson, Webster, Clay, Calhoun, Lincoln, Bryan and Bailey have had their political enemies.

I believe this cloud will pass away. When it does, in my mind, there will stand Joseph Weldon Bailey with no stain or blot on his political escutcheon.

I shall indulge in no fulsome eulogies. He is a Democrat. He is a Democratic nominee. He will be the next United States Senator from Texas. He has never cast a shadow on a home; he has never been blind to the wants of the needy; he has never been deaf to an appeal for charity; he has kept the Democratic faith; his white plume has ever led the Democratic hosts in political contests; his official record is untainted and free from criticism; his well directed and powerful lance has time after time shattered the armor and put to rout and confusion the cohorts of Republicanism.

It is not in the hours of sunshine and prosperity that we need friends. It is when the clouds hang dark and low; when falsification and rumor are rife; when the sun fails to shine and daylight brings no rest or peace of mind; then indeed is a friend welcome as the glorious, calm and peaceful sunrise to a shipwrecked mariner.

Senator Bailey is passing the crucial period of his existence. If he ever had a friend let him stand forth now. You may say it is a time when men's souls are tried. It is. It is also a time when Bailey's real friends are tried. I earnestly believe that the great and peerless Bailey, the Bailey whom Texas loves, will come through this ordeal with honor unsullied, with reputation untarnished—withstanding the armor and put to rout and confusion the cohorts of Republicanism.

Today will be memorable in the political annals of Texas. Our action today will be heralded wherever civilization exists. When the ballot shall be announced it will go forth to an eagerly expectant world, that Bailey the superb, Bailey the matchless, Bailey the incomparable, has...
been returned to the United States Senate from Texas.

Mr. Speaker and Gentlemen of the House, it is my pleasure to second the nomination of Joseph Weldon Bailey as a candidate for the United States Senate.

Hon. W. C. Davis of Brazos county seconded the nomination of Joseph W. Bailey.

Hon. W. H. O'Beirne of Cooke county seconded the nomination of Joseph W. Bailey and said:

Mr. Speaker and Gentlemen of the House:

I rise to second the nomination of Joseph W. Bailey for re-election to the United States Senate. I believe that I can claim the distinction of having the honor to represent a district that is greater in population and taxable values than that of any other member of this body. I am proud to say that my action today will express the unquestioned sentiment of this entire district, which is comprised of Cooke, Denton, Tarrant and Wise counties. It is a noteworthy fact that those who have been the closest and most intimate friends are today the firmest and strongest supporters of that peerless statesman who, a few days since, stood before the bar of this House with the honesty of his soul written across his face in lines that were broad and deep enough for all to read. I also have the honor to be his townsman and near neighbor, and can tell you that his home people not only admire him but love him, and, if it could insure his election by having an amount of people at this Capitol, 99 per cent of the voters of Cooke county would prove their devotion by walking from Gainesville to Austin if there were no other way to get here. And I firmly believe that when they got here they would find a hundred thousand Democrats from other parts of Texas to greet them.

Some time since I noted a few verses in the newspaper in reference to the flag of our country, and as it is a privilege of members of this body to substitute and amend, I have taken that liberty and have amended the verses referred to so as to be suitable for this occasion:

"Your vote and my vote how it will fly today,
In your land and my land and all over Texas way,
Faithful and true its words forever gleam.
Loyal and Democratic like the good forefather's dream,

Firm and fearless with acts that gleam aright,
A guerdon by day, a comfort through the night.
Your nominee and my nominee, and, oh, how he holds
Your hand and my hand in Democracy's folds;
Your heart and my heart beat quicker at the sight,
Standing there at the bar defending his right;
The one Bailey, the Great Bailey, the Bailey for me and you—
Glorified all else beside a Democrat tried and true."

Hon. W. J. Bryan of Taylor county seconded the nomination of Joseph W. Bailey and said:

It is with genuine interest, unmixed with the concerns of the many opinions that at present agitate the political conditions of the country, that I may be pardoned for the obtrusion of speaking, or giving some word commendatory to the man whom I think has been an honor to Texas, and am inspired to speak as much for his future.

I have an intense pride in the historic stories of my State, interwoven as they are in its commercial and industrial welfare, with an educational and civic righteousness, which has heretofore marked her and sent this Commonwealth on its way in perpetual freedom, holding it above and aloof from scandal of government and political corruption.

It is not unnatural today, as of old, that the man with a crown can rest unmindful of the great field of political aspirations, for into the forum comes love and hate to jostle each the other. To the man that differs with me, I bow with great respect, or who sees the future of my State differently, and I am forced to speak at this time, because I feel a well-defined principle that pays tribute to a faithful servant whose service in the past, according to my mind, gives us a glimpse of what we may depend upon in the future.

I am eulogistic of this man because for fifteen years of continued service he has given to us a record of faithfulness and loyalty that his constituents may be proud of, and in all these years he has attended each session of Congress, doing work that has attracted the attention of the great masses, regular at its service, voting upon almost every question and actually has participated in almost every important debate occurring in these years, and in this time has not proven false to his constituents, leads me to
reasonably believe that he can be trusted for the future. Trusted, because he has always opposed corporate interest from the time he voted for an income tax against the battle of corporations and the rich, and he has always lifted a shield against the great trust questions and amendm ents thereto, and at the proper time has always voted for the reduction of the tariff, while the corporate greed has opposed it. He has favored the railway Rate Bill, where corporations rallied and a long struggle ensued, none became more conspicuous in its discussion and consideration than this man, and in the capitol of our great Nation a speech been made the two thirty years as was rendered that day from the lips of a Senator, for he was brave enough to approach the very crater of corporate power with his logic, forensic and powerful sentences he gave restoration to the Constitution, which under Federal court domination has been closing its long steel fingers at the throat of the people, giving a government of in-junction to corporations that have been able to fly from one court to the other, thus enabling wealth to go unfettered, and the poor to pay their unjust tribute to greed.

This man our enemy! I can't think the people who need at their government, capacity such as his and a record such as the public know, should fear the future of our country in his hands. I am not mistaken when I state the great majority of Texans are the friends of him. Those who have visited Washington for legislation and feel the need of friends there ask today for his return. And one who looks across the great sea, where lies an open field with unlimited possibilities in the commercial world, think, could our government be induced to appease the two factions that at present block the way; much good could come to the farm and stock interest of our country, for alone our trade with London and other Britain cities doing business with us aggregating this year nearly $150,000,000, while a great part of continental Europe would afford an open door to us, if a proper adjudication of the great tariff, what ever the two governments could be adjudicated. The man of Hamburg, Bremen, Paris, Vienna and Berlin, center of great population, would feast upon grades and cuts of beef which we are too fastidious to buy. These people are practically without such all the time. The agrarian landlords of Germany want American products kept out. The American “standing partner” objects to our making any tariff concessions to Germany, and thus we see the interest of the producer of farm and ranch being sacrificed to millions, and we may never hope for freedom in the great commercial marts of the world until men of the brains and bravery of Bailey solve the perplexed question. Power enough to lead the host to victory, is this man of Democratic origin—this Senator of Texas? And I predict whenever the sails of freedom flock the sunlight on the ocean, carrying the products of a brave people, it will be a day of liberty, enshrined in the hearts of his constituents by a Senator from Texas, for nay, “Of what avail is plow or sail. Or law, or chain, or life, if liberty fail?”

For Democracy, and the reason I cast my vote, I am proud that there is no peer of his in the Federal Congress, credentialed as he is by that grand Commoner, who fights by his side, Senator Tillman, and in his language he fittingly speaks of Bailey: “Should he take a fee of $1,000,000, it would be an honest one”; and with Charles Culberson, who said in an interview: “I freely predict Senator Bailey’s re-election as certain and deserving”; but with a greater force comes the legion of 280,000 Democratic votes, declaring faith in him, affirmed by a State Democratic convention, while minor to this he is supported by the declaration of the Executive Committee of the State, and his party, even fresh from the lips of a new made Governor are these words: “Senator Bailey is just as much the nominee of the Democratic party as I am.” Thus from the least precinct of the voter to the United States Senate is affirmative proof of his fitness for nomination, and I say to you that the Democracy will answer trumpet-toned the man who this day fails his party, and falls its bidding.

Hon. W. P. Lane of Tarrant county seconded the nomination of Joseph W. Bailey, and said:

Mr. Chairman and Gentlemen of the House:

Profoundly impressed with the grave responsibility that confronts this Legislature today, and mindful of the sacred trust that has been committed into our hands by a confiding people, and with a full knowledge of the anomalous situation with which we are surrounded, I appear before you to again second the nomination of the Hon. Joseph Weldon Bailey to succeed himself in that greatest of all deliberative bodies—the Senate of these United States. This is not the time nor the occasion for me to discuss upon the many qualifications that so eminently fit the
great man to fill this high office and important position to which the sovereign Democracy of Texas have by an almost unanimous voice called him. Suffice it to say that almost sixteen years ago I first championed his cause, and helped him to triumph over the venerable Silas Hare, in the old Fifth congressional district. For four succeeding elections I followed his banner to victory. Six years ago, in that memorable contest with the peerless Chilton, I again stood by his side and in obedience to the express wishes of my people and in full accord with every sentiment of my being, if God spares my life until the roll call of this House, I will again cast my vote to crown him with the greatest honor and elevate him again to the highest position within the gift of this Imperial State.

History records no parallel to the matchless record of this gallant son of the South. Entering the National House of Representatives the youngest member of that august body of men, it was only six years until by force of character and brilliancy of intellect he was crowned with the leadership of his party and in that preferment was elevated over the heads of venerable Democrats who had been in constant service in the National Congress for almost a quarter of a century. He voluntarily relinquished his leadership in the National House of Representatives, and his countrymen called him to a seat in the greatest legislative council in all the history of the civilized world, the Senate of the United States.

For six years he has served his people and represented his State in the Senate with a devotion to their every interest unsurpassed by any or all of his talented and brilliant predecessors.

Entering upon his duties in that august assembly, again the youngest of its members, he was from the very beginning of his Senatorial career, by common consent, conceded to be the leader of his political party. In the discussion of the great and momentous questions that have engaged the attention of the Senate for the past six years, Joseph W. Bailey has taken a leading and conspicuous part. When the good state of South Carolina was arbitrarily deprived of her representation in the Senate, it was Joseph W. Bailey, the junior Senator from Texas, to whom she turned to defend her constitutional rights.

While speaking on the floor of the Senate in defense of South Carolina's inalienable rights and by his matchless eloquence lashing the Republicans, as it were, with the tongues of a thousand scorpions, and by his keen logic and profound reasoning driving them from their untenable and illegal position, a noted Prince of the Old World came upon the floor of the Senate to be introduced to the assembly, and when the presiding officer attempted to interrupt Senator Bailey in the midst of his great speech, the prince forbade him, and in suppressed silence and with uncovered head, listened to the eloquent appeals of the junior Senator from Texas. No such scene had ever before been witnessed in the Senate of this nation.

Again, when the Rate Bill, the most important legislative act since the war between the States, was before the Senate to whom did the common people of this nation look to defend their rights? Oh, my fellow countrymen, it was to Joseph Weldon Bailey that they turned in their great need.

Mr. Speaker, I trust that every member of this Legislature has read Senator Bailey's great rate speech and as a part of my remarks I want to read the concluding paragraph of that great speech, the logic reasoning of which has changed the legal and judicial mind of the nation.

In concluding Senator Bailey said, "I pray for the time to come when we shall have a new and loftier standard to guide our children; when we shall teach them that justice is better than power, and lead them into the ennobling faith that truth shall conquer falsehood in every home where peace abides, in every land where men are free. Under the influence of higher ideals and more unselfish aspirations all hate and envy will vanish from our minds, and the only evil thought which still must vex us will be the malice which the bad shall forever feel toward the good. When conduct instead of fortune is made the rule by which we judge all men, then every boy in this fair land, no matter how humble his parentage or how limited his opportunity, will feel the thrill of hope and the carpenter's son will know that if only he is just and brave and honest, he will be more respected than the son of any millionaire who ever wasted his father's fortune in idle dissipation or soiled his father's name by gross excesses."

Mr. Speaker, in the course of the discussion through which we have passed, almost every speaker has been pleased to dwell upon the grandeur, the glory and honor of Texas, and in this sentiment there is no division amongst us. In seconding the nomination of the foremost son of Texas to the highest position within the gift of her people, I shall not
Mr. President, throughout this discussion we have heard many and varied comments upon the magnitude of Texas. Some Senators have expressed a friendly solicitude that we would some day avail ourselves of the privilege accorded to us by the resolution under which we were admitted to the Union, and divide our State into five. Other Senators have seemed to think it a ground of just complaint that I have considered it my duty to oppose the consolidation of two Territories into one State without advocating a division of Texas. The same reasons which will satisfy our solicitous friends that their hope for a division of Texas can never be realized will also relieve me from the charge of inconsistency which has more than once been insinuated against me in the course of this debate.

If Texas had contained a population in 1845 sufficient to have justified her admission as five States, it is my opinion that she would have been so admitted then, because the all-absorbing slav ery question—which happily no longer vexes us, but which completely dominated American politics at that time—would have led to that result. I will even go further than that, and I will say that if Texas were now five States, there would not be five men in either State who would seriously propose their consolidation into one. But, sir, Texas was not divided in the beginning; Texas is not divided now, and, under the providence of God, she will not be divided until the end of time. Her position is exceptional, and excites within the minds of all her citizens a just and natural pride. She is now the greatest of all the States in area, and certain to become the greatest of all in population, wealth and influence. With such a primacy assured her, she could not be expected to surrender it even to obtain an increased representation in this body.

But, Mr. President, while from her proud eminence today she looks upon a future as bright with promise as ever beckoned a people to follow where fate and fortune led, it is not so much the promise of that future as it is the memory of a glorious past which appeals to her against division. She could partition her fertile valleys and broad prairies; she could apportion her thriving towns and growing cities; she could distribute her splendid population and wonderful resources, but she could not divide the fadeless glory of those days that are past and gone. To which of her daughters, sir, could she assign, without irreparable injustice to all the others, the priceless inheritance of Goliad, the Alamo and San Jacinto? To which could she bequeath the name of Houston and Austin and Fannin and Bowie and Crockett? Sir, the fame of these men and their less illustrious but not less worthy comrades can not be severed; it is the common glory of all, and their names are written upon the tables of her grateful memory so that all time shall not efface them. The story of their mighty deeds which rescued Texas from the condition of a despised and oppressed Mexican province and made her a free and independent Republic still rouses the blood of her men like the sound of a trumpet and we would not forfeit the right to repeat it to our children for many additional seats in this august assembly.

"The world has never witnessed a sublimier courage or a more unselfish patriotism than that which illuminates almost every page in the early history of Texas. Students may know more about other battlefields, but none was ever consecrated by the blood of braver men than those who fell at Goliad. Historians may not record it as one of their decisive battles, but the victory of the Texans at San Jacinto is destined to exert a better influence upon the happiness of the human race than all the conflicts which established or subverted the petty kingdoms of the ancient world. Poets have not yet immortalized it in their most enduring verse, but the Alamo is more resplendent with heroic sacrifice than was Thermopylae itself, because while Thermopylae had her messenger of defeat, the Alamo had none."

Hon. W. B. Hamilton of Hunt county seconded the nomination of Joseph W. Bailey, and said:

Mr. Speaker and Gentlemen of the House of Representatives of the Thirtieth Legislature:

I am glad to have the privilege of seconding the nomination of a man who has served the people of Texas in the National Congress faithfully for more than fifteen years, and during all that time his attitude on all public questions
has been satisfactory and gratifying to his constituents. His every word and vote as a public servant of the people has been in their interest and behalf, and his bitterest assailants can not point to an act of his either in the House of Representatives or in the Senate during the entire time of his distinguished services that was not in the interest of the plain people. His services have been so distinguished and satisfactory that his enemies and critics have not up to the present time pointed us to any man worthy and qualified to be his successor.

Being a man who believes in the old maxim that "the voice of the people is the highest law," he submitted his name to the Democrats of this State in the general primary election held on the 25th of July, 1906, and was nominated almost unanimously by the people of Texas, and that nomination was confirmed by the State convention of this State.

Mr. Speaker, not only did the people of Texas speak as to their choice for United States Senator last July in the primary election held last August in the State convention, but since that time elections have been held in two counties of this State and in one Senatorial District, and the people have expressed themselves in mass meetings and otherwise, and the result of these actions on the part of the people show conclusively that the people have no desire to change their choice, but desire their representative to carry out their instructions as expressed in the primary election and in the State convention. An election was held only yesterday in the Twenty-eighth Senatorial District, and although the returns are not yet complete, I have here a number of telegrams showing unquestionably the result of that election, but before reading same I desire to state that Senator Hawkins being opposed to Senator Bailey resigned as State Senator and Mr. Cunningham being in favor of Senator Bailey announced as a candidate for State Senator against Mr. Hawkins, and the people were called upon to again express their choice, and these telegrams show that Mr. Cunningham has carried that district by more than 2 to 1.

The telegrams are as follows:

(Mr. Hamilton here read telegrams showing result of Senatorial election in the Twenty-eighth Senatorial District yesterday.)

Mr. Speaker, desperate means have been resorted to to thwart the will of the people in this matter. The latest attack is in an offer by one of the papers of Wm. Randolph Hearst, the Chicago Examiner, to flood Texas with libelous and scurrilous statements of J. P. Gruett, a self-confessed perjurer; a man who made an affidavit which is now on file with the Secretary of State of this State, and which he now admits was false. I have here a letter from Senator Bailey with reference to this attack, which I desire to read.

The letter is as follows:

(Mr. Hamilton here read letter from Senator Bailey.)

Mr. Speaker, I am glad that I have had a small part in blocking the attempts of those who would thwart the will of the people, and I take pleasure in seconding the nomination of the Hon. Joseph Weldon Bailey of Cooke county.

Hon. W. S. Moore of Grayson county seconded the nomination of Joseph W. Bailey, and said:

Mr. Speaker and Gentlemen of the House:

Strange and peculiar indeed are the conditions which surround the nomination and the election of a United States Senator by this Legislature at this time. The situation which confronts us is without precedent or parallel in the history of American politics, but responding to a sense of duty to myself, to my constituents, to the Democratic party and to its equitable nominee for the Senate of the United States, I rise with pleasure to second the nomination just made to this House.

Quoting substantially the words of another, it has been said that a great philosopher of the Greek nation congratulated himself, first, that he was born a man, second, that he had the happiness to be a Greek, and, third, that he was the contemporary of Sophocles. Adopting a kindred sentiment, I congratulate myself, first, that I am an American of Wm. Randolph Hearst, the Chicago Examiner, to flood Texas with libelous and scurrilous statements of J. P. Gruett, a self-confessed perjurer; a man who made an affidavit which is now on file with the Secretary of State of this State, and which he now admits was false. I have here a letter from Senator Bailey with reference to this attack, which I desire to read.

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lance, indicating that those who know him best honor and love him most. I have heard Senator Bailey in many addresses of a political sort, and always on questions of great moment affecting the policy and dealing with the fundamental principles of the Democratic party, and he has always, in my judgment, indicated the proper course and enunciated the clear and unmistakable principle, but not until recently, in fact, even after the beginning of the contest that has been waged and is still being directed against him, listening to an address delivered by him in Dallas, was I fully able to appreciate his real value as a servant of the people in repelling the insidious and dangerous doctrines practiced by the special interests of this country, and the not less dangerous and treacherous teachings of socialism, which are, unfortunately, gaining a hold in this Republic. As I heard that speech, clear, definite and warning in its nature, indicating a full grasp by the speaker of the supreme danger of present-day tendencies and the task of the Democratic party to meet and combat them; as those words came as if by inspiration and burdened with prophecy, I was made to thank God that this age and this country could boast a Joseph W. Bailey and that this imperial Commonwealth could claim the honor of his citizenship and possess him as one of her most exalted public servants.

Remembering his unsurpassed service to the people of this State and to the nation during his career of sixteen years in Congress, both as a member of the House and of the Senate, and recalling the history of an attack made upon his political integrity six years ago, and recently renewed upon slight pretext, I am compelled to assert that the bitterness of the fight that has been made and which is still persisted in, challenging all precedent and passing all parallel, would suggest something in the nature of base ingratitude, if endorsed by a majority of the Democrats of Texas, especially in the light of the fact that the Democracy of this State did, at the proper time and in the approved and customary way, give its unqualified and practically unanimous endorsement of his candidacy.

The people of this State honored and loved Joe Bailey when in his early manhood, "a youth to fortune and fame unknown," casting his lot amongst them, he "walked with winning grace from easy effort to success" in the political arena, combating both upon the stump and in the halls of Congress with superb power and ponderous effect, the encroachments of unjust powers upon the rights of the people, presenting a record of official conduct that no man has dared and no man will dare openly and fairly to attack. They loved him when in giant strength he made his way to the leadership of his party in the Lower House of Congress, having committed to his hand and care the banner of Democracy which he surrendered upon his retirement from that body pure and unstained. They loved him when in his elevation to the Senatorship six years ago he was able "the applause of listening senates to command," later to win the leadership of his party in that body, in which position he marshaled the forces of the Senate in the most Titanic struggles ever witnessed upon the floor of any legislative body, culminating in the passage of the rate bill, which stands a monument to his genius and power, and now they love him best of all that has so ably maintained himself before the people in the fierce struggle which I confidently believe will terminate today by his re-election to the Senate, thereby having a complete vindication before the world.

I crave the indulgence of the House while I make but brief reference to a feature of the present situation in respect to the primary nomination.

The gentleman from Smith, Mr. Duncan, for whom I have the highest respect and admiration, born of his reputation and strongly confirmed by the superb contest that he has conducted upon the floor of this House, declared a few days ago that the nomination of Senator Bailey is not a nomination, and in support of his statement called the attention of this body to the fact that the Federal Constitution provides that the Legislature shall elect a United States Senator, reaching the conclusion that the nomination of a United States Senator by a party primary is not legally binding. This conclusion of the gentleman from Smith will hardly be questioned by any man and certainly I do not wish to question it. No man will contend that a party nomination is legally binding. The law does not compel, nor does it seek to compel, any man to support a party nominee, but there is no question that a party nomination is morally binding. No party organization can be maintained unless it be conceded that a party nomination is morally binding. Upon this view of the proposition, which is undoubtedly the correct
one, Senator Bailey's nomination is as binding upon a Democrat as that of any other Democratic nominee from constable to Governor, and this notwithstanding the provisions of the Federal Constitution, the legality of which no man will question, and notwithstanding the fact that the Terrell Election Law with reference to the nomination of a United States Senator, is without force or effect, in so far as it is in conflict with the Federal provision. The law can not compel the support of any party nominee.

It has also been objected that the nomination of Senator Bailey at the July primaries was purely perfunctory in that he had no opposition on the ticket and that, therefore, it should not be regarded, having no binding significance. If this were correct reasoning, which I deny, then any party man would have been justified in voting at the general election held in November against the nominee of its party who was without opposition before the primaries, which proposition no man will have the temerity to defend. I, therefore, think no member of this House instructed to vote for Bailey is justified in disregarding his instruction. I shall take pleasure in recording the will of my constituency in casting my vote for his re-election, and I take pleasure in seconding the nomination of Senator Bailey for re-election to the Senate and a return to that post of duty for another six years' period of service, which I confidently believe will be even more brilliant in powerful, patriotic and statesman-like achievement than the six years' service now drawing to a close which has resulted in placing him so justly high in the esteem of his countrymen and marking him the most brilliant statesman of the age.

Hon. Worth Ray of Denton county seconded the nomination of Joseph W. Bailey, and said:

Mr. Speaker and Gentlemen of the Legislature:

The founders of this great Republic saw fit in the exercise of their great wisdom to regulate the machinery of governmental destiny so that at the end of stated periods the power of commissioning public servants should return to the hands of the masters—the sovereign people of the commonwealth.

From time immemorial the custom has obtained that when a son of the South has rounded out a faithful term as envoy on the great watchtower of the nation that ere his commission had expired the plain terms of the existing contract should be renewed and tendered again to him as a fitting reward for labor well done and duty well performed.

Mr. Speaker, I can imagine the embarrassment of a Robinson Crusoe condemned by fate to the lonely confines of a desert isle; I can understand the despondency of a Jean Val Jean without home and friends and ousted from the very dog kennels and despised of men, or the helpless, hopeless struggles of a ship at sea, robbed of her rudders and left to the mad lashings the fury of the storm king, but, sir, I can not imagine nor can I conceive a picture of that august assembly, the United States Senate, bereft of the fiery eloquence, patriotism and presence of Joseph Weldon Bailey from Texas.

Therefore, sir, in behalf of the un-purchasable Democracy of this State and in behalf of forty thousand of the whitest people in the whitest county in the whitest State I rise to second the nomination of the whitest citizen and the greatest living statesman, Joseph Weldon Bailey, for United States Senator from Texas.

Hon. Chas. Davis of El Paso county seconded the nomination of Joseph W. Bailey.

Hon. Sam T. Rayburn of Fannin county seconded the nomination of Joseph W. Bailey, and said:

Mr. Chairman and Gentlemen of the House:

In rising to second the nomination of Joseph W. Bailey, I am performing a most pleasant duty to myself, as I know that in doing so my act will meet with the almost unanimous approval of the people whom I have the honor to represent. Coming as I do from Fannin county, one of those counties which composed his old Congressional District, I come from among the people who know him most intimately and whose love and devotion for him are most loyal and undying, the district that he first represented, which he often fondly said contained the blackest land and the whitest people under the sun; but he is today not only the property of that district but of Texas and the American Union. No man in the Southland, among her proud array of statesmen and orators, has ever wielded a mightier influence in standing in the face of opposition and pleading the causes of the plain common people. He stands today the unchallenged champion of Democracy on the floor of the United States Senate. There-
fore, we could ill afford to lose the services of such a man. I bring to you, I believe, the voice and the sentiment of the majority of the Democrats in this nation, to tell you that it will be the greatest mistake that the people of Texas have ever made in their history not to return him to his seat in the house where he has so signally shown his ability and has so often paid tribute to them by his masterful defenses of their rights. I come to you with a message from the young Democracy of this State, rising in all of its might and pleading for a just cause. The young men, upon whose shoulders the weight of government must soon be shifted and who today have their faces turned toward Austin with a message that they would breathe today to the people of this land, that in this man they have the fullest confidence as to his integrity and fidelity to duty. Although he has been pursued by his enemies as no other man has ever been pursued, yet no man has ever risen to challenge one vote he has ever cast or to say that one speech he has ever made was not made in defense of the rights of the people who had so often and signally honored him. The peer of John Marshall in constitutional law, the equal of Daniel Webster in eloquent argument, the unchallenged leader of the Democrats in the Senate, a man in debate who has never come out second to any man, I take pleasure in seconding the nomination of Joseph Weldon Bailey.

Hon. D. B. MacIverney of Galveston county seconded the nomination of Hon. Joseph W. Bailey, and said:

Mr. Speaker and Gentlemen of the House:

There came wafted to me today on the southern breezes the message from my county—Galveston—to cast my ballot for the Democratic nominee for United States Senator, Hon. Joseph Weldon Bailey, and to say that in doing so my county's Democracy is still untarnished and that the ballot I cast for him is pure as the dewy gem

"That sleeps within the rose's fragrant bed
And dear as the heart's warm drop that steeps
The turf where all we love is laid,
But far more dear, more pure than they,
The ballot of my people cast today."

Hon. J. T. Adams of Orange county seconded the nomination of Joseph W. Bailey, and said:

For ten days I have sat in this august body listening with unabated attention to the attack upon one of Texas' adopted sons. It is my privilege and my pleasure to second the nomination of this great man, the memory of whose birth the State of Mississippi will always observe, and the honor of whose character and services we are met to testify. His name is intimately blended with whatever belongs most essentially to the prosperity, the liberty and the renown of our country. That name for twenty years has been of power in Texas—today a beacon light to cheer and guide the mighty hosts of the Democratic party throughout this great Republic—that name attracting to itself a people's confidence, a people's love and a nation's respect.

Six years ago, when ready to wear the laurels he had so justly obtained—the victory so nobly won—his brilliant achievements became the envy of those whose names will be inseparably linked with the forgotten. The Democracy of Texas, then as of today, rallied under the waving banner of this prince of Democracy, and with fortitude and courage, trusting in the democracy of a Democratic body, he bowed to their will. A honest verdict was reached and the malicious charges against the gallant young chieftain of Texas were effaced, it was thought, from the mind of man. He resumed his seat in Congress for the first time in the higher branch of that august body. He formed alliances with none—he became the champion of the cause of the people. No foe ever met such an adversary—with logic, with eloquence, with brawn and brain he drove the Republican forces to entrenchment behind the rapid fire guns of a Foraker, a Beveridge and a Spooner. His name and fame spread throughout the land, uttered in all the languages of the tribes and races of men—as a debater without an equal since the days of Webster, Clay and Calhoun, as an interpreter of the Constitution without a superior in this great Republic. With a public record of fifteen years' service for Texas, and reposing in the confidence and love of every freeman, he again asked the people of Texas for the high office which he had so ably filled, and on the 28th day of July last—the memorable day of the battle of ballots—he was declared the choice of thousands of Texas freemen. Little
did he dream that he was the object of conspirators.

Just at a time when the country had become electrified in his great and matchless argument on the Rate Bill, the first step in the conspiracy breathed the breath of life. So ruthless and fiendish was the hand of the plotted ‘treason of the Senate’ that Gorman in his grave became an object of their abject hatred. But such literature could not remain unchallenged. The voice of him so often heard, so greatly admired, hurled his mighty thunderbolts at David Graham Phillips, the hireling of the base conspirators, and he paled before these thunderbolts into insignificance.

Gentlemen of the House, I represent a constituency of the bravest and best people in all this Commonwealth. I love them with a love bordering almost on devotion. I love every tree, every flower, every blade of grass, but I also love the tenets of the Democratic party, and I bow in obedience to the will of the Democratic party of Texas. As such verdict I receive it. As the deliberate verdict of the sovereign people I bow to it. For myself I am content. I ask for judgment.

Many hundreds of years ago in ancient Greece there lived two political rivals—Themistocles the name of one, and Aristides the other. So honest had been Aristides that he had won the title of ‘The Just.’ After years of political rivalry the two chiefs appealed to the ostracism, and Aristides was banished. The ostracism was a peculiar Athenian institution, a political safety valve by means of which a citizen who had become dangerous to the State or for any other reason had become unpopular might be exiled for a number of years without any specific charge having been preferred against him. There is a story that when the balloting between these two chieftains was in progress Aristides was approached by an unlettered countryman to whom he was not known, and asked to write ‘Aristides,’ which he did on the shell which was handed him. And what,” he asked, as he handed the shell back to him, “has Aristides done you wish him banished?”

“Nothing,” was the reply, “but I am always tired of hearing him called ‘The Just.’”

And what, may I ask you, has Joe Bailey done that you wish him banished? Gentlemen, when the redemption of this great Republic shall take place—and, an sure as God is good and truth is truth, it shall take place—Joe Bailey will lead in the work of its redemption.

Hon. J. T. Canales of Cameron county seconded the nomination of Joseph W. Bailey, and said:

Mr. Speaker:

When the bugle sounds the alarm, every soldier must report for duty. Today is the day designated by the Constitution and laws of the United States for the election of United States Senator, and every true, tried and faithful Democrat must report for duty at the roll call; as for me it is a small matter when my name is reached to speak forth not only my convictions, but the instructions of my people as well.

It was an ancient custom of Athenians when a public man became too eminent and powerful to humiliate him through what is known as the ostracism. So, we find that Themistocles, that great and eminent statesman and admiral, was rewarded for his great services to his country by being banished for ten years. Allow me here to read an extract from his life, as I believe it pertinent to my remarks: “At length the Athenians banished him (Themistocles), making use of the ostracism to humble his eminence and authority, as they ordinarily did with all whom they thought too powerful, or by their greatness, disproportionate to the equality thought requisite in a popular government. For ostracism was instituted, not so much to punish the offender, as to mitigate and pacify the violence of the envious, who delighted to humble eminent men, and who, by fixing this disgrace upon them, might vent some part of their rancor.” We also find another great Athenian whose honesty and justice became a source of constant admiration in all who knew him, and who by his virtues excited the envy and rancor of his enemies who at last secured, through this same process (the ostracism) his banishment. Allow me again to read the following from his life, as I deem it of great interest on this occasion: “They banished Aristides by ostracism, giving their jealousy of his reputation, the name of fear of tyranny. For ostracism was not the punishment of any criminal act, but was especially said to be the mere depression and humiliation of excessive greatness and power.” We, too, Mr. Speaker, have our great men; we, too, have our eminent statesman, whose powerful intellect, whose noble work in behalf of their country, whose great and brilliant geniuses tower high above what we commonly regard as great; yes, men who by their virtues, their powerful influence, and their eminent services excite in the politician jealousy and envy.
and a desire to destroy and humiliate them. As an illustration, we have here an example, where a great, noble and eminent statesman, who has rendered invaluable services to his country, is rewarded for these services by an attempt to ostracize him from public life; a man who can look his accusers in the face, and before all the people say, in the language of our Divine Master, "Many good works have I done; for which of these do you desire to stone me?" I have served in the House of Representatives in Congress with distinction, and not only defended the rights of the people there, but also brought fame and glory to my State. I have served in the Senate of the United States, and not only defended the rights of the common people against the oppression of combined wealth, but also brought more glory and fame to my State; for which of these do you now seek to stone me?

Mr. Speaker, I have heard of many charges against the person whose nomination I rise to second—I believe there are thirty-six in all—but, Mr. Speaker, if every charge be true, and his accusers will add a like number to what they have already got, yet, if you should put them all side by side with his virtues, and by his eminent and great services he has rendered, they will become like the spots of the sun, imperceptible to the eye. for the brilliance and radiance of its light. Yes, Mr. Speaker, I will rather take and trust him to accomplish more in our behalf in Congress, with all his faults, than all of his enemies with all their virtues.

Mr. Speaker, in behalf of Cameron, Hidalgo, Starr and Zapata, whom I have the honor to represent, I desire to second the nomination for the office of United States Senator of the greatest living Texan; the only man in America that can stand side by side with that great Commoner, William Jennings Bryan, the people's friend and their greatest champion, the Hon. Joseph W. Bailey.

Hon. J. R. Bowman of Potter county seconded the nomination of Joseph W. Bailey, and said:

Mr. Speaker:

With that felicity attendant upon a strict obeliance to duty, with that happiness engendered by the plaudits of "well done" and the loud acclam of Democracy, with no shame, with the approval of conscience and reason, it gives me great joy to second the nomination of that scintillating genius and statesman, Hon. Joseph W. Bailey, for the United States Senate.

With malice toward none, I declare that I had rather stand today in this assembly ball and heed the dictates of my party, my constituency, and obey the mandates of the Federal Statutes pertaining to the election of a Senator, thus serving my party, my State and my constituency, than to sit upon the panoplied throne of kings and rule the world with a sovereign's undiminished sway.

The ambition and the success of a Caesar, the tears and the triumphs of an Alexander, the meteoric splendor of a Napoleon, cannot eclipse in grandeur and glory the battles that this mighty giant has waged for the Southland in defense of the people and Democracy, and which has justly entitled him the leader of the Democratic party in the high offices with which the people have honored him.

In voicing the sentiments of my district I conclude by saying "Crowns of roses fade, crowns of thorns endure." "the attempted triumphs of might are transient," "they pass away and are soon forgotten, the sufferings of right are graven deepest upon the chronicles of heart and history," and so I commend to you that matchless statesman, Joseph W. Bailey.

Hon. F. C. Hume of Harris county seconded the nomination of Joseph W. Bailey.

Hon. A. M. Kennedy of McLennan county, on the request of Captain McDonald, and with the consent of Mr. James, withdrew the name of Captain McDonald.

NOMINATIONS CLOSED.

There being no further nominations, the Speaker declared nominations closed and directed the Clerk to call the roll.

The roll was called, and each member, rising from his seat as his name was called, announced his choice.

The following members voted for Hon. Joseph W. Bailey:

Hon. Thos. B. Love, Speaker.

Aldredge. Canales.
Austin. Carswell.
Ballengee. Cobbs.
Baskin. Crockett.
Blanton. Daniel.
Bogard. Davis of Brazos.
Bowles. Davis of El Paso.
Bowman. Davis of Braly.
Briggs. Dean.
Briscoe. Dodd.

NON
Mr. Duncan called for a verification of the vote.

The Clerk was then directed to call the roll of all those recorded as voting for Joseph W. Bailey.

The roll was called.

When Mr. Crawford’s name was called he rose and stated that he was incorrectly recorded, and that he voted for “J. W. Logan” and not “J. W. Bailey.”

The Clerk was then directed to record Mr. Crawford as voting for J. W. Logan.

The Speaker then announced that the verified vote showed that Mr. Bailey had received 89 votes.

The following voted for W. L. Bostick:
- Duncan.

The following voted for Cecil A. Lyon:
- Pierce.
- Werner.

The following voted for Robert L. Cole:
- James.
- McGregor.

The following voted for Sam L. Green:
- Kindred.

The following voted for J. Felton Lane:
- Goodman.

The following voted for Geo. T. Jes­ter:
- Jennings.

The following voted for Captain June Kimble:
- Jackson.

The following voted for J. R. Wiley:
- Cable.

The following voted for J. F. Onion:
- Brown of Wharton.

The following voted for J. W. Logan:
- Crawford.
- Trenckmann.

The following voted voted Tom Connally:
- Bartlett.

The following voted for E. H. Rogan:
- Beaty.

The following voted for J. F. Peek:
- Cox.

The following voted for P. F. Dunn:
- Savage of Nueces.

The following voted for T. M. Campbell:
- Camp.
- Robertson of Travis.
- Smith.

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<td>Bell of Freestone.</td>
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<td>Martin.</td>
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Total number of votes cast for Hon. Joseph W. Bailey, 89.

NAME WITHDRAWN.

While the Clerk was calling the roll on the election of United States Senator, Mr. Thompson obtained the floor and withdrew the name of W. H. Ragsdale, and said:

Mr. Speaker: I had nominated an honorable citizen of my county, Hon. W. H. Ragsdale, but as we have almost completed the roll call and no member has voted for my candidate, I wish to withdraw his name and be recorded as being present and not voting.

VERIFICATION OF THE VOTE.

When the vote was first announced, it was stated that Mr. Bailey had received 90 votes.
The following voted for Perry Ray: Reedy.
The following voted for J. E. Yantis: Grinstea, Stratton.
The following voted for W. J. McDowell: Adkins.
The following voted for W. F. Brown: Jenkins.
The following voted for James B. Kimball: Bell of Limestone.
The following voted for Guy S. McFarland: Cocke.
The following voted for S. P. Willson: Terrell of Cherokee.
The following voted for Tom. M. Drew: Holshousen.
The following voted for R. N. Stafford: Blalock.
The following voted for C. K. Bell: Clements.
The following voted for Ham Cook: Browne of Harris.
The following voted for Chas. F. Clint: Lively.
The following voted for W. J. Manus: Crisp.
The following voted for T. J. Brown: Currey.
The following voted for R. R. Gaines: Peeler.

RESULT OF THE BALLOT.
Total vote cast .......... 125
Total vote cast for Joseph W. Bailey. 89
Total scattering vote . . 36
Present, not voting .......... 7
Absent .......................... 1

The Speaker then announced that Hon. Joseph W. Bailey had received 89 votes, a majority of all the votes cast, and that the Senate and House of Representatives of the Thirtieth Legislature would meet in joint session tomorrow, Wednesday, January 23d, at 12 o'clock, meridian, for the purpose of comparing the vote for United States Senator.

REASONS FOR VOTES AND FOR NOT VOTING.
The people at the July primary of 1906 have voted for Senator J. W. Bailey as their choice for United States Senator. Under ordinary circumstances I would feel obliged to vote for the re-election of Senator Bailey. But the developments which have arisen since the people thus expressed their choice and the grave charges since preferred and filed against Senator Bailey, which, if true, it is universally admitted, and by Senator Bailey himself admitted, render him unworthy and unfit to represent the people of Texas in the United States Senate. And the House, having by unanimous vote appointed a committee to investigate the charges aforesaid against Senator Bailey, and this committee not having had time to investigate the charges and report thereon, and being by a majority to vote on the senatorship before and without the investigation and report, I feel bound to vote against Mr. Bailey.

SMITH.

I vote for J. W. Bailey for United States Senator in obedience to the uncanceled instructions given me by my people in the July primaries. I did all in my power to postpone the election of United States Senator until after the investigation, which is now pending, was completed, but when forced by the Federal Constitution to either vote for or against a Democratic nominee, I bow in humble submission to the uncanceled instructions of my constituents, and vote for J. W. Bailey for United States Senator.

DODD.

In casting my vote for J. W. Bailey, I desire to place of record my reasons for so doing. The conditions in Comanche county, which I represent, are different from conditions in any other except Travis county. These counties held primaries after the Bailey agitation arose and immediately before the Legislature convened, for the purpose of passing directly upon the Bailey question. Believing that the people should have a voice in the election of a United States Senator, I preferred to hear directly from them. On December 29, 1906, the primaries were held in Comanche county, and on the night after the returns came in I gave out the following statement:

"I desire to repeat what I have said every time I have mentioned the subject. I said if no further action was taken I would have only the vote in the
primaries to guide me, and would vote for Bailey. I said further that if the Democrats desired to reconsider the matter they had a right to do so, and, if it was fairly done, I would be governed by the result of their vote. I said this was clearly my duty and that duty had the force of law with me.

"Individually, I was anxious to again hear from the mass of the Democratic voters in some fair way, because the Bailey and anti-Bailey men were each insisting that they had a majority with their view. My supreme desire was to vote the sentiment of a majority of the Democrats of Comanche county; in other words, I am a consistent Democrat. I have not learned the details of how the election was held, but, I presume it was held with substantial fairness. If so, I shall observe the result with scrupulous fidelity. Of course, this does not include my position on any further developments that might modify the opinion of even the most ardent Bailey man.

"Such has been my view, and I have not changed my view. I also said that individually I was convinced beyond a reasonable doubt that Senator Bailey was substantially guilty of all the infamous conduct with which he was charged. The vote has not changed my opinion in that respect."

Such having been my position and promise to the people of Comanche county, I feel in honor bound to cast their vote for J. W. Bailey. In my judgment it is a grievous error, but it is not mine, nor Bailey's. They have agreed to assume the responsibility, and I pass it up to them.

In my own opinion, Bailey is not only unworthy of the great office of Senator, but he is absolutely infamous. I regard him as I do any other criminal. I cannot escape the conclusion that he is a traitor to his country who has betrayed his people into the hands of a commercial pirate for gold. Left to vote my own sentiments, I would gladly defy all his minions of infamy and vote against him; but a man must live up to his ideals. My ideal of a good government is one in which the people's will is supreme. I think it is better for a Representative to vote for a bad man; yes, a moral leper as I believe Bailey is, than to shatter an ideal of representative government, the observance of which is the hope of the Nation, and break faith with his people.

Having discharged "with scrupulous fidelity" my promise to my people, I desire to take my place for the future among those who despise and defy him.

GAINES.

As one who has been voting in the ranks of the opposition upon all honorable measures offered by them upon this investigation question, I feel that an explanation of the reasons for casting my vote, as I am about to do, is due to those who have petitioned me pro and con on this important matter.

I would say that I have all along believed in a full, complete and thorough investigation of the charges against Senator Bailey, and, so believing, I felt that a more comprehensive investigation could have been had under the Duncan resolution than under the Kennedy substitute and its various amendments. Now that Mr. Bailey has stated that if the investigating committee now sitting should find one charge that has been brought against him true that he will resign his office of United States Senator should he be elected thereto today, and it being my opinion that Hon. Joseph W. Bailey is the Democratic nominee for United States Senator from Texas, and I being a Democrat of the Jeffersonian type, I feel that my duty is, as I see it, to cast my vote upon this question for the Hon. Joseph W. Bailey.

AUSTIN.

I have voted for the strongest resolution to investigate the conduct of Senator Bailey because I thought it was best suited to settle the political disturbances now agitating the public mind. In supporting the investigation, I had hoped that some lawful means might be suggested for deferring the election until after the investigation had been made. But, as I am now called upon to vote, I must in the face of the primary vote of my county, which has never been rescinded, and in the face of a petition signed by 1000 of my constituents, requesting me to do so, vote for J. W. Bailey.

STRICKLAND.

I vote for Senator Bailey, and have no excuse or apology to offer. My duty is clear to me. I am under a pledge which I do not desire to break and which I shall not break. Senator Bailey's lips conveyed his promise to me that he will resign upon the production of any proof of any charges made, or to be made against him now or hereafter. I do not believe that his lips can lie, and I have the pleasure of turning the first page in my Democratic doctrine in which I believe from "cover to cover."

YOUNG.
On the 18th inst., the members of the House voted unanimously to investigate any charges that might be filed against J. W. Bailey affecting his official integrity. A committee has been appointed consisting of seven members of this House, pursuant to the provisions of the resolution authorizing said investigation, and said committee has organized and entered upon the duties assigned it. Since the appointment of said committee numerous grave charges have been filed with it setting forth in detail acts on the part of said J. W. Bailey, any one of which, if true, would render him unfit to represent the people of Texas in the United States Senate. Said committee has been unable to investigate said charges in the limited time allowed before the time designated for voting for a United States Senator, I therefore favored postponing said election in some lawful manner until said charges could be investigated. A majority of the members refused to agree to any proposition for a postponement, and this course on the part of the majority had the manifest approval of said J. W. Bailey. I will vote for no man for United States Senator while resting under numerous grave charges, any one of which, if true, would render him totally unfit for such position, and especially while the person seeking such election is plainly striving to force said election before any investigation can he had. I have therefore refused to vote for J. W. Bailey for United States Senator. In no other way can I be true to my convictions of duty, to myself and to my country.

THOMPSON.

I cast my vote for Hon. Joseph W. Bailey for United States Senator for the reason that I consider him the nominee and for the further reason that the United States statutes relative to ballotage for a United States Senator on this particular date plainly seem mandatory. However, I insist that the investigating committee carry out to the letter the resolution under which it was appointed.

BRALY.

I am instructed to vote against Senator J. W. Bailey, but am left free to vote for such other person as I deem proper. Without his knowledge or consent, I cast my vote for Thomas Mitchell Campbell of Anderson county.

ROBERTSON of Travis.

Complying with the instructions recently given me in my county to vote against Senator Bailey, the regular Democratic nominee of this State for United States Senator, I now cast my vote for one who is not a candidate, but who is an eminent Democrat and jurist, R. R. Gaines, the present Chief Justice of the Supreme Court of Texas.

PEELER.

As representative of Austin county I vote for John Wesley Logan of Austin county for United States Senator. I vote for Mr. Logan, knowing that he is not a candidate, and would not accept the office if elected, but continue to cultivate his farms in the forks of Mill Creek. I have voted for every motion that aimed at securing a full investigation of the charges now pending against Mr. Bailey, and I will not help to prejudge this investigation by voting for Mr. Bailey, for whom I stand instructed by the Democratic primaries, before the investigation has begun. I stand ready to accept the verdict of the Democrats of Austin county at any time on my action in the premises.

TRENCKMANN.

In voting for Mr. Bailey, I do so in obedience to the instructions as given in July, 1906, and (so far as I have been able to ascertain) reaffirmed in the vote in my district yesterday, January 21, 1907. And, whereas, there have been grave charges against Mr. Bailey, as Senator of the United States, I have voted with those seeking a full, fair and free investigation into the charges against the said Bailey. The House has unanimously voted for investigation of said charges, and the committee to make such investigation are yet out and necessarily will be for some time, and I think it unwise to elect at this time. Having used all means to postpone or to submit to the people this issue, and having failed, I now vote as I deem the majority of my district wish.

WILMETH.

On July 28, 1906, the Democrats of Red River county, by primary election, instructed me to vote for J. W. Bailey for United States Senator. They have not since that time, by primary election, petition or otherwise, changed that instruction. I, therefore, cast my vote for Mr. Bailey, although my own personal judgment is that he should not be elected.

TERRY.

In accord with the instructions given me by the Democracy of Bell county, I cast my vote for Joseph W. Bailey.

SAVAGE of Bell.

I vote against Mr. Bailey, pending the investigation proceedings, for the reason
that I can not conscientiously vote for a man for the high office of United States Senator when charges of the character pending are being investigated; especially so when by scattering our votes we would postpone the election until the investigation committees have completed their labors and made their reports. Then, again, Mr. Bailey's opposition to an investigation raises a grave suspicion of his guilt, not to speak of the evidence now known to me and not to speak of his own admissions.

Then, too, I regard my duty to the State of Texas and to the people of the United States, under the national Constitution, and under my oath of office, superior to the claims of any party when questions of integrity and official honesty are involved.

That peerless and fearless patriot and noble Democrat, William J. Bryan, is a recent authority for the doctrine that the State is higher than a party. Such proposition is axiomatic.

Injured innocence, when assailed, never minds the limelight of truth; guilt, and guilt alone, seeks the dark alleys of oblivion and doubt. Innocence and honesty never plead technicalities, delays and limitations; guilt, and guilt alone, asks for dates and details; guilt, and guilt alone, asks for dates and details, seeking at the same time to limit and control the tribunal in which the accused is forced to respond.

The voice of conscience is the voice of the people; that conscience of which Thomas Jefferson wrote to Lafayette when he said concerning the rights of the people as against his instructions by the nobility: "Burn your instructions and follow your conscience, as it is the only true clue which will eternally guide a man clear of all doubt and inconsistency."

Shall the voice of the people, which is but an echo from the throne of Divinity, be hushed and stilled today, or shall it find patriotic reverberation in three million honest hearts as they cry out to us today: "Texas and Texas Senators must be and remain spotless and free."

I take pleasure in casting my vote at this time for my boyhood friend, Hon. Guy S. McFarland of Bexar county.

COCKE.

I cast my vote for Dr. J. F. Peek of Rockwall county for United States Senator as recorded because I can not consistently and conscientiously vote for Senator Bailey after having voted for an investigation of the charges against him while said investigation is in progress. Should this investigation exonerate him, I shall then take pleasure in voting for Senator Bailey as the Democratic candidate for United States Senator.

COX.

I cast my vote for Hon. J. W. Bailey for United States Senator purely through a sense of party fealty, and the instructions given me by my people in the primary of last July. Personally, I should very much prefer to be enlightened by the findings of the investigating committees now at work under the authority of both branches of this Legislature. At present I have no other alternative than to vote as above.

SCHLOSSHAN.

I cast my vote for the Hon. P. F. Dunn of Nueces county for United States Senator because of my esteem for him and my confidence in his absolute integrity, and because I do not believe it proper for this body to re-elect Senator Bailey while charges are pending against him, which, if found true, will, in my opinion, will prove him unfit to be a Senator of this State. Upon his complete vindication after a thorough investigation by the committee heretofore appointed for that purpose, it will be my duty to, and I shall take pleasure in casting my vote for J. W. Bailey, but not before.

SAVAGE of Nueces.

Reasons for my vote on the election of a United States Senator: In casting my vote for the Hon. Joseph W. Bailey for United States Senator, I do so in accord with instructions, and under my own protest. We have no right to pre-judge Mr. Bailey guilty, and for that reason I carry out instructions and vote for him. But not believing it to be a proper policy of this House to elect a man whose conduct is now under investigation, to such a high place, neither assuming his guilt or his innocence, I cast my vote according to instructions, but under protest for the reasons above stated.

ORGAIN.

While I believe Senator Bailey to be the peer of the ablest statesmen in the United States Senate, I can not vote for or against him at this time, for the following reasons, to wit:

1. Many and grave charges have been made against Senator Bailey; said charges have been filed with and are now pending before an investigating committee appointed by this House.

2. I believe an investigation of those charges should precede the re-election of Senator Bailey.

3. The best interests of the Demo-