be in force from and after its passage, and it is so enacted.

WILLACY, Chairman.

JUDICIARY NO. 1.

Committee Room,
Austin, Texas, April 4, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 6, a bill to be entitled "An Act to authorize the creation of corporations with banking and discounting powers and privileges, and with trust company, surety company, fidelity and guarantee company powers and privileges as herein defined, and with power to act as executor, administrator, guardian, receiver, assignee, trustee, depository and other fiduciary relations as herein defined; enabling corporations formed under general or special law of this State for any of said purposes to avail themselves of the benefit of this act; providing for the supervision, regulation and control of such corporations; and adding to the duties of the Commissioner of Agriculture, Insurance, Statistics and History the duties of Superintendent of Banking as herein defined and fixing his compensation for such duties; prohibiting any foreign corporation other than national banks of the United States to exercise banking or discounting privileges in this State; prohibiting certain other corporations from using any name which may be confused with those of corporations created under, or availing themselves of the benefits of this act and requiring private individuals and firms doing a banking business to use the words 'unincorporated,' and providing penalties."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HICKS, Chairman.

THIRTEENTH DAY.

Senate Chamber,
Austin, Texas,
Friday, May 5, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Faulk.
Brachfield.	Faust.
Chambers.	Glasscock.
Davidson.	Griggs.
Hanger.	Meachum.
Harbison.	Paulus.
Harper.	Skinner.
Hawkins.	Smith.
Hicks.	Stafford.
Hill.	Stokes.
Holland.	Stone.
Looney.	Terrell.
Martin.	Willacy.

Absent.

Beaty.	Hale.
Decker.	McKamy.
Grinnan.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Hicks, the same was dispensed with.

EXCUSED.

On motion of Senator Davidson, Senator Hanger was excused from attendance upon the Senate for all of last week and for this week up until today on account of sickness in his family and important business.

On motion of Senator Smith, Senators Barrett and Chambers were excused from attendance upon the Senate on yesterday on account of committee work.

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas,
Austin, May 5, 1905.

To the Legislature:

I present the following additional subjects for legislation:

To name the several counties composing the Sixty-third Judicial District and to fix the times for holding the District Courts therein. At the regular session of this Legislature the county of Terrell was created and the same was placed in the Sixty-third District. Owing to the fact that the bill reorganizing said district was defective it was vetoed. It is important that provision should be made for fixing the terms for holding courts in the county of Terrell and the other counties of the district, and hence the entire matter is submitted for your consideration.

Also to create the Jacksonville Independent School District. At the regular session of the Twenty-ninth Legislature there was passed House bill No. 590, entitled "An Act creating the Jacksonville Independent School District, etc." Defects having been discovered in said bill I submit for your consideration the necessity of correct-

ing this bill either by independent act or such amendments as may be deemed necessary.

S. W. T. LANHAM,
Governor.

SENATE BILL NO. 6—PASSAGE OF.

The Chair laid before the Senate, on second reading, as pending business,

Senate bill No. 6, a bill to be entitled "An Act to authorize the creation of corporations with banking and discounting powers and privileges, and with trust companies, surety company, fidelity and guaranty company powers and privileges as herein defined, and with power to act as executor, guardian, receiver, assignee, trustee, depository and other fiduciary relations as herein defined; enabling corporations formed under general or special law of this State for any of said purposes to avail themselves of the benefit of this act; providing for the supervision, regulation and control of such corporations; and adding to the duties of the Commissioner of Agriculture, Insurance, Statistics and History the duties of Superintendent of Banking as herein defined and fixing his compensation for such duties; prohibiting any foreign corporation other than national banks of the United States to exercise banking or discounting privileges in this State; prohibiting certain other corporations from using any name which may be confused with those of corporations created under, or availing themselves of the benefits of this act and requiring private individuals and firms doing a banking business to use the words 'unincorporated,' and providing penalties."

Senator Harper offered the following amendment:

Amend by adding to Section 8 the words "trust company" wherever appearing in the following section of this act is intended to mean "banking and trust company" and to refer to corporations created under this section and the succeeding sections of this act relating to banking and trust companies.

The amendment was adopted.

Senator Harper offered the following amendment:

Amend Section 12, line 3, by striking out "one hundred thousand dollars" and inserting in lieu thereof "fifty thousand dollars."

Senator Faulk offered the following substitute for the amendment:

Amend the bill by striking out Sections 11 and 12.

(Senator Skinner in the chair.)

On motion of Senator Hicks the substitute was tabled by the following vote:

Yeas—16.

Barrett.	McKamy.
Faust.	Paulus.
Griggs.	Skinner.
Hanger.	Smith.
Harper.	Stafford.
Hicks.	Stokes.
Holland.	Willacy.
Looney.	

Nays—10.

Brachfield.	Hawkins.
Chambers.	Hill.
Davidson.	Martin.
Faulk.	Meachum.
Glasscock.	Terrell.

Absent.

Beaty.	Hale.
Decker.	Harbison.
Grinnin.	

Senator Hill offered the following amendment to the amendment:

Amend the amendment by striking out the word "fifty" and insert in lieu thereof the words "twenty-five."

The amendment to the amendment was lost by the following vote:

Yeas—11.

Brachfield.	Holland.
Davidson.	Martin.
Faulk.	Meachum.
Glasscock.	Stokes.
Griggs.	Terrell.
Hill.	

Nays—14.

Barrett.	McKamy.
Faust.	Paulus.
Hanger.	Skinner.
Harper.	Smith.
Hawkins.	Stafford.
Hicks.	Stone.
Looney.	Willacy.

Absent.

Beaty.	Grinnan.
Chambers.	Hale.
Decker.	Harbison.

Action then recurring on the amendment by Senator Harper, the same was adopted by the following vote:

Yeas—24.

Barrett.	Harper.
Brachfield.	Hawkins.
Davidson.	Hicks.
Faulk.	Hill.
Faust.	Holland.
Glasscock.	Looney.
Griggs.	Martin.
Hanger.	McKamy.

Paulus.	Stokes.
Skinner.	Stone.
Smith.	Terrell.
Stafford.	Willacy.

Absent.

Beaty.	Hale.
Chambers.	Harbison.
Decker.	Meachum.
Grinnan.	

Senator Terrell offered the following amendment:

Amend the bill by adding to Section 2 the following: Provided, such corporation shall not have but one place of business and shall have no branch offices.

Senator Chambers moved to table the amendment, which motion was adopted by the following vote:

Yeas—15.

Barrett.	Looney.
Chambers.	McKamy.
Faust.	Paulus.
Griggs.	Skinner.
Hanger.	Smith.
Harper.	Stafford.
Hicks.	Stone.
Holland.	

Nays—10.

Davidson.	Hill.
Brachfield.	Martin.
Glasscock.	Meachum.
Hawkins.	Stokes.
Faulk.	Terrell.

Absent.

Beaty.	Hale.
Decker.	Harbison.
Grinnan.	Willacy.

Senator Stafford offered the following amendment:

Amend by striking out all of subdivision 7 of Section 9, after the words "one or more," and inserting the following "of the purposes set out in Section 11 of this act."

The amendment was adopted.

Senator Davidson offered the following amendment:

Amend subdivision 2, Section 20, page 9, by adding the following: "But at the sale of said real estate said corporation shall not re-purchase said real estate, directly or indirectly, nor shall any officer, director or person holding stock in said corporation be a purchaser of said real estate."

Senator Hicks offered the following amendment to the amendment:

Amend by adding at the end "for the use of the corporation."

The amendment to the amendment was adopted, and the amendment as amended was then adopted.

Senator Brachfield offered the following amendment:

Amend the bill by adding after the words "banking corporation" in the first subdivision of Section 39, the words "or trust companies and savings banks."

Senator Faulk offered the following substitute for the amendment:

Amend Section 39 by striking out on page 12 after the word "any," line 15, by striking out the word "banking."

The substitute was adopted and the amendment as substituted was then adopted.

Senator Griggs offered the following amendment:

Amend Section 39 by adding thereto the following:

The result of all such examinations shall be reported semi-annually to the State Comptroller.

The amendment was adopted.

Senator Glasscock offered the following amendment, which was adopted:

Amend by adding to Section 80 of this act the following: "And all banks or trust companies or corporations created under this act shall be under State control and be subject to such legislation as the Legislature may enact for the government and regulations of such banks and trust companies as corporations in this State."

Senator Faulk offered the following amendment:

Amend by adding to Section 43 the following: "And in addition to being liable on his bond said Examiner shall be guilty of a felony and on conviction therefor shall be punished by confinement in the penitentiary for a term of not less than two nor more than five years."

The amendment was adopted.

Senator Brachfield offered the following amendment:

Amend by adding to the bill the following:

Sec. 80a. Provided, that the Legislature reserves the right after ten years to withdraw its permit to one corporation doing business and incorporated under Sections 11 and 12 of this act, and after said time shall have power to cancel all permits granted.

Senator Stafford moved to table the amendment, which motion was adopted by the following vote:

Yeas—15.

Barrett.	Looney.
Chambers.	McKamy.
Faust.	Skinner.
Griggs.	Smith.
Hanger.	Stafford.
Harper.	Stone.
Hicks.	Willacy.
Holland.	

Nays—10.

Brachfield.	Hill.
Davidson.	Meachum.
Faulk.	Paulus.
Glasscock.	Stokes.
Hawkins.	Terrell.

Absent.

Beaty.	Hale.
Decker.	Harbison.
Grinnan.	Martin.

SENATE REFUSED TO RECESS.

Senator Davidson moved that the Senate recess till 3 o'clock, but the motion was lost by the following vote:

Yeas—12.

Barrett.	Hawkins.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Faulk.	Paulus.
Glasscock.	Terrell.

Nays—13.

Faust.	Skinner.
Griggs.	Smith.
Hanger.	Stafford.
Harper.	Stokes.
Hicks.	Stone.
McKamy.	Willacy.
Meachum.	

Absent.

Beaty.	Hale.
Decker.	Harbison.
Grinnan.	Martin.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
First Called Session
Twenty-ninth Legislature,
Austin, Texas, May 5, 1905.

Hon. Geo. D. Neal, President of the Senate.

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

House bill No. 8, a bill to be entitled "An Act to regulate elections and to provide penalties for its violation."

Respectfully,
BOB BARKER,
Chief Clerk House of Representatives.

BILL READ AND REFERRED.

The Chair, Lieutenant Governor Neal, had read and referred, after its caption had been read, the following House bill:

House bill No. 8, to Committee on Privileges and Elections.

See caption above.

SENATE BILL NO. 6—PASSAGE OF.

Action then recurred on Senate bill No. 6—pending business.

Senator Hawkins offered the following amendment:

Amend Subdivision 6 of Section 13 by striking out "fifty" and inserting (25) "twenty-five" in lieu thereof.

On motion of Senator Hicks, the amendment was tabled by the following vote:

Yeas—17.

Barrett.	Looney.
Chambers.	McKamy.
Davidson.	Paulus.
Faulk.	Skinner.
Faust.	Smith.
Griggs.	Stafford.
Hanger.	Stone.
Hicks.	Willacy.
Holland.	

Nays—6.

Brachfield.	Hill.
Glasscock.	Meachum.
Hawkins.	Terrell.

Absent.

Beaty.	Harbison.
Decker.	Harper.
Grinnan.	Martin.
Hale.	Stokes.

Senator Hicks moved the previous question on the bill, which was duly seconded, and was so ordered.

Bill read second time and ordered engrossed. On motion of Senator Griggs, the constitutional rule requring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Barrett.	Holland.
Chambers.	Looney.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Hanger.	Smith.
Harper.	Stafford.
Hawkins.	Stokes.
Hicks.	Stone.
Hill.	Willacy.

Nays—3.

Brachfield.	Terrell.
Davidson.	

Absent.

Beaty.	Hale.
Decker.	Harbison.
Grinnan.	Martin.

The bill was read third time, and

Senator Hicks moved the previous question on the bill, which being duly seconded, was so ordered.

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

Yeas—21.

Barrett.	Holland.
Chambers.	Looney.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Harper.	Smith.
Hawkins.	Stafford.
Hicks.	Stone.
Hanger.	Willacy.
Hill.	

Nays—4.

Brachfield.	Stokes.
Davidson.	Terrell.

Absent.

Beaty.	Hale.
Decker.	Harbison.
Grinnan.	Martin.

Senator Hicks moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Davidson, the Senate took a recess until 3 o'clock.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Neal.

Senator Looney here offered committee reports on Senate bill No. 5. (See Appendix for same.)

MESSAGE FROM THE GOVERNOR.

Executive Office,
State of Texas,
Austin, May 5, 1905.

To the Legislature:

I present the following additional subjects for legislation:

To provide by general law for taxation of premium receipts of foreign and domestic insurance companies, or either, and

To provide by general law for levying a franchise tax on foreign and domestic insurance companies, or either.

The laws passed by the regular session of the Twenty-ninth Legislature on the above subjects are now being contested in the courts on the ground of their unconstitutionality. I recommend such legislation as may, in your judgment, be necessary to place the revenue laws on the above subjects beyond question.

S. W. T. LANHAM,
Governor.

HOUSE CONCURRENT RESOLUTION NO. 1—ADOPTION OF.

Committee Room,
Austin, Texas, May 5, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Federal Relations, to whom was referred

House concurrent resolution No. 1, requesting the President of the United States to open negotiations with the treaty making power of the Republic of Mexico wth the view of attaining a reciprocity treaty with that Republic looking to the encouragement and exportation of grain, grain products, blooded cattle, hogs and hog products and poultry and poultry products to said Republic,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SKINNER, Chairman.

Senator Skinner moved that the above committee report be adopted. The motion was adopted.

On motion of Senator Skinner, the Senate rule requiring committee reports to lay over for one day was suspended.

The resolution was then read and adopted. (See caption above.)

Senator Skinner moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

COMMITTEE APPOINTED.

The Chair here appointed the following committee, on part of the Senate, as provided for in the report of the joint committee on Senate concurrent resolution No. 1: Senators Griggs, Willacy, Hicks, Davidson and Hanger.

ADJOURNMENT.

On motion of Senator Smith, the Senate adjourned until tomorrow morning at 10 o'clock.

APPENDIX A.

SPECIAL COMMITTEE REPORT.

THE REPORT OF THE SPECIAL LEGISLATIVE COMMITTEE ON THE TRADE RELATIONS AND CONDITIONS BETWEEN THE UNITED STATES AND THE SOUTHERN REPUBLICS, TOGETHER WITH RECOMMENDATIONS AS TO THE PROJECTED PAN-AMERICAN TRADES COLLEGE, TO BE ESTABLISHED IN TEXAS.

AUSTIN, TEXAS, May 6, 1905.

To the Hon. Geo. D. Neal, President of the Senate, and Hon. F. W. Seabury, Speaker of the House.

SIRS: Your Joint Special Committee, to whom was referred the following Senate Concurrent Resolution, which was unanimously adopted by the Senate and House, to wit:

RESOLUTION.

Whereas, the United States of America is essentially a commercial world-power, rapidly extending her arms of commerce and trade into every habitable portion of the globe; and

Whereas, the Panama Canal is now a reasonably assured fact, thereby placing the gulf ports of Texas thousands of miles nearer the markets of the eastern hemisphere, while the great railroads of the United States, realizing the future importance of these ports, are rapidly transposing their east and west systems of lines to that of the north and south, thereby taking advantage of the changing courses of commerce, even extending into Mexico and Central America; and

Whereas, Mexico, Central and South America, a rich field of commerce lying at the very door of the United States, are courting our friendship, and are anxious to enter into more extended and amicable trade relations with us; and

Whereas, Texas is the natural gateway, both by sea and land, to said Southern republics, through which the interchange of commerce between the countries of the western hemisphere must, by reason of her location and situation pass; and

Whereas, the Twenty-seventh and Twenty-eighth Legislatures of this

State adopted the report of a special committee on "Pan-American Relations" which recommended the establishing of a Pan-American Trades College upon the gulf coast of Texas, as a means of encouraging trade relations between the United States and said Southern republics; therefore, be it

Resolved, the House of Representatives concurring, that a special committee of three members of this Senate be appointed to act in conjunction with a like committee from the House, for the purpose of investigating the best methods of encouraging our trade relations with other countries to the south of us, and the advantages to be derived therefrom by the United States, and especially by the State of Texas.

That said committee report back to the Senate and House, with recommendations, if any, what steps should be taken to bring about the consummation of the projected Pan-American Trades College, by the governments of the Pan-American republics.

Have had the same under consideration, and beg leave to submit to the Senate and the House the following report, and recommendations:

Trade Conditions of the Latin-American Countries.

The short time left us in which to prepare a report upon the conditions of trade prevailing in the Southern republics, renders the task a very difficult one indeed. We are compelled, therefore, to compile our report from such statistics and other information at hand, using for the most part a former report made by the chairman of our committee to the Twenty-eighth Legislature of Texas.

The variance in climatic and educational conditions, the lack of transportation facilities in many of the Latin-American countries, the habits, customs and tastes of those peoples, as well as the degrees of advancement in the various industrial pursuits, should all be properly dealt with in this report, but for want of time must be omitted.

The forerunner of commercial development and prosperity is transportation facilities. It has been but a quarter of a century since Peru obtained her first public wagon road within her entire domain. Prior thereto, everything was transported upon pack mules along winding and devious paths or trails, and the same is practically true of many of those countries at this time.

The last decade, however, has seen a rapid transition in some of the Southern republics, especially in Mexico. An immense amount of American capital has been invested in Mexico. Thousands of Americans have gone into business in that republic, bringing about a feeling between the two countries of amity and good will.

In 1904, for the first time in history, Mexico's imports from the United States exceeded her exports to the United States. In 1898, the difference in trade betwen the United States and Mexico was $63,400,000 in favor of Mexico.

The imports of all the Latin-American countries are in excess of their exports, and this condition of trade may, with reasonable certainty, be expected to exist for many years to come. Europe has had the Latin-American trade for centuries, and their customers are a people who are loath to abandon the commercial relations of so long duration.

Indeed, these commercial relations are continually cemented by the education of 25,000 Latin-American students annually in the various European colleges.

The greatest field of trade in the world lies at the very door of the United States, while the American merchant and manufacturer "flies to distant climes" for an undiscovered field. A few examples may serve to illustrate our trade relations as compared with our European neighbors.

Argentine Republic.

In 1890 the domestic river traffic amounted in volume to $99,550,743. The imports for the same year from five foreign countries were as follows:

Great Britain	$57,816,510
France	19,875,877
Belgium	10,986,710
Germany	12,301,472
United States	4,302,284

The trade between the United States and Argentine in 1890 was no greater than it was twenty years prior.

Honduras.

The importations from the United States for 1892 were $515,224. Exports to the United States were $962,329; the balance of trade being in favor of Honduras by $347,105.

Nicaragua.

The imports into Nicaragua of two countries for 1890 were as follows:

England	$1,324,526
United States	811,978

Mexico.

For the year 1898, Mexico exported into the United States ores and other articles of the value of $94,974,616, while the value of her imports from the United States was $21,490,604.

As above stated, the large influx of men and money from the United States into Mexico during the last five years has changed the trade

conditions between Mexico and the United States. The same conditions should prevail between the United States and the other countries to the south of us.

Many illustrations could be given to show the unsatisfactory commercial relations we hold with those countries as compared with Europe. The commerce of those countries lying at our very door should be ours—in fact, should have been ours long ago.

The Educational Condition.

We shall speak very briefly of the educational condition of the Southern republics. To sum the whole matter up it may be said of the wealthiest class, that they are, as a rule, highly educated, but of the less wealthy, and we might say, the common people, their educational status is at a very low ebb. It is estimated that 25,000 students are sent to European schools and colleges annually. Many of the Southern republics have, of recent years, established common school systems fashioned after the laws of the United States, and the prospects of a better educational system throughout are good.

The Great Southwest.

Until within the last few years the now great Southwest has been looked upon by the people of the East and North, as well as by our National Congress, as of but little moment. The past few years has brought about a change, and we are now recognized as a people and country worthy of consideration and attention. This change is mostly due to the restless hand of progress—new ideas, new enterprises, new ports upon the Gulf of Mexico, and the sense of self-justice that has awakened the Western world. The great Trans-Mississippi country has realized her importance and her need—she has demanded a fair consideration of her just deserts, and she has found a government ready and willing to grant her demands.

In a recent editorial of the Globe-Democrat may be found the following:

"Among the special features of the growth of the great Southwest, in addition to its many agricultural and mineral interests, are the drift of business to the Gulf Ports and the prospective utilities of the isthmian canal. All of Mexico, Central America and South America are reached in that direction, and the gulf is the highway to the West Indies. * * * *

"When the vast extent of land in the Southwest is considered, together with the fact that its possibilities of improvement have been but slightly utilized, the estimates of future commercial interests must be placed so high that they would seem extravagant."

The Barrier.

The great barrier is a lack of knowledge by the merchants and manufacturers of the United States as to the wants, needs, customs, habits and languages of, as well as the acquaintance with, the people of those southern republics and countries.

The Bureau of American Republics, composed of business men from the United States and all of those other countries, has been a great school in which we of the United States have learned, at least, how ignorant we are and have been regarding our own interest in those countries—countries lying at our very door. This bureau has stimulated the people of all the countries interested in the same to a sense of our existing conditions, as well as the possibilities of the future. It has shown us that something more than deep water ports upon the Gulf of Mexico is needed. It has taught us that our greatest necessity is an acquaintance with the business and social habits, the wants, needs, necessities, luxuries, languages and customs of the people of those countries.

Mr. Abraham Christiana, writing the Bureau of Pan-American Republics from the State of Chiapas, in Southern Mexico, says: "It may be well to again remind exporters, advertisers and others desiring to enter into commercial relations with citizens of any part of Mexico that they should use only the Spanish language. Their letters, circulars and catalogues might better be printed in German or French than in English. What has been said of Mexico in this regard is equally true of all of the central and southern states and republics, except Brazil, where Portuguese is the language of the people, and in Hayti the French language prevails.

"I regret to say that most of the letters and catalogues which we receive from merchants and manufacturers of the United States are in the English, and the people are unable by reason thereof to inform themselves of the matters advertised.

"The attention which Cuba, Porto Rico and the Philippines are attracting as fields for the extension of American trade gives increased interest to the Spanish tongue as a language of commerce. The importance of Spanish in our commercial relations with the outer world has been increasing with the development of our trade relations in Latin-America, and the possibility of American ownership or control of colonies that are peopled by Spanish-speaking races brings the business men of the United States more squarely face to face with the need of a knowledge of this language than ever before. From a commercial standpoint the Spanish language is of vast importance to the business interest of the United States, and the necessity for familiarity with the tongue will not be diminished for many years to come. The ignorance or imperfect knowledge of this tongue retards the growth of our trade with the Spanish-speaking countries far more than is generally known or recognized."

Some practical suggestions are contained as to the trade relations between these countries and the United States in a letter written by a merchant in Honduras to the Bureau of American Republics. Perhaps there can be found no better expression in brief, general terms in regard to what is lacking in the conduct of American business men looking to the extension of trade with the countries to the southward. That is, witb regard to the personality of commercial enterprise, study of tastes and specific requirements of the people in those countries. An extract from the letter referred to reads as follows:

"The failure of the merchants of the United States to capture the Latin-American trade is due to the fact that they do not send out reliable agents who can speak the language, and who are acquainted with the habits, tastes and wants of the people. English and German houses avail themselves of the services of such men, and the consequence is they get the business. The great requisites for such a man are ability to speak or write the Spanish language; to know the tastes, wants and customs of the people; to have a knowledge of the patterns as well as classes and value of goods suited to the various markets. These are quite variable. I have never heard of an American commercial traveler visiting this part of Honduras who was capable, and the greater number that I have met in Mexico, Central and South America had a very imperfect knowledge of the language, manners and customs of the people, and of the principles of business existing in these countries, as well as a complete ignorance of the class of the goods most salable." It will be observed that the writer of the letter implies that he has a general acquaintance with trade throughout the Spanish-American countries.

What he says relates to points in business management which cannot be neglected, however much tariff reform or favorable reciprocity may improve the business of American productions for commerce in those quarters.

The Remedy.

It has been observed that one great barrier to the extension of the trade relations is the lack of knowledge of the conditions existing in those countries as well as of the languages, and it will also be observed that the matter of sending 25,000 students to European schools annually, where they intermingle with the people of Europe, continually cementing friendship and renewing acquaintances from one century to another, thereby forming ties that are hard to sever. This, we think is the greater obstacle in the way to the success of the United States. If the United States can provide some means whereby the younger generations of those countries and the United States may come together, become educated together, intermingle and become better acquainted with each other, as well as to learn the habits, usages, languages, customs, etc., of the people of the various countries, it will bring about the much to be desired trade relations more rapidly than any other conceivable

plan. To bring about this condition requires an intermingling of the people in social and business matters.

A Proposed Plan.

It is proposed that somewhere upon the gulf cost of Texas, easily accessible to transportation, both by land and sea, to establish a Pan-American trades college, an institution to be under the control of an inter-American board of supervisors—a government institution in which the United States and all the other American republics are or shall be interested, and by them fostered. An institution where the languages, habits, customs, wants and needs of the various people are taught and exemplified, and where there will be upon permanent exhibition and display the goods, merchandise, machinery, instruments, implements, utensils, wearing apparel, and in fact everything used by the people of those countries; also all sorts of articles manufactured or produced in the United States that would be or become salable in those countries.

Here the United States merchant or manufacturer could easily ascertain what articles he could make or produce especially for those southern markets, regardless of the salability of the same in the United States. The people of those countries would soon learn, by reason of the introduction thereof, to use many of the articles in common use in the United States, instead of the inferior articles to which they have long been accustomed.

To this institution would come the young men and women of the western hemisphere for that business education that would qualify them to either enter into business for themselves, or to act as agents and salesmen in any of those countries for the merchants and manufacturers of the United States. The intermingling of the "Trans-Americans" in college and in business and the social world would bring about the desired condition quicker than a hundred steamship or railroad lines. In fact, we will not have much need of steamship or railroad lines to those countries until this condition is brought about.

The most important feature of such a trades college would evidently be a collection and permanent exhibit of all manufactured articles in general use in the Spanish-American countries, as well as a selected exhibit of all American articles in common use in those countries, and such other articles as American manufacturers might reasonably hope to export in paying quantities.

Regarding those articles into the preparation of which only the simpler manufacturing processes would enter, the form of packing ground spices, oil, meats, etc., the widths, lengths, patterns of cloth to meet the customary demands in each of the several countries, the fashions of popular demands in drugs, tobaccos and numerous other articles, the success depends upon exact knowledge which renders goods acceptable to those people. Furniture and leather goods depend for sale upon such fashions

which vary very much from those of the United States. For instance, European hat factories make all sorts of hats, entirely unsalable in Europe, but precisely what is wanted in South America and the other countries. They have learned the art of packing with a view to shipment into the interior, where goods are sometimes packed upon mules.

The American manufacturer would not only learn all of these things at such an institution, but he would see upon continual exhibit all branches of common articles of domestic consumption in the South American countries, all of which would constitute quite an important exhibition. The study of languages, trades, methods, usages, social habits, manners and customs of the people would be the most important feature of the institution. It would be visited by manufacturers from all parts of the United States for information. Such an institution would likewise furnish information of the breeds of animals used in these countries with a view to teach American stockmen how stock improvements could be ventured upon in those countries. In conjunction therewith the various exhibits and means of information would form an inducement to the young foreigners to learn which of those they could introduce as improvements in their own countries, or take as a basis for adaptation to be made.

United States Consul Wood.

United States Consul Wood at Ciba, Honduras, in a recent report to the United States, amongst other things, says:

"The great number of inquiries in regard to Honduras now being received at this Consulate plainly shows that many people in the United States are taking a keen interest in this country. As the commercial development of Mexico becomes more complete, the Central American republics will afford a natural and easy outlet for American capital.

"American goods are now placed in Honduras under more favorable circumstances. Sixty per cent of the imports now come from the United States, but there are many opportunities for a greater commerce.

"*Sending competent representatives* is the best way to get the trade of foreign countries. *American exporters should make a careful study of foreign countries. German and English exporters are, as a rule, more painstaking in the selection of their representatives who are acquainted with the peoples of these countries and who speak the languages, know the habits, wants and usages of their customers, and so win a share of the trade even where American goods are placed at an advantage.*"

The business men of the Spanish-American countries are already interested in learning the English language, so that an opportunity to study it in this English institution would furnish them a cardinal attraction. No matter how flattering all other methods may be, these are the essentials, and without them all else is failure. Europe has had their trade for centuries, and it will not prove an easy thing to wean them away

from their old channels of trade, especially so long as we remain strangers to them as we are.

The Need of Such an Institution.

Professor H. S. Lehr, one of the greatest educators of Ohio, writing to the chairman of our committee, says: "Your letter of late date with enclosed clipping from paper duly received and carefully noted. You have embarked in a great undertaking, the far-reaching influence of which, if successful, can not by you or anyone else be fuly comprehended.

"You ask whether such a school is needed; yes, in order that there may be that freedom of intercourse among the American republics to encourage trade and development. The people of this continent must become conversant with the manners and customs of the sister republics; especially should they be able to converse in the different languages used. Happily, there are but three languages spoken prominently in the Pan-American republics—the English, Spanish and Portuguese. The last two named are so nearly alike that when one can speak and read one, he will soon know the other.

"An institution of this kind will have a tendency to bring about the use of a common language (which, of course, will eventually be the English), common customs, common weights and measures, common scientific terms and very likely a common literature. In fact, the many advantages of such an institution can not yet all be enumerated. They will grow in number and importance as the school advances.

"We read that in the fifteenth century the students of the University of Paris numbered 25,000, and the University of Oxford, England, in the year 1801 contained 30,000 students. If the University of Paris in the fifteenth century had 25,000, what might not the Pan-American University number in its future catalogue?

"The possibilities of such an institution are so great and grand that I, who have been engaged in the profession of teaching for over thirty-six years, stand in awe at the future grandeur of the institution as it looms up before me in imagination."

America's Opportunity.

As stated in the resolution, the United States is rapidly becoming a commercial world-power. Her rightful position upon the western hemisphere should, and no doubt will be, the "Master of Commerce." Her governmental activities have, for years, been laid along the lines of aiding American commerce.

With the Latin-American countries at her feet, willing and anxious to enter upon more friendly trade relations, affords, we believe, America's great opportunity to quickly achieve her richly deserved commercial supremacy of the western world by promulgating and fostering a Pan-American trades college, as herein suggested.

AMERICAN PHILANTHROPY.

A Modern Athens.

Once the American republics indicate their intention to establish a Pan-American trades college, the American philanthropists, seeing the opportunity to extend the field of their benefactions, will surround the governmental institution with richly endowed institutes of the sciences and arts, until as a whole, the Athens of Greece, the ancient seat of learning and wisdom, will appear as a pigmy in comparison. These institutions will be everlasting, international monuments to the philanthropists of America, and will serve the additional purpose of weaning away from European schools the 25,000 Latin-American students which, more than any other agency, have been the greatest factor in European commercial supremacy in Latin-America.

How Established.

We believe that a direct appeal to the Congress of the United States by the people of the Trans-Mississippi valley and the great southwest will not go unheeded. That through its diplomatic representatives the project would be presented to the governments of the various Pan-American republics, with happy results. To bring about the desired results will require a vast amount of labor, by way of correspondence, endorsements by various conventions, and other labors not necessary to enumerate. This work must necessarily fall to the lot of a committee. Such a committee or commission, as it may be called, should gather facts, data, and information of a character calculated to impress upon the American manufacturer and merchant, as well as our Congressmen, the importance of the project, and the necessity for Congress to act in the premises.

Texas Especially Interested.

Texas is especially interested, because she is the very center of the western hemisphere, therefore central for all the countries interested, and because the climate here is a golden mean between the frigidity of the north and the tropical heat of the south, therefore permitting the student or business man from either extreme of latitude to attend or visit the institution without experiencing the danger or unpleasantness of extreme climatic changes.

The great southwest portion of Texas has an unexcelled climate, a rarefied and salt-laden atmosphere conducive to the best conditions of health, and it is most easily accessible both by sea and land. In fact, it is where all the international lines of railroads converge in passing from

the United States to Latin-America; several of such character of railroads are now building, or under contemplation.

Texas being the proper location for such an institution, she is, therefore, more directly interested in its promulgation than any other State. Texas should use whatever energy may be necessary to prepare the way for the consummation of the project, either by legislation or the individual efforts of her citizens.

Forceful Commendations.

As an Appendix to this report, we attach letters from several prominent men of the country; also editorial expressions of many leading newspapers and magazines of the United States, all of which are strong commendations of the plan herein proposed, and we ask a careful consideration of the same. These expressions show the trend of public opinion on this subject, and it is to be hoped that from these efforts greater force and influence will be gathered, to the end that the Congress of the United States will take prompt action in this regard.

Suggestions.

After a careful consideration of the subject, we are led to suggest that, in order that the people of our country may more fully understand this project, and thereby more nearly comprehend the great good which it will, if consummated, bring to our country, a vast amount of labor and work will be required to be done. Much of this work will consist of a large correspondence, both local and foreign; securing endorsements of and attending various conventions, also local, national and international, as well as other multiplied labors not now fully comprehended.

The people must be fed upon facts, data and information of a character tending to impress upon them the necessity for such an institution. The experience of the merchants throughout the United States in their business relations with the merchants of these southern countries, and vice versa, is testimony to be gathered and distributed among the people.

A Texas Commission.

In order that this work may not be overlooked or neglected, we suggest that a Texas commission be appointed by the President of the Senate and Speaker of the House, consisting of five members from the Senate and five from the House, to be supplemented at any future time by the Governor if necessity require. We further suggest that such commission, patriotic in spirit, conduct the promulgation of the projected Pan-American trades college in such manner as in its judgment seems best.

Recommendations.

In view of the foregoing statements, we make the following recommendations:

(1) That a Texas commission be appointed, as above suggested.

(2) That Texas Representatives and Senators in Congress be memorialized and requested to use their utmost efforts in behalf of this project.

(3) That the various commercial and civic organizations of this State be requested to lend all aid and encouragement possible to this movement.

(4) That this full report be printed as an Appendix to the Senate and House Journal, and that one thousand separate copies for special use be printed, and that the cost thereof be paid for out of the contingent expense fund of this Legislature.

(5) That every citizen of Texas should lend his hearty support hereto, and that every future candidate for Congress from Texas be requested to endorse and advocate this movement throughout his campaign for nomination and election.

Respectfully submitted,
GRIGGS, Chairman,
WILLACY,
HICKS,
On part of the Senate.
ONION, Chairman,
VON ROSENBERG,
GAFFORD,
On part of the House.

The report was adopted.

PAN-AMERICAN TRADES COLLEGE.
APPENDIX.

COMMUNICATION FROM EX-GOVERNOR RICHARD B. HUBBARD (NOW DECEASED).

Tyler, Texas, March 14, 1901.

Hon. Geo. B. Griggs, Chairman of Special Committee on Pan-American Relations and Trade Conditions:

My Dear Sir: I have the honor to acknowledge the receipt of your letter of the 10th inst., enclosing a copy of the House Record relating

to a proposed Pan-American trades college. The very able and exhaustive report of your Special Committee on our Pan-American Relations and Trade Conditions is a timely contribution. It will bear, it is hoped, much fruit in the near future for the millions of people of the North and South American republics in bringing about by the practical and sensible methods which your committee have commended to the Legislature for their action, instead of breathing vain regrets, as too often in the past, over the tardiness of the growth and expansion of our Pan-American trade. The official statistics presented by your committee of the imports of the Argentine Republic alone show a balance of trade as against the United States and in favor of Great Britain, three thousand miles further by sea than from our country, of $53,514,226. France, Belgium and Germany all showing in 1890 from six to fifteen millions greater imports each than from the United States, the next-door neighbor relatively, of these sister republics.

Similarly invidious and mortifying official statistics show that England dominates, in excess of trade, the United States by millions of dollars in these republics for the same year of 1890. Mexico, just across the boundary line of the Rio Grande (often a dry waterway), sold to the United States $94,974,610 (exports) in 1898, while she bought from us in imports only $21,490,604.

We fiercely invoke the "Monroe doctrine" in our political relations with European nations, but permit their trade with these near neighbors of ours, and bearing the titles of "republics," to expand in volume and value annually, borne on great ships away from us under foreign flags almost within sight of our ports—commerce of many millions of value, dwarfing our own into utter insignificance.

But I did not propose to discuss this fruitful subject in *extenso*. Your committee has anticipated that discussion, and though our opinions are requested by you, you have relieved us of such discussion as to our Pan-American trade relations by your most able report. I propose only to say in conclusion of this hastily written letter that the remedy proposed by your committee in the form of a "Pan-American Trades College" seems to be the proper solution of the problem, and to be under the control of an inter-American board of supervisors or directors. "A governmental institution," as you appropriately say, in which the United States and all other American republics are or shall be interested and by them fostered; an institution where the languages, habits, usages, customs, wants and needs of the various peoples are taught and exemplified, and where a permanent exhibition of the goods, merchandise, machinery, instruments, implements, utensils, wearing apparel, etc., etc., and all sorts of articles manufactured or produced in the United States that would become salable and demanded by the people of the southern republics, and as shall be a perpetual object lesson.

I can not enter further into the argument, which opens a broad and rich field for our future trade of the United States.

In this movement Texas, by reason of her position by sea and land, holds the vantage ground. These South American sister republics you show from the record send annually 25,000 students to European colleges and universities, and scarcely "a baker's dozen" are sent to our own colleges and schools of the United States, the equal if not the superior of those of the Old World.

Wishing you success in holding fast to your "colors" in the beginning of what I think will some near, good day become a great reality, and blessed with a rich fruition to all the Americans, I am, Mr. Chairman,

Yours very truly,

RICHARD B. HUBBARD.

COMMUNICATION FROM B. F. YOAKUM, PRESIDENT OF THE ST. LOUIS, BROWNSVILLE & MEXICO RAILROAD COMPANY.

On Train, February 22, 1905.

DEAR MR. BAKER: I received the communication sent me through you by Mr. Griggs, for which I thank you and wish you would thank the Senator, and say to him that I have read with much pleasure and satisfaction the records pertaining to the Pan-American trade relations to this country.

I was much interested in the old projected Pan-American Railway, which failed on account of its projectors' inability to finance it, caused largely from the lack of development in the South American countries, which at that time made the enterprise doubtful from an American standpoint, for the reasons stated in the communication above mentioned, viz: "that practically all of the South American countries' commercial relations were at that time and are yet enjoyed by the European merchants," and which will continue until some action such as outlined in the report of the committee of which Senator Griggs was chairman, is taken.

There is nothing that would be of greater importance to Texas than to have that State the gateway for the trade and traffic to and from the Central and South American republics, to say nothing of the vast commercial advantages that would be secured to the merchants of Texas by having such an important trade opened up practically at their door, thereby enabling them to serve the South American countries both by rail and sea to greater advantage than any other section of the world.

I am very glad indeed that Senator Griggs and other citizens in Texas feel such an interest in the matter, and I hope it will some day become an international project, as I believe that all the republics, after crossing the Rio Grande, would lend substantial encouragement to the enterprise.

Yours very truly,

B. F. YOAKUM.

FROM S. A. HUGHES, GENERAL IMMIGRATION AGENT OF THE FRISCO SYSTEM.

St. Louis, May 1, 1905.

MY DEAR SENATOR: The subject of Pan-American relations and trade conditions is one which should interest every good citizen of the United States and particularly the people of Texas. This subject never dawned upon me so forcibly until I had the pleasure of meeting you at Houston, Texas, during July of last year, accompanied by a representative body of gentlemen from foreign countries, and in traveling with these gentlemen I was particularly impressed with the interest manifested by them in learning of the true conditions of the United States, and in discussing the conditions with the Minister of Live Stock from Argentine, I was greatly surprised, in going into facts and figures with him to find that he had made a most complete report to his country with reference to the live stock conditions of our country.

The establishment of a Pan-American trades college opens an avenue of thought which is far-reaching, and I do not feel competent to go far into the subject, but as I see it now, it would mean the establishment of a permanent Pan-American Congress, which would become everlasting, which would not only educate our own people and bring the people of the north and south republics to a harmonious understanding in the matter of business and social relationship. It would have the effect of building up our merchant marine, and would place the great State of Texas prominently before the world. It would build up the vast area of unoccupied territory, enlarge its industries, and would doubtless eventually result in one universal tongue spoken between the people of the United States and our sister republics.

In my recent journey to your country, accompanied by commissioners to the World's Fair, we had in our party representative men from Argentine, Brazil, Portugal, Ceylon, Sweden and France. English, German, French, Sweden and Spanish languages were spoken freely, and in but one instance was the English language neglected, and then for a brief period, as I found one of the gentlemen from Argentine putting in most of his spare moments in studying the English language. So eager were these gentlemen to become familiar with our language and with our ways and manner of doing business that they were constantly on the alert, discussing men and conditions, and making comparisons with foreign nations.

In conclusion permit me to express the one hope that your good work may continue, and that may have the co-operation of your people in your great undertaking. I am inclined to think at the present time that the people are not fully awakened to the importance of this movement; but with your constant plodding, and placing it before them in the proper light, I have no doubt but that success will eventually crown your

efforts, and when this success shall have come to you it will stand as an everlasting monument to yourself and to the people of Texas.

Yours very truly,

S. A. HUGHES.

EDITORIAL COMMENT.

ST. LOUIS GLOBE-DEMOCRAT, APRIL 29, 1905.

A Pan-American Trades College.

Hon. George B. Griggs has introduced in the Texas Senate a resolution for the appointment of a committee of three members of that branch of the Legislature and an equal number of the other branch to investigate the best methods of extending the trade of the United States with the countries of Central and South America. This committee is to report to the Legislature the steps which should be taken for the establishment of a Pan-American trades college, to be participated in by the United States and the Latin-American nations.

Mr. Griggs, in common with all other intelligent, observant Americans, believes that the Panama Canal, with its shortening of the course between the United States and the western side of Latin-America, and also between this country and Asia, will be of benefit to us. He is anxious to utilize to the greatest possible extent the advantages which this waterway will bring us. Like all other Americans, he sees that our trade with Latin-America is far below what it should be. He recognizes, moreover, that our methods for getting this trade are radically faulty in many particulars, and he proposes to devise and apply a remedy.

A Pan-American trades college is proposed, to be established somewhere on the gulf cost of Texas, in which all the republics of the continent shall have a part. In this institution the languages, habits, usages, customs and commercial capabilities and needs of all the countries of the continent are to be studied under experienced teachers. In it shall be displayed all the resources of the various countries, the merchandise, the machinery, the instruments and implements of all their callings, and everything else in which they are commercially interested. Thus the American manufacturer could learn the needs of his customers to the south of us and would also, through the study of their language, be in a position to push our trade with them to the best advantage for us and for them. In this way we could quickly double or triple our commerce with Latin-America and establish new ties to bind all its countries with us. The project is excellent, and is worthy the attention of the United States.

AUSTIN STATESMAN, MAY 4, 1905.

Pan-American Trades College.

Senator George B. Griggs' concurrent resolution providing for a joint committee of the Senate and House to investigate and report back as to the best methods of extending the trade of the United States with the Lain-American countries of the western hemisphere, encompassing also the establishment in Texas of a Pan-American trades college, has received legislative endorsement.

The proposed Pan-American trades college, originated by Senator Griggs some years ago, in contemplation will be an institution in which the languages, usages, customs, wants and commercial needs of the Latin-American republics will be taught and demonstrated, as well as the language and customs of the United States. It will be an institution wherein there may be on permanent exhibition models and samples of all of the American machinery, implements and merchandise that would seek a market in those countries, and where the American manufacturer and merchant, through the instrumentality of the institution, could push his trade to the best advantage possible. Such an institution would readily furnish bright, energetic and capable agents for the American merchant who would make a ready market in the Latin-American countries for American goods.

This projected trades college is contemplated to be a governmental institution, fostered and sustained by the governments of the United States and the southern republics. Once established, however, the great philanthropists of the United States and other countries would, no doubt, readily recognize the opportunity of building everlasting international monuments to their own memories by establishing and endowing great schools and institutes of the sciences and arts in conjunction therewith until, perhaps, it would become the very Athens of modern times.

And, indeed, the coast country of Texas is the very appropriate and proper place for such an institution, because Texas is:

(1) The very center of the western hemisphere.

(2) The most easily accessible from all points, both by sea and land.

(3) The golden mean between the extremes of temperature.

(4) The happy mean between the extremes of the languages, customs and usages of the peoples of the countries interested, and, being neutral ground, therefore most desirable, and most susceptible of happy results.

What this project means to Texas, if carried to a successful issue, can not now be fully conceived by the most sanguine, but that it should not be permitted to fail should appeal to all. It means much for everybody, Texas included.

HOUSTON DAILY CHRONICLE, MAY 5, 1905.

A Pan-American Trades College.

For several years Senator Griggs of Harris county has been at work on behalf of a movement looking to the establishment of a Pan-American trades college, which shall have for its purpose the extending of the trade relations between the various republics on this continent.

While Mexico and Central and South America lie almost at the very door of the United States, yet official statistics show that they do many millions more of trade with European nations than with the United States.

Texas is the natural gateway both by land and by sea to these republics, and the extension of already existing commercial relations with them and the opening up of new lines of export destined for these countries is a matter of peculiar interest to Texas.

The imports of these countries far exceed their exports, and taking the Argentine republic for illustration, that country imported from Great Britain in 1890 over fifty-seven million dollars worth of goods, while she imported less than five million dollars from the United States. The same conditions are relatively true of all the other South American republics.

One great obstacle to the growth of the trade of the United States with those republics is the lack of knowledge of the language prevailing there and of customs of the country and the methods of doing business which obtain, and in the trades college it is proposed to teach and exemplify the language, habits, usages, customs, wants and needs of the various people of the Pan-American republics, and to keep a permanent exhibition of the goods, merchandise, machinery, wearing apparel and all the manufactured products for which there is sale in those countries.

The American manufacturer would soon learn what manner of articles were needed there, and consumers there would learn of the almost limitless capacity of the United States to supply their needs.

It is proposed that the United States and all the Pan-American republics shall be interested in the college, and that the same shall be controlled by an Inter-American board of supervisors, the same to be a governmental institution.

About twenty-five thousand students go each year to European universities and colleges, while scarcely a hundredth part of that number comes to the United States, and it is sought to attract the intelligent youth of the South American republics to our schools.

The movement is one worthy of being aided by every business man in Texas, and such a college established in Houston would be worth millions to this city and to Texas.

APPENDIX B.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

Senate bill No. 5, a bill to be entitled "An Act to regulate elections and to provide penalties for its violation, and to repeal the acts of the Twenty-eighth Legislature of 1903, regulating elections, approved April 1, 1903."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the attached substitute pass in lieu thereof, and that it be not printed.

LOONEY, Chairman.

Notice of minority report given.

A bill to be entitled "An Act to regulate elections and to provide penalties for its violation, and to repeal the acts of the Twenty-eighth Legislature of 1903 regulating elections," approved April 1, 1903.

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

Suffrage.

Section 1. The following classes of persons shall not be allowed to vote in this State: First, persons under twenty-one years of age; second, idiots and lunatics; third, all paupers supported by the county; fourth, all persons convicted of any felony, except those restored to full citizenship and right of suffrage, or pardoned; fifth, all soldiers, marines and seamen employed in the service of the army or navy of the United States.

Sec. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; and every male person of foreign birth, subject to none of the foregoing qualifications, who not less than six months before election in which he offers to vote, shall have declared his intention to become a citizen of the United States, in accordance with the Federal naturalization laws, and shall have resided in this State one year next preceding such election and the last six months in the county in which he offers to vote, shall also be deemed a qualified voter; and all electors shall vote in the voting precinct of their residence; provided, that the electors living in an unorganized county may vote at an election precinct in the county to which such county is attached for judicial purposes; and provided further, and any voter who is subject to pay his poll tax under the laws of the State of Texas shall have paid said tax before he offers to vote at any election in this State, and hold a receipt showing the payment of his poll tax before the first day of February next preceding such election; if he is exempt from paying a poll tax, and resides in a city of ten thousand inhabitants or more, he must procure a certificate showing his exemption, as required by this act. Or if such voter shall have lost or misplaced said tax receipt he shall be entitled to vote upon making affidavit before any officer authorized to administer oaths and such tax was actually paid by him before said first day of February next preceding such election at which he offers to vote and that said receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election.

Sec. 3. All qualified electors of this State, as described in the foregoing sections, who shall have resided for six months immediately preceding an election within the limits of any city or incorporated town, shall have a right to vote for mayor and all other elective officers, but in all elections to determine the expenditure of money or resumption of debt, or issuance of bonds, only those shall be qualified to vote who pay taxes on property in such city or incorporated town; provided, that no poll tax for the payment of debts thus incurred shall be levied upon the person debarred from voting in relation thereto.

Sec. 4. The residence of a single man is where he usually sleeps at night; that of a married man is where his wife resides, or if he be permanently separated from his wife, his residence is where he sleeps at night; provided, that the residence of one who is an inmate or officer of a public asylum or eleemosynary institute, or who is employed as a clerk in one of the departments of government at the capital of this State, or who is a student of a college or university, unless such officer, clerk, inmate or student has become a bona fide resident citizen in the county where he is employed, or if such student, shall be construed to be where his home was before he became such inmate or

officer in such eleemosynary institute or asylum, or such employed as such clerk or became such student; and if on payment of his poll tax he will be a qualified voter he shall be permitted to return during the month of January in each year to his home to pay his poll tax or obtain his certificate of exemption, and shall be permitted to return again to his home to vote at any general or primary election. Railroad companies are permitted to transport Confederate veterans who are at the Confederate Home in Austin to and from the county of their residence free of charge on a certificate signed by the superintendent of the Confederate Home, stating the name of the veteran and he is permitted to return to his home of his residence in order to vote at a general or primary election or in a primary convention and the time allowed him, which shall be no longer than is required for him to vote and return.

Sec. 5. In all elections by the people, the vote shall be by official ballot, which shall be numbered and elections so guarded and conducted as to detect fraud and preserve the purity of the ballot box. No registration in cities with a population of ten thousand or more shall be hereafter required as a qualification to vote, but all the provisions of this act, which prescribes qualifications for voting and which regulated the holding of elections shall apply to elections in cities.

Sec. 6. Every male person who is more than sixty years old, who is blind or deaf or dumb, or is permanently disabled, or has lost one hand or foot, shall be entitled to vote without being required to pay poll tax, if he has obtained his certificate of exemption from the county collector when the same is required by the provisions of this act.

Election Precincts.

Sec. 7. The county commissioners court of each county shall at a term of their court to be held in August, 1905, if it is necessary comply with succeeding provisions of this act, and may if they deem it proper at each August term of the court that is held thereafter divide their respective counties and counties attached for judicial purposes into convenient election precincts, each of which shall be differently numbered and described by natural or artificial boundaries or survey lines by an order to be entered upon the minutes of the court. They shall immediately thereafter publish such order in some newspaper in the county for three consecutive weeks; if there be no newspaper in the county, then such copy of such order shall be posted in some public place and each precinct in the county. No election precinct shall be formed out of two or more justice precincts nor out of the parts of two or more justice precincts.

Sec. 8. The county commissioners court in establishing new election precincts shall divide any city or town into as many election precincts as they see proper, none of which shall have resident therein more than three hundred and fifty voters, as ascertained by the vote of the last preceding general city or town election. Every ward in every incorporated city, town or village shall constitute an election precinct, unless there shall have been cast in the said ward at the last general city or town election held therein more than three hundred and fifty votes. Towns and villages, incorporated in accordance with Chapter 2, Title XVIII, of the Revised Civil Statutes of 1895, and cities and towns incorporated under Chapter 1, Title XVIII, Revised Statutes of 1895, shall not necessarily constitute election precincts, and no precinct shall be made out of parts of two wards. Provided, that this selection shall not apply to cities, towns and villages of less than ten thousand inhabitants, and in such cities, towns and villages, the justice precincts in which said cities, towns and villages are situated may be divided into election precincts without regard to the wards of such cities, towns and villages and without reference to the number of votes to be cast.

Sec. 9. In towns or cities incorporated under the general laws, for city or town elections, the city council may provide that there shall be one or more polling places, and in such case the certified list of poll tax paying voters for all election precincts in which voters reside, who are to vote at any such polling place to be used therefor.

Sec. 10. The county commisisoners court shall cause to be made out and delivered to the county collector of taxes for the first day of September, A. D. 1905, and annually thereafter, a certified copy of the last order, fixing the limits and designating the number or name of each precinct for the year following.

Sec. 11. Precinct judges for all general elections shall be served with copies of the order of the county commissioners court, properly certified to by the clerk of said court, designating the number, name and bounds of the election precinct and of their appointment as judges. Such service shall be made by the sheriff or a constable within ten days after the entry of such order and return shall be made thereof on a copy showing when, where and how he executed the same.

Poll Tax Receipts and Certificates of Exemption.

Sec. 12. The poll tax required by the Constitution and laws in force shall be collected from every male person between the ages of twenty-one and sixty, who resided in this State on the first day of January preceding its levy; Indians not taxed, persons insane, blind, deaf or dumb and those who have lost a hand or foot or permanently disabled, excepted; which tax shall be collected and accounted for by the tax collector each year and appropriated as required by law. It shall be paid at any time between the first day of October and first day of February following and the person when he pays it shall be entitled to his poll tax receipt even if his other taxes or unpaid.

Sec. 13. The poll tax due from citizens of unorganized counties shall be paid in the county to which the unorganized county is attached for judicial purposes.

Sec. 14. The commissioners court of each county shall before the first day of October every year furnish to the county tax collector a blank book for each voting precinct, which shall be marked with the name and number of the precinct for which it is intended. Each book shall contain a sufficient number of blank poll tax receipts for each voting precinct not in a city of ten thousand inhabitants or more and not exceeding three hundred and fifty blank poll tax receipts and certificates of exemption for each precinct in a city of ten thousand inhabitants or more of which not more than sixty shall be certificates of exemption, and a greater or less number of each in the same proportion, when sufficient for the voters of the precinct. Each receipt and certificate shall in each such book be bound immediately over a duplicate copy thereof, which duplicate copy, when filled out shall correspond with the receipt or certificate, in its number, the name, length of residence in the State or county, the voting precinct, race, occupation and post office address of the citizen to whom the tax receipt or certificate of exemption is given. If the voting is in a city, the receipt or certificate and duplicate must show the ward, street and number, if numbered, of the citizen's residence (in lieu of post office address) and the length of time he has resided in such city. The receipts and certificates shall be numbered in consecutive order. Similar blank books of poll tax receipts shall be furnished to each unorganized county attached to such county for judicial purposes, except that the voting precinct need not appear therein. When the tax receipt or certificate is delivered to the citizen it shall be detached from the book and retained by him for his future use and identification in voting.

Sec. 15. Before the first day of April every year, the county collector of taxes shall deliver to the board that is charged with the duty of furnishing election supplies, separate certified lists of the citizens in each precinct who have paid their poll tax or received their certificates of exemption, the names being arranged in alphabetical order and to each name its appropriate number, as shown by the duplicates retained in his office, with a description of the voter as to his residence, his voting precinct, length of his residence in the State and county, his race, occupation and postoffice address, if not in a city of more than ten thousand inhabitants. If the county have an unorganized county or counties attached to it for judicial purposes, the collector of taxes shall also deliver to said board, before the first day of April of each year, as many certified lists of the electors resident in such unorganized county or counties who have paid their poll tax, as there are election precincts in his county, which lists shall be identical with those of poll tax payers in his own county, except at the voting precinct shall not be stated. The tax collector of any county containing a town or city of more than ten thousand inhabitants shall also furnish to said board not less than four days prior to any primary or general election, supplemental lists in the form herein prescribed, of all poll tax paying voters who have since paying their poll tax removed to each voting precinct in each such city or town in the county from another county or in another precinct in the same county. Said board shall furnish each presiding judge of a precinct the certified list and supplemental list of the voters of his precinct at the time when he furnishes other election supplies. Such certified lists of qualified voters shall be in the following form:

Voters in Election Precinct No.

No. .....
Name .....
Precinct .....
Age .....
Length of Residence in State. .....
Length of Residence in County.....
Occupation .....
Race .....
Length of residence in city and ward, street.... ....
and No. of residence.....
Postoffice address .....

Sec. 16. Each poll tax receipt and its duplicate shall show the name of the party for whom it was issued, the payment of the tax, age, his race, the length of time he has resided in the State, the length of time he has resided in the county, the voting precinct in which he lives, except when he lives in an unorganized county, his occupation, his postoffice address, or if he lives in an incorporated city, ward, street and number of his residence, if numbered, and the length of time he has resided in such city or town. If the owner does not reside in a city of ten thousand inhabitants or more his poll tax must either be paid by him in person or by some one duly authorized by him in writing to pay the same and to furnish the collector the information necessary to fill out the blanks in the poll tax receipt; provided, any person who has bought the property of another, which property is legally bound for the payment of any poll tax, may pay the poll tax of such former owner, but the collector shall not issue a poll tax receipt authorizing any person to vote, but shall give the party paying the same an ordinary memorandum receipt therefor; provided, such memorandum receipts alone shall be issued to persons paying their poll tax after January 31st of each year, and to persons subject to the poll tax but not qualified voters paying such taxes at any time, but such memorandum receipt shall not state either the race, occupation or residence of the taxpayer. Such authority and information must be signed by the party who owes the poll tax and must be deposited with the tax collector and filed and preserved by him. But in no event shall any candidate for office pay the poll tax for another. In all cases where the taxpayer resides in a city of ten thousand inhabitants or more, the tax must be paid in person by the taxpayer entitled to the receipt, except as provided by this act, and when in cases permitted by this act the tax is paid by an agent the tax receipt shall not be delivered to such agent, but shall be sent by mail to the taxpayer or kept and delivered to him in person by the tax collector; provided, that no person shall, for, or on behalf of any candidate for office or person interested in any question to be voted on, pay the poll tax for another, nor shall any person as agent for another pay more than one poll tax for any one year.

Sec. 17. In all counties containing a city of ten thousand inhabitants or more, other than the county seat of such county, it shall be the duty of such collector to have a duly authorized and sworn deputy to represent him for the purpose of accepting poll taxes and giving receipts therefor, who shall keep his office for such purpose at some convenient place in such city, during the entire month of January of each year and he shall publish four weeks notice of the authority of such deputy and the location of the office.

Sec. 18. The poll tax receipt shall be in the following form and numbered consecutively in each book provided for in this act.

Poll Tax Receipt.

No. ..

State of Texas, County of ..... Received of ..... on the .... day of ..... A. D. 190.., the sum of ..... dollars, in payment of poll tax for the year A. D. 190..

The said taxpayer, being duly sworn by me says that he is .... years old, that he resides in voting precinct No. .., in ..... county; that his race is .....; that he has resided in Texas .... years, and in ..... county .....; that he is by occupation .....; that his postoffice address is .....

(If in an incorporated city or town a blank must be provided for the ward, street and number of residence in lieu of his postoffice address, and length of time he has resided in such city or town.)

All of which I certify.

(Seal) (Signed) .....,
Tax Collector, ... county, Texas.

Sec. 19. Every person who is exempted by law from the payment of a poll tax and who is in other respects a qualified voter, who resides in a city of ten thousand inhabitants or more, shall after the first day of October and before the first day of February following before he offers to vote, obtain from the tax collector of the county of his residence a certificate showing his exemption from the payment of a poll tax. Such exempt person shall on oath state his name, county of his residence, occupation, race, age, the length of time he has resided in Texas, the length of time he has resided in the county and the length of time he has resided in the city and ward and voting precinct in which his residence is located, the street and number of his residence, if numbered. He shall also state the grounds on which he claims exemption from the payment of a poll tax. Such certificate shall be detached from said book, leaving thereunder a duplicate carbon or other copy thereof which shall contain the same description, and the original shall be delivered bearing its proper number to the citizen in person to identify him in voting. Certificates of exemption for each precinct shall be numbered consecutively

beginning at one. They shall be in the following form:

Certificate of Exemption from Poll Tax.
No. ..

State of Texas, county of .....

I, ..., tax collector for said county, Texas, do hereby certify that ..... personally appeared before me on the .... day of ..... A. D. ....., and being sworn said his name is .....; that his race is .....; that he is .... years old; that his occupation is .....; that he has resided in Texas for ..... years; in the county of ..... for ....., and in the city of ..... for .....; that he now resides in precinct No. ...., in ward No. .... and on ..... street, and in house No. .... (if numbered) that he is exempt from the payment of the poll tax by reason of ..... and that he is a qualified voter under the Constitution and laws of Texas.

(Seal) (Signed).....
Tax Collector ..... Texas.

Sec. 20. Whenever the county collector shall have reason to believe that a citizen who has paid his poll tax or received a certificate of exemption has sworn falsely to obtain the same, he shall report the facts upon which such belief is founded to the next grand jury organized in the county.

Sec. 21. If a citizen in a city of ten thousand inhabitants after receiving his poll tax or certificate of exemption removes to another ward in the same city before the next election he may vote at any general election in the ward of his new residence by presenting his poll tax receipt or certificate of exemption to the precinct election judges or by making affidavit that it has been lost or misplaced, which affidavit shall be left with the judges and be forwarded with the election returns. But in all such cases if the removal was to the ward of his new residence in the same city before the certified list of voters was delivered to the precinct judges he shall appear before the collector of taxes not less than five days before such election or primary election, and obtain a corrected receipt or certificate and his name shall be added to the list of voters for the precinct of his new residence and he shall not vote in that event unless his name appears on the certified list of voters.

Sec. 22. If a citizen after receiving his poll tax receipt or certificate of exemption removes to another county or to another precinct in the same county he may vote at an election in the precinct of his new residence in such other county or precinct by presenting his poll tax receipt or his certificate of exemption or his written affidavit of its loss to the precinct judges of election, and where he paid such poll tax or received such certificate of exemption, and by making oath that he is the identical person described in such poll tax receipt or certificate of exemption and that he then resides in the precinct where he offers to vote and has resided for the last six months in the district or county in which he offers to vote, and twelve months in the State. But no such person shall be permitted to vote in a city of ten thousand inhabitants or more unless he has first presented to the tax collector of his residence his tax receipt or certificate not less than four days prior to such election or primary election or made affidavit of its loss and where he paid such poll tax or received such certificate of exemption, who shall thereupon add his name to the list of qualified voters of the precinct of his new residence, and unless he has done this and his name appears in the certified list of voters of the precinct of his residence he shall not vote.

Sec. 23. Every male person who will be twenty-one years old on or before the day of an election and was not subject to a poll tax preceding the election at which he desires to vote and who by reason of a minority has not theretofore been subject to a poll tax, but has or will become twenty-one years old on or before the date of any election and who possesses all the other qualifications of a voter shall be entitled to vote at such election, if he has obtained a certificate of exemption from the county collector before the first day of February, which shall specify the day when he will be twenty-one years old, and contain all the other requisites of certificate of exemption. Before the certificate of exemption shall issue the applicant therefor shall make written affidavit of his age to be administered and verified to by the county collector, who shall file and preserve the same; provided, this section shall not apply to cities of ten thousand or more.

Sec. 24. The county collector is authorized to administer oath and certify thereto under the seal of his office in every case where an oath is required in complying with any position of this act connected with his official duties.

Sec. 25. If a person residing in a city of ten thousand inhabitants who is a subject to pay a poll tax intends to leave the precinct of his residence before the first day of October with the intention not to return until after the first day of the following February and does not return before that time he shall be entitled to vote, if possessing all other legal qualifications, by paying his poll tax or obtaining his certificate of exemption through an agent authorized by him in writing, which shall state truly his intention

to depart from the precinct, the expected period of his absence, and every fact necessary to enable the tax collector to fill the blanks in his receipt. Such authority in fact must be sworn to by the citizen and certified to by some officer authorized to administer oaths. It shall be deposited with the tax collector and kept in his office, who shall also retain the possession of the tax receipt or certificate until he delivers it in person to the citizen, and in no event shall the agent receive it.

Sec. 26. If the county collector does not personally know who applies to pay his poll tax or secure his certificate of exemption from its payment, as being a resident in the precinct which such person claims as that of his residence, it shall be the duty of such collector to require proof of such residence, and if he has reason to believe such person has falsely stated his age, occupation, precinct of his residence, or the length of his residence in the state, county and city he shall require proof of such statement, and if on inquiry he is satisfied that said person has sworn falsely, he shall make a memorandum of the words used in such statement and present the same to the foreman of the next grand jury.

Sec. 27. No one shall knowingly give money to a citizen to pay his poll tax, nor shall anyone keep the poll tax receipt of another person in his possession or under his control, except in cases specially authorized by law.

Sec. 28. On or before the tenth day of March of each year the collector of taxes shall make statement to the county clerk showing how many poll tax receipts he has issued; said statement shall show how many poll tax receipts have been issued and to whom issued in each voting precinct in the county, and such statement shall be entered of record by the county clerk in the minutes of the county commissioners court.

Sec. 29. The county collector shall keep securely in a safe place the duplicates of each precinct from which poll tax receipts and certificates of exemption have been detached and they must remain there except when taken out for examination, which must always be done in his presence, but they shall be burned by the county judge at the expiration of three years.

Writs of Election.

Sec. 30. Notice shall be given to the people of all elections for state and district officers, electors for president and vice president of the United States, members of Congress, members of the Legislature and all officers who are elective every two years. Such notices shall be by proclamation by the Governor ordering the election, not less than thirty days before the election, issued and mailed to the several county judges.

Sec. 31. The county judge, or if his office is vacant, or if he fails to act, then two of the county commissioners shall order an election for county and precinct officers and all other elections which under the law the county judge may be authorized to order. The county judge or county commissioners, as the case may be, shall issue writs of election ordered by him or them, in which shall be stated the office or offices to be filled by the election or the question to be voted on, or both as the case may be and the day of election. A failure from any cause on the part of the Governor or the county judge or commissioners court or of both to order or give notice of any general election shall not invalidate the same if otherwise legal and regular.

Sec. 32. The Secretary of State shall at least thirty days before the general election furnish to the county judge of each county a sufficient number of election returns, instruction cards, distance markers and such other stationery and printing as is to be furnished by the State, necessary to conduct said election in such county, not, however, to include the official ballot.

Notice of an Election.

Sec. 33. The county judge, or if he fails to act, then two county commissioners, shall cause notice of a general election or any special election to be published by posting notice of election at each precinct thirty days before the election, which notice shall state the time of holding the election, the office to be filled, or the question to be voted on, as the case may be; provided, that in local option, stock law and road tax elections, the notices of elections or any other special election specially provided for by the laws of this State shall be given in compliance with the requirements of laws heretofore enacted governing said elections respectively, and provided also, that if a vacancy occurs in the State Senate or House of Representatives during the session of the Legislature, or within ten days before it convenes, then twenty days' notice of a special election to fill such vacancy shall be sufficient. Posting of notice of an election shall be made by the sheriff or a constable, who shall make return on a copy of the writ how and when he executed the same.

Sec. 34. In all city, town and village elections the mayor, or if he fails to, then the board of aldermen or the officials in whom authority is vested by law, shall order elections pertaining alone to municipal affairs, give notice

and appoint election officers to hold the election unless a different method be prescribed by the charter of such city, town or village; but in all cases supervisors may be selected as in general elections, and the judges and clerks shall be selected as in general elections and the judges and clerks shall be selected from different political parties when practicable.

Sec. 35. In all cases of vacancy in a civil office in the State caused by death or resignation or otherwise, the vacancy in which is to be filled by election, the officer or officers authorized by this act to order election shall immediately make such order, fixing the day not exceeding thirty days after the first public notice of such order to fill the unexpired term.

Election Returns.

Sec. 36. Returns of election shall be made under existing law contained in Articles 1743 to 1749, inclusive, and Articles 1753 to 1766, inclusive, of the Revised Statutes of Texas of 1895, and also Articles 1813 to 1815, inclusive, of said Revised Civil Statutes of Texas, as amended by Chapter 26 of the General Laws of the Twenty-fifth Legislature, except as herein otherwise provided.

Election Supplies.

Sec. 37. Voting booths shall be furnished and used at elections at each voting precinct in towns or cities of ten thousand inhabitants or more.

Sec. 38. There shall be one voting booth or place for every seventy citizens who at last general election paid their poll tax or obtained certificates of exemption from its payment, and who reside in the voting precinct; provided, the judges of the election may provide as many more booths and places as they shall deem necessary. Each polling place, whether provided with voting booths or not, shall be provided with a guard rail, so constructed and placed that only such persons as are inside of such guard rail can approach the ballot boxes or compartments, places or booths at which the voters are to prepare their votes, and that no person outside of the guard rail can approach nearer than six feet of the place where the voter prepares his ballot. The arrangement shall be such that neither the ballot boxes nor voting booths nor the voters while preparing their ballots shall be hidden from view of those outside the guard rail or from the judges; and yet the same shall be far enough removed and so arranged that the voter may conveniently prepare his ballot for voting in secrecy. There shall be provided in each voting place voting booths where voting booths are required, with three sides closed and the front side open. Each booth shall be twenty-two inches wide on the inside, thirty-two inches deep and six feet four inches high and shall contain a shelf for convenience of the voter in preparing his ballot, and the booths shall be so constructed with hinges that it can be folded up for storage when not in use. The county judge, county clerk and sheriff shall constitute a board, a majority of whom may act to provide the supplies to be furnished and paid for by the State, as provided in Section 149 of this act, and the county judge and any member of the commissioners court, in case of his failure or refusal to act, shall make requisition on the Secretary of State for the supplies necessary to hold and conduct the election that are to be paid for by the State as mentioned in Section 149; all of which shall be delivered to the presiding judges of the election by the sheriff or any constable of the county when not called for and obtained in person by the precinct judges.

Sec. 39. For all supplies furnished by the county, said board shall file with the county commissioners court a written report of their action, giving a detailed statement of the expenses incurred in procuring such supplies.

Sec. 40. Every guard rail shall be provided with a place for entrance and exit. The arrangement of the polling place shall be such that the booths or places prepared for voting can only be reached by passing within the guard rail, and the booths, ballot boxes, election officers and every part of the polling place, except the inside of the booths, shall be in plain view of the election officers and persons outside the guard rail, among whom may be one challenger for each political party, and no more.

Sec. 41. The voting booth shall be so arranged that there shall be no access to them through any doors, window or opening, except through the front of the booth, and the same care shall be observed in precincts where there are no booths in protecting the voter from intrusion while he is preparing his ballot.

Sec. 42. When voting booths are not required, a guard rail shall be so placed that no one not authorized can approach nearer than six feet of the voter while he is preparing his ballot, and a shelf for writing shall be prepared for him, with black lead pencil, and so screened that no other person can see how he prepares his ballot.

All booths and voting places shall be properly lighted.

Sec. 43. For each election precinct there shall be provided four ballot boxes, to be marked as follows: "Ballot box No. 1 for election precinct No. ...." (giving name and number of precinct); "Ballot box No. 2, for election precinct No. ....;" "Ballot box No. 3 for election precinct No. ....;" "Ballot box No. 4 for election precinct No. ...."

Sec. 44. The official ballots to be counted before delivery and sealed up, and together with the instruction cards, with poll lists, tally sheets, distance markers, returning blanks and stationery, shall be delivered to the precinct judges, and the number of each indorsed on the package and entered of record by the county clerk in the minutes of the commissioners court. In like manner shall be sent the list of qualified voters for the precinct, certified to by the collector, if the presiding judge has not already received it.

Sec. 45. If from any cause ballot boxes, voting booths, guard rails or other election supplies have not been received by the presiding judge, he shall procure them, and they shall be paid for as other election supplies, and if the certified list of qualified voters is not in his possession at least three days before the election, he shall send for and procure them; provided, that at all elections in incorporated cities, towns and villages, the mayor, the city clerk, the board of commissioners or aldermen shall do and perform each and every act in other elections required to be done and performed respectively by the county judge, the county clerk or the county commissioners court. And the expenses of all city elections shall be paid by the city in which same are held.

The Official Ballot.

Sec. 46. No ballot shall be used in voting at any general primary or special election held to elect public officers or determine questions submitted to a vote by the people except the official ballot, unless otherwise authorized by law. At the top of the official ballot shall be printed in large letters the words "Official ballot." It shall contain the printed names of all candidates whose nomination for an elective office have been duly made and properly certified. The name shall appear on the ballot under the title of the party that nominates them, except as otherwise provided by this act.

Sec. 47. If from any cause the official ballots furnished for an election precinct have been exhausted or not delivered to the precinct judges, the voters may provide their own ballots after the style of the official ballot described in this act.

Sec. 48. For each voting precinct there shall be furnished one and a half times as many official ballots as there are qualified voters in the precinct as shown by the list required to be furnished by the tax collector to the precinct judges.

Sec. 49. The name of no candidate shall appear more than once upon the official ballot, except as a candidate for two or more offices permitted by the constitution to be held by the same person. The name of the candidate nominated or indorsed by any political party shall appear on the ballot and under the head of the party making such nomination or indorsement.

Sec. 50. A nominee may decline and annul his nomination by delivering to the officer with whom the certificate of his nomination is filed ten days before the election, if it be for a city office, and twenty days in other cases a declaration in writing, signed by him before some officer authorized to take acknowledgments. Upon such declination (or in case of death of a nominee) the executive committee of a party or a majority of them for the State, district or county, as the office to be nominated may require, may nominate a candidate to supply the vacancy by filing with the Secretary of State in the case of State or district officers or with the county judge in the case of county or precinct officers a certificate duly signed and acknowledged by them, setting forth the cause of the vacancy, the name of the new nominee, the office for which he was nominated and when and how he was nominated. Thereupon the Secretary of State or county judge, as the case may be, shall promptly notify the official board created by this act to furnish election supplies that such vacancy has occurred, and the name of the new nominee, which shall be printed on the official ballot, if the ballots are not already printed. If such declination or death of the nominee occurs after the ballots are printed or due notice thereof the name of the new nominee is received after such printing, the official board charged with the duty of furnishing election supplies shall prepare as many pasters bearing the name of the new nominee as there are official ballots, which shall be pasted over the name of the former nominee on the official ballot, before the presiding judge of the precinct indorses his name on the ballot for identification. If a nominee dies or declines the nomination before the election and no one is nominated to take his place, the votes cast

for him shall be counted and return made thereof, and if he shall have received a plurality of the votes cast for the office, the vacancy shall be filled as in case of vacancy occurring after the election. No paster shall be used except as herein authorized, and if otherwise used the names pasted shall not be counted.

Sec. 51. At the election of school district officers or school officers for a city, town or village, at which no other officer is to be elected, an election of officers of fire departments, and ballots may be used described by local authorities.

Sec. 52. The name of no candidate for any political party that cast one hundred thousand votes or more at the last preceding general election shall be printed on any official ballot for a general election unless nominated by primary election, on primary election day, except as herein otherwise provided.

Sec. 53. All ballots shall be printed with black ink on clear white paper of sufficient thickness to prevent the marks thereon to be seen through the paper, and of uniform style. The tickets of each political party shall be placed or printed on one ballot, arranged side by side in columns separated by parallel rule. The space which shall contain the title of the office and the name of the candidate (or candidates, if more than one is to be voted for for the same office) shall be of uniform style and type in said tickets. At the head of each ticket shall be printed the name of the party; when a party has not nominated a full ticket the titles of those nominated shall be in position opposite to the same office in a full ticket and title of the offices shall be printed in the corresponding position in spaces where no nominations have been made. In the blank and independent columns the titles of the offices shall be printed in all blank spaces to correspond with a full ticket. When presidential electors are to be voted on their names shall appear at the heads of their respective tickets. When a constitutional amendment or other proposition is to be voted on same shall appear on each ticket in uniform style and type. When a voter desires to vote a ticket straight he shall run a pencil or pen through all other tickets on the official ballot making a distinct marked line through such ticket not intended to be voted, and when he shall desire to vote a mixed ticket he shall do so by running a line through the name of such candidate as he shall desire to vote against in the ticket he is voting, and by writing the name of the candidate for whom he desire to vote in the blank column and in the space provided for such office, same to be written with black ink or pencil.

Sec. 54. When a constitutional amendment or other question submitted by the Legislature is to be voted on, the form in which it is submitted shall be described by the Governor in his proclamation in such terms as to give the voter a clear idea of the scope and character of the amendment, and printed once at the bottom of each ballot as prescribed by this act the words "for" and "against" under it; provided, the Legislature has failed to prescribe a form. If a proposition or question is to be voted on by the people of any city, county or other subdivision of the State, the form in which such proposition shall be voted on shall be prescribed by the local or municipal authority submitting it.

Opening the Polls.

Sec. 55. The judges and clerks of election for each precinct (and supervisors, if any have been selected) shall meet at the polling place at least half an hour before the time for opening the polls, and shall proceed to arrange the guard rail, the space within the guard rail, the voting booths (if any), and the furniture for the orderly and legal conduct of the election. The judges of election shall then examine the ballot boxes required for the reception of the ballots and the blank official ballots and shall deposit such ballots as are found to be defective in printing in ballot box No. 4 for mutilated or returned ballots. They shall also examine the sample ballots, instruction cards, distance markers, tally sheets, return sheets, certified lists of voters, rubber or wooden stamps, and all things required for the election; but the package containing the official ballots shall not be opened until the morning of the election and at the polling place. One instruction card shall be posted near each distance marker where it can be read by citizens before voting. The package of official ballots shall remain in the custody of the judges and the polling clerks. The judges shall cause to be placed at the distance of one hundred feet from the entrance of the room at which the election is held visible distance markers in each direction of approaches to the polls on each of which shall be printed in large letters the words "distance markers." "No electioneering or loitering between this point and the entrance to the polls." The judges shall examine the ballot boxes and then relock them, after all present can see they are empty. The instruction card and distance markers shall be posted up and shall not be de-

faced or removed during the progress of the election. The ballot clerks with official ballots, the presiding officer of the election, the poll clerk, the election supplies, and the certified lists of qualified voters for the precinct, and the supervisors, if there are any, shall be as conveniently near each other as practicable within the polling place.

Sec. 56. Before opening the polls the presiding judge of election shall, in an audible voice, take the following oath or affirmation, which shall be uttered slowly and distinctly, and each of the other judges and clerks shall repeat the same after him: "I solemnly swear (or affirm) that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or candidates or for or against any proposition to be voted on; that I will not keep or make any memoranda or entry of anything occurring within the booth or polling places, as the case may be, nor disclose how any one whom I am permitted to assist in voting has voted, except I be called on to testify in a judicial proceeding; and that I will faithfully perform this day my duty as officer of the election, and guard as far as I am able the purity of the ballot box, so help me God." Before the election begins one instruction card shall be posted up in each voting booth where it can be read, and when there are no voting booths one shall be posted up in plain view at the place prepared for the voter to make out his ballot.

Officers of Election; Their Powers and Duties.

Sec. 57. The county commissioners court shall at the February term appoint among the citizens of each voting precinct, in which there are less than one hundred voters who have paid their poll tax and received their certificates of exemption, two reputable men, who are qualified voters, as judges of election. They shall be selected from different political parties, if practicable, and shall continue to act until their successors are appointed. When the bounds of the precinct are changed so that one or more judges reside outside of the precinct for which they were appointed, the court shall appoint others to supply his or their place. One of the judges, who shall in all cases belong to the party that at the last general election cast the largest vote for Governor throughout the State shall be designated as the presiding judge at elections; he shall appoint two competent and reputable clerks of different political parties, if practicable, who are qualified voters, to act as clerks of the election. The order appointing all judges shall be entered of record. The presiding judge shall act in receiving and depositing the votes in the ballot boxes; the other judge shall act in counting of the votes cast; one of the clerks shall keep the poll list and list of qualified voters and upon the poll list he shall write at the time of voting the name and number of each voter, the other clerk shall act as canvassing clerk and shall keep the tally list of votes counted; said officers shall perform such other duties as the presiding judge may direct.

Sec. 59. For every precinct in which there are one hundred male citizens or more who have paid their poll tax or received their certificates of exemption, the commissioners court shall appoint four judges of election, who shall be chosen when practicable from opposing political parties. The presiding judge and one associate judge shall act in receiving and depositing the votes in the ballot box, and the other two judges shall act in counting the vote cast. The presiding judge shall appoint four competent and reputable clerks, who have paid their poll tax, and of different political parties when practicable. Two of said clerks shall assist in keeping poll lists and the list of qualified voters; upon the poll lists they shall write the name and number of each voter, and at the time voted. Two clerks shall be canvassing clerks, who shall keep tally lists of the votes counted, and perform such other duties as the presiding judge may direct. At the close of the canvassing and during its progress the tally clerks shall compare their tally lists and certify officially to their correctness. Provided, that in all elections held under the provisions of this act other than general elections, local option elections and primary elections, the officers to be appointed by the commissioners court to hold said elections shall be a presiding judge, an assistant judge and two clerks, whose compensation shall be two dollars per day, and two dollars to the presiding judge extra for making return of the election.

Sec. 60. The chairman of the county executive committee for each political party that has canvassed on the official ballot, or if he fails to act, any three members of such committee may, not less than five days before the general election, nominate one supervisor of election for each voting precinct, who has paid his poll tax, by presenting his name to the county judge, who shall indorse his approval on the certificate of his nomination, if he is a reputable citizen, but not otherwise. And thereupon, on his pre-

senting such nomination and its approval to the presiding judge of the precinct, he shall be permitted to sit conveniently near the judges, so that he can observe the conduct of the election, including the counting of the votes, the locking and sealing of the ballot boxes, their custody and safe return. He shall not be permitted to enter into any conversation with the judges or clerks regarding the election while it is progressing, except to call the attention of the judges or clerks to any irregularity or violation of the law that he may observe. Before he shall be permitted to act as supervisor, he shall take an oath, to be administered by the presiding judge, that he will mention and note any errors he may see in testing or counting the votes, and that he will well and truly discharge his duties as supervisor impartially and will report in writing all violations of the law and irregularities that he may observe to the next grand jury.

Who Prohibited From Being Elected Judges, Clerks or Member of Executive Committee.

Sec. 61. No one who holds an office of profit or trust under the United States or this State, except a notary public, or who is a candidate for office, or who has not paid his poll tax, shall act as judge, clerk or supervisor of any election; nor shall any one act as chairman or as member of an executive committee, either for the State or any district or county, who has not paid his poll tax, or who is a candidate for office, or holds any office of profit or trust under either the United States or this State, except a notary public.

Method of Conducting Elections.

Sec. 62. A general election shall be held on the first Tuesday after the first Monday in November, A. D. 1906, and every two years thereafter, at such place as may be prescribed by law, after notice given as prescribed by law.

Sec. 63. Special elections shall be held at such times and places as may be fixed by law providing therefor.

Sec. 64. In all cases, except treason, felony, or breach of peace, voters shall be privileged from arrest during their attendance at elections, and in going to and returning from.

Sec. 65. In all elections, general, special or primary, the polls shall be open from eight o'clock in the morning until seven o'clock in the evening, and the election shall be held for one day only.

connected with the holding of an election, shall on election day indicate by words, sign, symbol, or writing to any citizen he shall or should not vote; provided, nothing herein shall interfere with the operation of Section 83 of this act.

Sec. 67. No citizen shall be permitted to vote unless he first presents to the judge of election his poll tax receipt or certificate of exemption issued to him before the first day of February of the year in which he offers to vote, except as otherwise permitted in this act, unless the same has been lost or mislaid, or left at home, in which event he shall make an affidavit of that fact, which shall be left with the judges and sent by them with the returns of the election; provided, that if since he obtained his receipt or certificate he remove from the precinct or county of his residence, he may vote on complying with other provisions of this act.

Sec. 68. Judges of election are authorized to administer oaths to ascertain all facts necessary to a fair and impartial election. The presiding judge of election, while in the discharge of his duties as such, shall have the power of the district judge to enforce order and keep the peace. He may appoint special peace officers to act as such during the election and may issue warrants of arrest for felony, misdemeanor or breach of peace committed at such election, directed to the sheriff or any constable of the county, or such special peace officer, who shall forthwith execute any such warrants, and if so ordered by the presiding judge, confine the party arrested in jail during the election, or until the day after the election, when his case may be examined into before some magistrate, to whom the presiding judge shall report it; but the party arrested shall first be permitted to vote, if entitled to do so; provided, that if said party is drunk from the use of intoxicating liquor he shall not be permitted to vote until he is sober.

Sec. 69. Before the balloting begins the presiding judge shall unlock ballot box No. 1, and after all the officers of the election and supervisors have inspected the same to see that it is empty, relock it and place it within view, where it shall remain until removed to make room for ballot box No. 2. A like examination shall be made of ballot box No. 2. All the boxes shall be securely made of metal or wood, provided with a top, hinges, lock and key, and an opening shall be made at the top of each just large enough to receive a ballot when polled.

Sec. 70. In ballot box No. 4 shall be deposited, in addition to ballots defectively printed, all defaced and mu-

tilated ballots, and when the polls are closed all the ballots that have not been voted. The box shall be locked and so returned sealed to the county clerk, with a statement which shall be placed therein, signed by the presiding judge of the number of ballots received by him, the number of mutilated or defaced ballots that the box contained, and also the number of ballots not given to voters, as well as those defectively printed, so that after adding such numbers all ballots delivered to the election officers may be accounted for. Such ballot box shall, when the returns of votes cast are canvassed by the commissioners court, be opened, the ballots counted, and a record made of what they found to be its contents.

Sec. 71. Any judge may require a citizen to answer under oath before he secures an official ballot whether he has been furnished with any paper or ballot on which is marked the names of any one for whom he has agreed or promised to vote or for whom he has been requested to vote or has such paper or marked ballot in his possession, and he shall not be furnished with an official ballot until he has delivered to the judge such marked ballot or paper, if he has one, which on delivery shall without examination be destroyed by the judge. And any person who gives, receives or secures, or is interested in giving or receiving an official ballot or any paper whatever, on which is marked, printed or written the name or names of any person or persons for whom he has agreed or proposed to vote, or for whom he has been requested to vote, or has such paper marked, written or printed in his possession as a guide or indication by which he could make out his ticket, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars and confinement in the county jail for thirty days.

Sec. 72. One of the election judges shall receive from the voter his poll tax receipt or certificate of exemption when he presents himself to vote; the voter shall announce his name and the judge, after comparing the appearance of the party with the description given in the certified list of qualified voters of the precinct made out by the county collector and being satisfied that it accords therewith, shall pronounce in an audible voice the name of the voter and his number, as given in the list of qualified voters. If the voter has lost his receipt or certificate and shall present his written affidavit of that fact, and if his appearance tallies with that given for the same number and name on the list of qualified voters, and if the voter presents his written affidavit of removal from some other precinct or county in cases when the same is permitted by this act, together with his receipt or certificate or affidavit of the loss thereof, the judges of election shall be satisfied that he paid his poll tax or received his certificate of exemption before the first day of the preceding February, the judge shall in like manner pronounce in an audible voice the name and number of the elector on the certified list of qualified voters with the word "correct."

Sec. 73. When the judges are satisfied as to the right of the citizen to vote and one has pronounced in an audible voice his name and number as shown on the list of qualified voters of the precinct and the word "correct," the judge shall stamp in legible characters with a stamp of wood or rubber the poll tax receipt or certificate of exemption with the words: "Voted —— day of ———, A. D. 19—," or write the same words in ink (showing date of voting), and then return said receipt or certificate to the voter, and shall at the same time deliver to him one official ballot on the blank side of which the presiding judge shall have previously written his signature. The voter shall then immediately repair to one of the voting booths or places prepared for voting by the election officers and there prepare his ballot, in the manner provided by Section 53 of this act.

Sec. 74. When a person offering to vote shall be objected to by an election judge or a supervisor or challenger, the presiding judge shall examine him upon an oath touching the points of such objection, and if such person fails to establish his right to vote to the satisfaction of the majority of the judges he shall not vote. If his vote be received the word "sworn" shall be written upon the poll list opposite the name of the voter.

Sec. 75. When a citizen shall have prepared his ballot, he shall fold the same so as to conceal the printing thereon and so as to expose the signature of the presiding judge on the blank side, which shall always be indorsed by the judge before the ballot is delivered, and shall after leaving the booth hand to the numbering judge his ballot, who shall number the same. If the judges are satisfied that the ballot returned is the one delivered to the voter the numbering judge shall number the ballot, writing on the blank side the number opposite the voter's name on the voting list, and shall stamp or write the same with the word "voted," and deposit the ballot

in the ballot box. The letter "v" shall at the same time be marked by one of the clerks on the certified list or supplemental list of qualified voters opposite the voter's name thereon, and the voter shall thereupon immediately leave the polling place.

Sec. 76. No voter shall be entitled to receive a new ballot in lieu of one mutilated and defaced until he first returns such ballot and it is deposited in box No. 4, nor shall any one be supplied with more than three ballots in succession, when they are mutilated or defaced. A register shall be kept by the clerks as the voting progresses of the mutilated or defaced ballots, which shall be deposited in box No. 4, in which shall also be deposited and returned all official ballots not used.

Sec. 77. From the time of opening the polls until the announcement of the results of the canvass of votes cast and the signing of the official returns, the boxes and official ballots shall be kept at the polling place in the presence of one or more of the judges and supervisors, if there are any. No person shall be admitted within the room where the election is being held except the judges, clerks, persons admitted by the presiding judge to preserve order, supervisors of election, and persons admitted for the purpose of voting; provided, that the officers of the election shall permit an interpreter to assist any voter who can not both speak and read the English language. No judge or clerk shall make any statement nor give information in any manner of the number of votes nor any other fact regarding their opinion of the state of the polls after the closing thereof except as herein permitted.

Sec. 78. No officer of election shall unfold or examine the face of a ballot when received from an elector, nor the indorsement on the ballot, except the signature of the judge, or the words stamped thereon, nor compare it with the clerk's list of voters, when the ballots are counted, nor shall he permit the same to be done, nor shall he examine nor permit to be examined the ballots after they are deposited in a ballot box, except as herein provided for in canvassing the votes, or in cases specially provided by law.

Sec. 79. The counting judges and clerks shall familiarize themselves with the signature of the judge who writes his name on each ballot that is voted, and shall count no ballots that do not bear his signature or are unnumbered, or if on examination by the judges, such signature is found to be a forgery.

Sec. 80. If the officers of election need refreshments during the voting and before the canvass of votes, they shall be taken at the polling places and in view of the ballot boxes, provided that the refreshments shall contain no alcoholic, vinous, malt or intoxicating liquors.

Sec. 81. At the expiration of one hour after voting has begun the receiving judges shall deliver ballot box No. 1 to the counting judges, who shall at once deliver in its place ballot box No. 2, which shall again be opened and examined in the presence of all the judges and securely closed and locked; and until the ballots in ballot box No. 1 have been counted, the receiving judge shall receive and deposit ballots in ballot box No. 2. Ballot box No. 1 shall on its receipt by the counting judges, be immediately opened and the tickets taken out by one of them, one by one, when he shall read and distinctly announce, while the ticket remains in his hand, the name of each candidate voted for thereon, which shall be noted on the tally sheets, and shall then deliver the ballot to the other counting judge, who shall place the same in box No. 3, which shall remain locked and in view until the counting is finished, when said box shall be returned with the other boxes, locked and sealed, to the county clerk. Ballot boxes Nos. 1 and 2 shall be used by the receiving judge and the counting judge alternately, as above provided, as often as the counting judge has counted and exhausted the ballots in either box; the election supervisors may be present when the ballots are being examined and the votes called off and noted on the tally sheets.

Sec. 82. At each change of the boxes one of the judges shall announce at the outer door of the voting place the number of votes already cast.

Sec. 83. Not more than one person at the same time shall be permitted to occupy any one compartment, voting booth or place prepared for a voter, except when a voter is unable to prepare his ballot from inability to read or write, or physical disability, two judges or an interpreter, if he can not both read and speak the English language, shall assist him, they having been first sworn that they will not suggest by word or sign or gesture how the voter shall vote; that they shall confine their assistance to answering his questions, to naming candidates, and the political parties to which they belong, and that they will prepare his ballot as the voter himself shall direct. The judges who assist the voter in preparing his ballot shall be of different political parties, if there be such judges present, and an election supervisor or supervisors may be present, but must

remain silent, except in case of irregularity or violation of the law.

Sec. 84. If a presiding judge fails to attend on election day, or fails to act, or none shall have been appointed, the voters present may appoint their own presiding officer who has paid his poll tax, and such voters may also appoint the necessary assistant judges of election. When a presiding officer who has been appointed by a commissioners court fails to act in conducting an election, and one is selected by the voters present, the judges and clerks at such election shall, in making their returns of election, certify to that fact, and state that the acting judges were appointed by the voters present. When an assistant judge or clerk has not been appointed or having been theretofore appointed, fails to attend on election day, or fails to act at the opening of the polls or during the election, the presiding judge shall appoint in his place another with the same qualifications, and a return certificate of such appointment with each election return.

Sec. 85. The election judges shall prevent loitering and electioneering while the polls are open within one hundred feet of the door through which voters enter to vote, and within one hundred feet of the place where the voter is required to prepare his ballot, and for this purpose they shall appoint a special constable to enforce this authority.

Sec. 86. No carriage or other vehicle shall be used either by candidates or their friends to convey voters to the voting places unless the voter is physically unable to go to or to enter the polling place without assistance, in which event two of the judges of different political parties, if there are such, may deliver an official ballot to him at the entrance to the polling place, and permit him to make out his ballot and deliver it there.

Sec. 87. No person shall open or keep open any barroom, drinking saloon or wholesale beer or liquor house, where vinous, malt, spirituous and intoxicating liquors are sold during any portion of the day on which an election, either general, special or primary, is held for any purpose in the voting precinct where such election is held; nor shall anyone in such voting precinct sell, barter or give away any vinous, spirituous or intoxicating liquor during the day of such election; nor shall anyone carry or cause to be carried to the polling place on the day of election any intoxicating liquor for the purpose of sale, gift, or to be drunk; and if anyone shall find any intoxicating liquor on election day he shall refrain from taking possession of it and shall not inform another of its whereabouts.

Sec. 88. Intoxicating liquor may be sold on election day by a druggist only to fill prescriptions by a physician, but who at the time must certify in writing on his honor that it is needed by his sick patient.

Sec. 89. Immediately upon the closing of the polls, and at intervals of two hours thereafter, the presiding judge or an associate judge shall make a correct but unofficial memorandum of the total number of votes counted for each candidate at that time, such memorandum being in the order in which the names of the candidates appear upon the ballot; and thereupon he shall publicly announce from such memorandum the status of the count at the door of the building where the counting is in progress. This memorandum shall thereafter be accessible to the public, and especially newspaper reporters who may call for information, and the presiding judge or an associate judge may furnish reporters information concerning the status of the count at other times after the polls have closed. The announcement of the status of the count shall continue as aforesaid until the count has been completed, when a correct, but unofficial announcement of the total number of votes received by each candidate shall be announced in the manner above provided. This section shall also apply so as to require the same reports from judges of primary elections.

Expenses by Managers of Political Headquarters and by Others.

Sec. 90. Every person who manages any political headquarters for any political party or for any candidate before any election, and every clerk or agent of such manager for such headquarters or candidate, and every other person whomsoever who expends money, gives any property or thing of value, or promises to use influence, or give a future reward to promote or defeat the election of any candidate or to promote or defeat the success of any political party at any election, shall within ten days after such election file with the county judge of the county in which the political headquarters was located and with the county judge of the county where such manager, clerk or other person (as the case may be) reside, an itemized statement of all moneys or things of value thus given or promised, for what purpose, by whom supplied, in what amount and how expended, and what reward was given or promised, by whom and to whom, and what influence was promised, by whom promised and to whom said promise was given. He shall also state whether he has been informed or has reason to believe that the person thus aiding or attempting to defeat a party or candidate was an officer, stockholder, agent or employe

of, or was acting for or in the interest of any corporation, giving his name, and if so of what corporation; and he shall if he has no positive knowledge state the source of his information or the reasons for his belief as the case may be; all of which shall be sworn to and subscribed before the county judge, who shall file and preserve the same, which shall at all times be subject to inspection of the public.

Expenses of Candidates.

Sec. 91. Within ten days after a primary and also after a final election all candidates for office at such election shall file a written itemized statement under oath with the county judge of the county of their residence of all the expenses incurred during the canvass for the office, and for the nomination, including amounts paid to newspapers, hotel and traveling expenses, and such statement shall be sworn to and filed, whether the candidate was elected or defeated, which shall at all times be subject to inspection of the public.

Return of Election Supplies.

Sec. 92. One of the precinct judges shall deliver the returns of election with certified lists of qualified voters with all stationery, rubber stamps and blank forms and other election supplies not used to the county judge immediately after the votes have been counted. He shall provide for the safe storage of the voting booths in some place in the precinct and notify the county judge.

Primary Elections and Conventions.

Sec. —. All candidates for precinct, county, district and State offices shall be selected by primary elections or by primary conventions, and the county executive committee of each political party within this State shall determine for itself in each county whether such nominations shall be made by primary election or by primary convention and due notice of the method chosen by the county executive committee of each party shall be given in writing to the county judge by the chairman of the county executive committee at least twenty days before "primary day," which notice shall be entered of record.

Sec. —. The term "primary election," as used in this act shall be construed to mean an election held by the members of an organized political party for the purpose of nominating candidates of such party to be voted for at a general or special election, or to nominate the county executive officers of a party; and the term "primary convention," as used in this act shall be construed to mean convention held by the members of an organized political party for the purpose of nominating the candidates of such party to be voted for at a general or special election, and to nominate the county executive officers of a party.

Sec. —. No one shall vote in any primary election or primary convention unless he has paid his poll tax or obtained his certificate of exemption from its payment, in cases where such certificate is required, before the first day of February next preceding the election or convention, which fact must be ascertained by the officers conducting primary election or the primary convention, by an inspection of the certified list of the qualified voters of the precinct, and of the poll tax receipt or certificate of exemption.

Provided, that the requirement as to the presentation of a poll tax receipt shall apply only to cities of five thousand inhabitants or over;

Nor shall any person vote in any primary election or primary convention except in the voting precinct of his residence;

Provided further, that if his receipt or certificate be lost or misplaced, or inadvertently left at home, that fact must be sworn to by the party offering the vote; and

Provided further, that the executive committee of any party for any county may prescribe additional qualifications for voters in such primary election or primary convention, not inconsistent with this act.

Sec. —. To guard against fraud a certified list and supplemental list of the qualified voters of the voting precinct furnished by the collector of taxes shall be in the possession of the officers or persons conducting the primary election or primary convention for reference and comparison; and in primary elections, opposite the name of every voter on said list, shall be stamped or written with pen and ink, the words "primary voted," with the date of such primary under the same; and in primary conventions no person shall be permitted to participate therein until he shall have produced his poll tax receipt or exemption certificate, or made affidavit required by this act, in lieu thereof, and his name shall be placed upon the list of those qualified to participate in the said primary convention, which shall be compiled by the secretary of the same before any proceedings are had;

Provided, that this section shall not apply to towns and cities with a less population than ten thousand, in so far

as it applies to certificates of exemption; and

Provided further, that the judges of primary elections and the officers of primary conventions are authorized to administer oaths in regard to any matter pertaining to the election; and

Provided further, that it shall be the duty of the tax collector of each county upon application by the county chairmen of the various political parties, to furnish to the presiding judge of the primary election and the presiding officer in a primary convention in the several precincts, certified copies of the lists of qualified voters of the several precincts, which said copies shall be furnished at least four days prior to said primary election, or primary convention.

Sec. —. The last Saturday in June in the year 1906, and every two years thereafter, shall be known as "primary day," and on that day all primary elections and primary conventions to nominate candidates for precinct, county, district and State offices for general elections shall be held, and the name of no candidate shall be printed on the regular official ballot for any precinct, county, district or State office at a general election unless such candidate was voted for or chosen on that day, excepting in cases specially authorized by this act. In counties where primary elections are held, any political party may hold a second primary election on the second Saturday in July succeeding the regular primary to nominate candidates for county offices where a majority vote is required to make a nomination, and where no candidate at the first primary was selected, but at such second primary only the two candidates who received the two highest votes for the same office at the preceding election shall be voted for.

Nominations of candidates to be voted for at any special election shall be made at a primary election, or a primary convention at such time as the party executive committee shall determine, but the county executive committee of a party shall never have power to make nominations or fill vacancies on the ticket unless such vacancy occurs after the regular primary and before the general or special election; provided, however, that all precincts in the same county, and all counties in the same district, shall select candidates on the same day.

Nominations of party candidates for offices to be filled in a city or town shall be made not less than ten days prior to the city or town election at which they are to be chosen, in such manner as the party executive committee for such city or town shall direct; and all laws prescribing the method of conducting county primary elections or county primary conventions shall apply to them.

Sec. —. There shall be for each political party required by this law to hold primary elections for the nomination of its candidates, a county executive committee, to be composed of one member from each voting or justice precinct in such county, as the party executive committee may direct, to be elected by direct vote of the qualified voters of the party in such precinct on the primary ticket on primary day, and a chairman thereof, who shall be elected at the same time and in the same manner by all the voters in the county at large; provided, that in case of a vacancy occurring in the office of chairman or any member of such committee, such vacancy may be filled by a majority of said executive committee, and there shall be for each political party required by this law to hold primary conventions for the nomination of its candidates, a county executive committee, to be composed of one member for each voting or justice precinct in such county, as the party executive committee may direct, to be elected by the qualified voters of the party in the primary convention, to be held on primary day, and there shall also be selected a chairman of the county executive committee, who shall be elected at the same time and in the same manner by all the voters of the county at large attending primary conventions; provided, that in case a vacancy occurs in the office of chairman or any member of such committee, such vacancy may be filled by a majority of said executive committee.

Sec. —. The vote at all general primary elections shall be by official ballot, which shall have printed at the head the name of the party and under such heads the names of all candidates, those for each nomination to be arranged in the order determined by the various committees as herein provided for, beneath the title of the office for which the nomination is sought, and the voter shall erase or mark out all the names he does not wish to vote for.

The official ballot in primary elections shall be printed in black ink upon white paper, and beneath the name of each candidate thereon for State and district offices there shall be printed the county of his residence. The official ballot shall be printed by the county committee in each county, which shall furnish to the presiding officer of the general primary for each voting precinct at one and one-half times as many of such official ballots

as there are poll taxes paid for such precinct, as shown by the tax collector's list.

Where two or more candidates are to be nominated for the same office, to be voted for by the qualified voters of the same district, county or justice precinct, such candidates shall be voted for and nominations made separately, and all nominations shall be separately designated on the official ballot by numbering the same "1, 2, 3," etc., printing the abbreviation "No." and the designating number after the title of the officer for which such nominations are to be made.

Each candidate for such nominations shall designate in the announcement of his candidacy and in his request to have his name placed on the official ballot, the number of the nomination for which he desires to become a candidate, and the names of all candidates so requesting, shall have their names printed beneath the title of the office, and the number so designated.

Each voter shall vote for only one candidate for each such nomination, except in cases where two candidates are to be nominated for the same office.

Sec. —. In any county where primary elections are held, any person desiring his name to appear on the official ballot for the primary election as a candidate for the nomination for any office to be voted for at the general election, or for county or precinct chairman, shall file with the chairman of the county executive committee of the party of such county, not later than the second Saturday in June preceding such primary election, a written request that his name be printed on such official ballot as a candidate for the nomination or position named therein, giving his occupation, postoffice address, and the street and number of his residence, if within a city or town. Such request, similarly signed and acknowledged by any ten qualified voters resident in the county, may be filed on or before said date, requesting that the name of any person named therein may be placed on the official ballot as a candidate for any office or chairmanship with like effect as if such request were filed by the person named as candidate therein.

On Monday following the second Saturday in June preceding such primary election, the county executive committee of each county where primary elections are to be held, shall meet at the county seat and determine by law, the order in which the names of all candidates for each nomination or position requested to be printed on the official ballot shall be printed thereon. At such meeting the county committee shall carefully estimate the cost of printing official ballots, renting polling places, providing and distributing all necessary poll boxes, blank stationery and voting booths where required, compensation of election officers and clerks and messengers to report the result of each precinct to the county chairman, as provided for herein, and all other necessary expenses of holding such primary in such county; and shall apportion such cost among the various candidates for nominations for county and precinct offices only as herein defined, and offices to be filled by the voters of such county only, candidates for such offices excepted, in such manner as in their judgment is just and equitable, giving due consideration to the importance and emoluments of each such office for which a nomination is to be made, and shall, by resolution, direct the chairman to immediately mail to each person whose name has been requested to be placed on the official ballot, candidates for State and district offices excepted, a statement of the amount of such expense to be apportioned to him, with the request that he pay the same to the county chairman on or before one week from said date. At this meeting the county chairman shall appoint, subject to the approval of the executive committee, a sub-committee of five members, to be known as the "primary committee," of which he shall be ex-officio chairman, which sub-committee shall meet as soon thereafter as practical and make up the official ballot for such primary election in such county, placing the names of candidates for nominations for State, district, county and precinct offices, and county chairmen thereon, in the order determined by the county executive committee, as herein provided;

Provided, that the name of no person shall be placed thereon for a county or precinct office who has not paid to chairman of the county executive committee, the amount of the estimated expenses of holding such primary apportioned to him by the county executive committee, as hereinbefore provided. No candidate for a state or district office shall be required to pay any portion of such cost unless such district is wholly made up of one county. If there are no requests filed for candidates for county or precinct chairmen, a blank space shall be left on the ticket beneath the designation of such position.

Section —. It shall be the duty of the various county committees of any political party, where primary elections are held on the day and date set apart by this act for arranging for primary elections to determine the order in which the names of the various candidates for state and district offices

shall appear on the ticket, and said order shall be determined by lot and no preference shall be given to any candidate.

Sec. —. On primary day in 1906 and for each two years thereafter, in those counties in which primary elections are held, as provided by this act, the same shall be conducted in accordance with the provisions of this act, and the result of such election canvassed and reported to the chairman of the executive committee of each county by the various presiding officers of the several precincts, and the chairman of the executive committee of each county, with the approval of the committee, shall prepare a tabulated statement of the vote cast in his county for each candidate, and present the same to the county convention, which shall meet and be organized, as provided herein.

Sec. —. The places of holding primary elections by various political parties shall not be within one hundred yards of the place at which such elections or conventions are held by a different political party. When the chairmen of the executive committees of different parties can not agree on the places where primary elections are to be held on the same day, such places in each precinct shall be designated by the county judge, who shall cause to be given at once, public notice in such newspaper in the county, and if there be no newspaper in the county, then by posting notice in some public place in the precinct.

Sec. —. All primary elections of a party shall be conducted by a presiding judge to be appointed by a chairman of the county executive committee of the party with the assistance and approval of at least a majority of the members of the county executive committee. Such presiding judge shall select an associate judge and two clerks to assist in conducting the election. Two supervisors may be chosen by any one-fourth of the party candidates who, with the judges and clerks, shall take the oath required by such officers in general elections. Two additional clerks may be appointed, but only when in the opinion of the presiding judge there will be more than one hundred votes polled at the primary election in the precinct. No one shall serve as judge, clerk or supervisor at a primary election unless he has paid his poll tax. The primary committee shall have general supervision of the primary of such county, and shall be charged with the full responsibility for the distribution of all supplies necessary for holding same in each precinct, to the presiding judge thereof. If the duly appointed presiding officer shall fail to obtain from the primary committee supplies for holding such election, such committee shall deliver the same to the precinct chairman for such precinct, and if unable to deliver the same to such presiding officer or precinct chairman, not less than twenty-four hours prior to the time of opening the polls for such primary, such committee shall deliver the same to any qualified voter of the party residing in such precinct, taking his receipt therefor, and appointing him to hold such election in case such presiding officer or precinct chairman shall fail to appear at the prescribed place for opening the polls.

Sec. — No official ballot, either for a primary or a general election, shall have on it any symbol or device, or any printed order, except that which is authorized by law, and no ballot cast in violation of this section shall be counted for any candidate;

Provided, that the executive committee of the party for any county shall print on the primary ticket the nominations of all persons whose names, not less than thirty days prior to the date of the primary, shall be requested to be printed thereon, as candidates for United States Senator, and the executive committee shall forward to each nominee of the party for State Senator and Representative voted for by the voters of such county a certified statement of the vote cast in the county, for each such candidate.

Sec. — The polls at primary elections shall be open at eight o'clock in the morning and closed at seven o'clock in the evening of the same day, and the elections shall be held for one day only.

Sec. — Any one-fourth of the candidates whose names appear on the official ballot may on the day preceding the election, or prior thereto, agree in writing, signed by them, upon two supervisors, who, when selected, shall be sworn as election officers, and while the election is being held they shall remain in view of the ballot boxes until the count is concluded, and they shall report any fraud or irregularity occurring to the next grand jury.

Sec. — The law prohibiting the sale of intoxicating liquors on election day shall apply to primary elections, with all its prohibitions, and the officers of primary elections shall not, on primary election day, partake of spirituous, vinous, malt or intoxicating liquors after the polls are open.

Sec. — The voting booths, poll boxes and the guard rails prepared for general elections may be used by the organized political party nominating by primary convention or election which cast over one hundred thousand votes at the last preceding general election.

Sec. — The county tax collector shall deliver to the chairman of the

county executive committee of each political party for its use in primary elections, at least five days before election day, certified lists of the qualified voters of each precinct in the county, who have paid their poll tax or received certificates of exemption, and it shall be the duty of such chairmen to place the same in the hands of the election officers of each election precinct before the polls are opened, and no primary election shall be legal unless such list is obtained and used for reference during the election. For each list of all the qualified voters of the county who have paid their poll taxes and received their certificates of exemption a collector shall be permitted to charge not more than five dollars, the same to be paid by the party or its chairman so ordering said list.

Sec. —. All ballots given to the election judges, presented by the executive chairmen or some member of the executive committee, shall be used and accounted for as in general elections.

Sec. —. All returns of primary elections properly signed and certified as correct by the judges and clerks thereof, showing the vote cast for each candidate, shall be sealed and immediately delivered after such primary election to the chairman of the county executive committee of the party. Such party chairman shall give notice to the members of the county executive committee to assemble at the county seat of the county on the first Saturday after such primary election, when said returns shall then be opened under the direction of such executive committee and canvassed by them. They shall then make a list of the candidates for county offices who have received the highest vote for each office, and the chairman of the executive committee shall certify to the same and deliver it to the county clerk of the county, who shall cause the names of the candidates who have received the highest vote for each office to be printed in some newspaper in the county, and if no newspaper be published in the county, then he shall post a list of such names in at least five public places in the county, one of which shall be upon the door of the court house of said county;

Provided, that all objections to the regularity or validity of the nomination of any person whose name appears on said list shall be made within five days after such printing or posting by a notice in writing filed with the county clerk, setting forth the grounds of objection. In case no objection is filed within the time prescribed, the regularity or validity of the nomination of no person whose name is so printed or posted shall be thereafter contested. After said names have been so printed or posted for the period above required, the said clerk shall cause said names to be printed on the official ballot in the column for the ticket of that party;

Provided, that as to candidates for Governor or for an office to be filled by all the voters of the State, or of any district composed of more than one county, the chairman of the county executive committee, and its secretary shall certify the number of votes cast for each of such candidates, and cause the same to be published in some newspaper of the county, if there be one, and deliver his certificate of the vote cast for each candidate for such office to the president of the next State convention of the party, and certify the vote cast for each district office to the chairman of the district committee;

Provided, that nothing in this section shall prevent the holdings of the county convention at the time named in this section for the meeting of the executive committee for the purpose of counting and declaring the result, but the chairman of the executive committee shall certify the result as before required.

Sec. —. It shall be the duty of the county clerk of each county to post in a conspicuous place in his office for the inspection and information of the public, the names of all candidates that have been lawfully certified to him to be printed on the official ballot, for at least ten days before he orders the same to be printed on said ballot, and he shall order all the names of the candidates so certified printed on the official ballot as herein otherwise provided; and in case the county clerk refuses or willfully neglects to comply with this requirement, he shall be guilty of a misdemeanor, and shall be punished by fine of not less than two hundred dollars, nor more than five hundred dollars, or to hard labor on the public roads of the county in which the offense was committed, for any period of not less than sixty days, nor more than one year, or both such penalties.

Sec. —. If, on counting the vote in a primary election, it shall appear that the vote has been cast for two candidates for the same office, and that they have received the same number of votes, the chairman of the executive committee shall, in the presence of the executive committee or the county convention, as the case may be, cast lots for the nomination in such manner as they may direct, and in the presence of the rival candidates, if they desire to be present, and de-

clare and certify the result of that candidate who is successful by lot.

Sec. —. On the first Saturday after primary day in 1906, and each two years thereafter, there shall be held in each county where primary elections have been held, a county convention of each party, to be composed of one delegate from each precinct in such county for each twenty-five votes or a fraction thereof cast for the party's candidate for Governor at the last preceding election, which delegates shall be elected by the voters of each precinct on primary day, in such manner as may be prescribed by the county executive committee, and said convention shall receive the report of the county chairman and executive committee of the result of the election of candidates for all offices in said county, and may consider and approve the same. Said convention shall elect delegates to the State and district conventions of the party, and the delegates so selected shall represent the county and cast its vote as determined by the primary in a convention to which they are sent.

Sec. —. In counties where primary elections are held, the candidate for any office who received a majority of all the votes cast in such county for said office shall be entitled, if a county office, to be placed upon the official ballot as the candidate of his party for the office to which he was nominated. If a candidate for a district office, he shall be entitled to the entire convention vote of the county in the district convention which shall be called to nominate candidates for such district office; and if a candidate for a State office, he shall be entitled to the convention vote of the county in the State convention which is called to nominate candidates for such State office; provided, that if no candidate for a State or district office in such primary shall receive a majority of all the votes cast in the county for such office, then the convention vote in such county shall be pro rated among the candidates running for said office in proportion to the votes cast for them in the primary election.

Sec. 136. Judges of primary elections have the same authority and it shall be their duty to administer oaths, to preserve order at the election, to appoint special officers to enforce the observance of order and to make arrests as is conferred on judges of general elections. Such judges and officers shall compel the observance of the law that prohibits loitering or electioneering within one hundred feet of the entrance to the polling place and shall arrest or cause to be arrested any one engaged in the work of conveying voters to the polls in carriages or other modes of conveyance except as permitted by this act.

Sec. 137. The same precautions required by law to secure the purity of the ballot box in general elections in regard to the ballot boxes, locking the ballot boxes, sealing the same, watchful care of them, the secrecy in preparing the ballot in the booths or places prepared for voting, shall be observed in all primary elections.

Sec. 138. Returns shall be made within four days to the chairman of the executive committee by the precinct judges of the ballot boxes containing the ballots voted, locked and sealed, tally sheets, return sheets, ballots mutilated and defaced, and ballots not voted, for which he shall account to the executive committee of the county.

Sec. 139. No immaterial error made by any officer of a primary election nor any immaterial violation of the primary election laws by an elector shall vitiate any election held under this act nor be the cause of throwing out the vote of any election precinct.

Sec. 140. No more than three ballots in succession shall be furnished a voter who mutilates or otherwise spoils his ballot, and the judges may as in general elections require a voter before he receives an official ballot to surrender to them any ballot or paper on which is written or printed any name for which the voter has agreed to vote or been requested to vote.

Sec. 141. Any political party desiring to elect delegates to a national convention shall hold a State convention at such place as may be designated by the State executive committee of said party on the fourth Tuesday of May, 1908, and every four years thereafter. Said conventions shall be composed of delegates duly elected by the voters of said political party in the several counties of the State at primary conventions or primary elections to be held on the first Saturday in May, 1908, and every four years thereafter.

Said primary conventions or primary elections shall be held between the hours of 3 o'clock and 8 o'clock p. m. These primary conventions shall elect delegates to the county conventions of the several counties, which shall be held on the first Tuesday after the first Saturday in May, 1908, and every four years thereafter.

Sec. 142. Whenever delegates are to be elected by any political party to any county or State convention it shall be the duty of the chairman of the county or precinct executive committee upon the application of ten per cent of the legally qualified voters who are

members of said party, to submit at the time and place of electing delegates, the name of any candidate, or any measure desired to be voted for by said voters, and the delegates elected at that time shall be considered instructed for whichever candidate or measures for which a majority of the votes are cast.

Contesting Primary Elections.

Sec. 143. All contests for a nomination in a primary election based on charges of fraud or illegality in the method of conducting the elections shall be decided by the executive committee for the State, district or county as the nature of the office may require, each executive committee having control in its own jurisdiction. The complaining candidate shall within five days after the primary election cause a notice to be served on the chairman of the executive committee in which he shall state specifically the grounds of his contest. If specific charges of fraud or illegality in the conduct of the election are made and not otherwise, the chairman shall within ten days thereafter convene the executive committee, who shall then examine the charges, hear evidence and decide in favor of that party who, in their opinion, was nominated. If either party to the contest should be dissatisfied with the decision of the executive committee, he shall have the right of appeal to the district court, and said appeal may be perfected by giving notice thereof to the committee immediately after their decision of said contest, and it shall be the duty of the executive chairman of said committee to at once transfer the written grounds of contest to the district court and have the same filed by the clerk, who shall docket said cause as other civil cases. If the ends of justice should demand it in order that the cause may be heard and determined in time for the successful party to get his name on the ticket, the judge may convene his court in special session for the trial of such appeal. The appeal shall be a trial de novo and shall be tried before the district judge without jury, and the judgment of the district court shall be final and no appeal shall be allowed. All cases of contest of a primary election shall take precedence over all other cases on the docket and be tried first. When the committee has decided the contest, the executive chairman shall immediately certify their finding to the officers charged with the duty of providing the official ballot, and the name of the candidate in whose favor the executive committee shall decide shall be printed on the official ballot for the general election. The executive committee may, if in their opinion the ends of justice require it, unlock and unseal the ballot boxes used in the precinct where fraud or illegality is charged to have been used and examine their contents, after which they shall be sealed and delivered to the county clerk.

Sec. 144. Any executive committee or committeeman or primary election officer or other person herein charged with any duty relative to the holding of the primary election or the canvassing, determination or declaration of the result thereof may be compelled by mandamus to perform the same in accordance with the provisions of this act.

Sec. 145. Ballot boxes after being used in primary elections shall be returned with the ballots cast or contained in each box as they were deposited by the election judges, locked and sealed, to the county clerk, after the executive committee has announced the party nominee, and unless there be a contest for a nomination in which fraud or illegality is charged they shall be unlocked and unsealed by the county clerk and their contents destroyed by the county clerk and the county judge without examination of any ballot, at the expiration of sixty days after such primary election.

Paying for Election Supplies and for Official Services.

Sec. 146. The collector of taxes shall be paid ten cents for each poll tax receipt and certificate of exemption issued by him to be paid pro rata by the State and county in proportion to the amount of poll tax received by each, and this shall include his compensation for administering oaths, furnishing certified lists of qualified voters in election precincts for use in all general elections and primary elections and primary conventions, when desired, and for all other duties required of him under this act.

Sec. 147. The sheriff or any constable for serving copies of the order designating the bounds of election precincts, or the election judges, posting notices, and for serving all other writs or notices prescribed by this act, shall be paid the amounts allowed by statute for serving civil process. For delivering election supplies to precinct judges, when they are not obtained by such judges in person, he shall be paid such amount as may be allowed by the commissioners court, not to exceed two dollars for each election precinct.

Sec. 148. Judges and clerks of general and special elections shall be paid two dollars a day each, and the judge who delivers the returns of election immediately after the votes have been counted shall be paid two dollars for that service, provided the polling place of his precinct is at least two miles from the county court house, and pro-

vided also he shall make returns of all election supplies not used when he makes return of the election.

Sec. 149. All expenses incurred in providing voting booths, stationery, official ballots, wooden or rubber stamps, tally sheets, polling lists, instruction cards, ballot boxes, envelopes, sealing wax, and all other supplies required for conducting a general or special election shall be paid for by the county, except the cost of supplying voting booths for cities which shall be paid for as required by former laws; provided, that all accounts for supplies furnished or services rendered shall first be approved by the county commissioners court, except the accounts for voting booths for cities.

Penalties.

Sec. 150. Any person who is found guilty of a misdemeanor under this act shall be subject to a fine of not less than two hundred dollars nor more than five hundred dollars, or to hard labor on the public roads of the county in which the offense was committed for any period of time not less than sixty days nor more than one year, or to both such penalties.

Sec. 151. Any person who at a general, special or primary election willfully votes or attempts to vote in any other name than his own, or who votes or attempts to vote more than once is guilty of a misdemeanor.

Sec. 152. Any person who fraudulently or willfully does anything in violation of this act to affect the result of any primary, special or general election is guilty of a misdemeanor, unless some other penalty for such act is specially provided for.

Sec. 153. Any person who being an officer, clerk or employe of the county collector of taxes, precinct judge or clerk of election who knowingly puts in the certified list of qualified voters of a precinct any other number than that written when the poll tax receipt or certificate of exemption was issued, or who knowingly delivers to or receives from any voter any poll tax receipt or certificate of exemption on which is placed any other name than that first written when it was issued is guilty of a misdemeanor.

Sec. 154. Any collector of taxes, or any one in his employ, who willfully fails or refuses to transcribe correctly from the original poll tax receipt or certificate of exemption and insert in the duplicate retained in the collector's office the name and other description of the citizen required by law to be given by him, or who fails to transcribe correctly from the duplicate kept in the collector's office and insert in the list of qualified voters of a precinct the name and description of the citizen as contained in said duplicate, or who issues, except as permitted by this act, a poll tax receipt after the first day of February in any year, bearing a date prior to the first day of February or who willfully fails to keep said original duplicates securely locked up when the same are not being used, or permits them to be mutilated, defaced, lost or destroyed, or who conceals, alters or destroys them is guilty of a misdemeanor.

Sec. 155. Any judge or clerk of an election, chairman or member of a party executive committee, or officer of a primary, special or general election who willfully makes any false canvass of the votes cast at such election, or a false statement of the result of a canvass of the ballots cast is guilty of a felony, and shall be punished by confinement in the penitentiary not less than two years nor more than five years.

Sec. 156. Any judge, clerk, chairman or member of an executive committee, collector of taxes, county clerk, sheriff, county judge or judge of an election, president or member of a State convention, or Secretary of State who willfully fails or refuses to discharge any duty imposed on him by the law is guilty of a misdemeanor unless the particular act under some other section of the law is made a felony.

Sec. 157. Any judge of an election or primary who willfully or knowingly permits a person to vote, whose name does not appear on the list of qualified voters of the precinct, and who fails to present his poll tax receipt or certificate of exemption, or make affidavit of its loss or that it was misplaced, except in cases where no certificate of exemption or tax receipt is required, is guilty of a misdemeanor.

Sec. 158. Any judge, clerk, supervisor or other person who may be in the room where an election, either primary, special or general, is being held, who there indicates by word, writing, sign or token how he desires a citizen to vote or not to vote, shall be fined not less than two hundred nor more than five hundred dollars, and shall in addition be confined in jail or worked as a convict on the public roads not less than ten nor more than thirty days.

Sec. 159. Any person who becomes agent to obtain a poll tax receipt or certificate of exemption for more than one person, or who procures or advises any other person to become such agent is guilty of a misdemeanor, and any one who gives money to another to induce him to pay his poll tax is guilty of a misdemeanor.

Sec. 160. If any person intrusted with the transmission to the precinct

election judge of official ballots, sample cards, instruction cards, distance markers or other election supplies, or who being intrusted with the return of the same, willfully fails to deliver or return the same, or does any act to defeat the delivery or return of the same, or being a person to whom may be legally intrusted the ballots cast at an election, shall open and read any ballot, or permit it to be done, is guilty of a misdemeanor.

Sec. 161. Any person who shall do any electioneering or loitering within 100 feet of the entrance to the place where the election is being held, or who shall hire any vehicle for the purpose of conveying voters to the polling place, or who shall willfully remove any ballots from the polling place, except as permitted by law, except when in marking, or who being a voter shall show his ballot so as to reveal the vote cast by him or marks it otherwise than is required by law for identification, or who being a voter shall deliver to the precinct judge of election any other ballot than the one delivered to him by the judge at the polling place, is guilty of a misdemeanor.

Sec. 162. Any person who lends or contributes or offers or promises to lend or contribute or pay any money or other valuable thing to any voter, to influence the vote of any other person, whether under the guise of a wager or otherwise, or to induce any voter to vote or refrain from voting at an election for or against any person or persons, or for or against any particular proposition submitted at an election, or to induce such voter to go to the polls, or to remain away from the polls at an election, or to induce such voter or other person to place or cause to be placed his name unlawfully on the certified list of qualified voters that is required to be furnished by the county tax collector, is guilty of a felony, and on conviction shall be punished by confinement in the penitentiary not less than one year nor more than five years, and in addition shall forfeit any office to which he may have been elected at the election with reference to which such offense may have been committed, and is rendered incapable of holding any office under the State of Texas.

Sec. 163. Any person who gives or offers to give any office, employment or thing of value, or promises to procure any office, thing of value or employment to or for any voter or to or for any other person, to induce such voter or other person to vote or refrain from voting at an election for or against any person, or for or against any proposition submitted at an election, or obtains his certificate of exemption, or to refrain from doing either, is guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary not less than three nor more than five years, and in addition shall forfeit any office to which he may have been elected, and becomes ineligible to any other public office.

Sec. 164. The penalty prescribed in the last preceding section against those who violate any of its provisions shall be imposed on any one who receives or agrees to receive any money, gift, loan or other thing of value, place, office or employment, for himself or any other person, for voting or agreeing to vote, for going to or agreeing to go to the polls on election day, or for remaining away or agreeing to remain away from the polls on election day, or from refraining or agreeing to refrain from obtaining his poll tax receipt or certificate of exemption, or for obtaining or agreeing to obtain the same, or for voting or agreeing to vote for or against any particular person or proposition submitted to a vote of the people.

Sec. 165. Any candidate for any publice office who fails to file with the county judge of his county within ten days after the day of a primary or general election an itemized statement of all money or things of value paid or promised by him before or during his candidacy for such office, including his traveling expenses, hotel bills and money paid to newspaper, and make affidavit to the correctness of such account, showing to whom paid or promised, whether he was elected or not, is guilty of a misdemeanor, and on conviction shall be fined not less than two hundred nor more than five hundred dollars, and may be sentenced to work on the county roads for not less than thirty days nor more than twelve months.

Sec. 166. Any candidate for office or other person who pays or procures another to pay the poll tax of a citizen, except as is permitted by law, is guilty of a felony, and shall be punished by confinement in the penitentiary not less than two nor more than five years.

Sec. 167. When two persons are parties to the same act in violating any provision of the election laws of this State, either party may be required to testify regarding the same, but the one testifying shall not thereafter be prosecuted for such illegal act.

Sec. 168. The offenses and penalties described in this act and of the act to regulate elections and prescribe penalties for its violation, approved April 1, 1903, when the same have not been altered by this act, shall be given specially in charge by district judges

to grand juries, and whenever this duty is neglected by a district judge, it shall be the duty of the next grand jury to make a formal report of such neglected duty to the court, and it shall be cause for the removal from office of the judge under Section 6, Article XV, of the Constitution. District judges shall in every charge to a grand jury emphasize the importance of pure elections as necessary to preserve free government, and direct them to search diligently and present all infractions of the election laws of this State.

Sec. 169. Anything published in a newspaper, pamphlet or printed journal in favor of or in opposition to any candidate for public office or in favor of or in opposition to the success or defeat of any political party or any proposition submitted to a vote of the people, when the same is published in consideration of the receipt or promise of money or thing of value, shall be known as political advertising; and any editor, publisher, manager or agent of any newspaper, pamphlet or printed journal who shall publish political advertising other than as advertising matter, or who shall knowingly and willfully demand or receive for the publication of such political advertising money or thing of value in excess of the sum or sums due for such service at the regular advertising rates of such newspaper, pamphlet or printed journal, or any person who shall pay or offer to pay the editor, publisher, manager or agent of any newspaper, pamphlet or printed journal for such service any money or other thing of value in excess of the sum or sums due at regular advertising rates, or any person who shall pay or offer to pay any editor, publisher, manager or agent of a newspaper, pamphlet or printed journal any money or thing of value for the publication of political advertising except as advertising matter, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, and sentenced to imprisonment in the county jail or to work on the county road not less than ten nor more than thirty days; provided, however, that nothing herein contained shall be construed as applying to announcements of candidates for office.

Sec. 170. If any editor or manager of a newspaper or printed journal or if any person or persons having control thereof shall demand or receive any money, thing of value, reward or promise of future benefit for publishing anything as editorial matter in advocacy of or opposition to any candidate or political party, or for or against any proposition submitted to a vote of the people, he or they, and also the individual or parties offering such reward shall be punished as in the last preceding section, and if the offense be committed by the president of any corporation, or by any officer thereof with the knowledge of consent of its president, in addition to punishment of the individual its charter shall be forfeited. Either party to a violation of this and the preceding section may be compelled to testify regarding thereto, but shall not be punished for any act regarding which he may have been required to testify.

Sec. 171. Any tax collector who shall deliver a tax receipt or certificate of exemption to any one except the one entitled thereto and at the time when the tax is paid or the certificate of exemption is applied for, except as specially permitted by this act, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars and shall be removed from office.

Sec. 172. Any person who loans or advances money to another knowing it to be used for paying the poll tax of such other person, or who becomes either directly or indirectly the agent of more than one person to pay the poll tax of such other person in cases where such payment is permitted by law, is guilty of a misdemeanor.

Sec. 173. Any person who votes or offers to vote at a primary election or convention of a political party, having voted at a primary election or convention of any other party on the same day, is guilty of a misdemeanor.

Sec. 174.—Any judge of election who permits the removal of ballots before the closing of the polls, or refuses to receive a ballot after a citizen has legally folded and returned same, or refuses to deliver to a citizen entitled to vote under the law an official ballot, or fails to keep order within the polling place, or permits any person except the clerks and judges of election or those who enter for the purpose of voting, to come within the guard rail, or knowingly permits any one to remove, alter or deface a stamp number or signature legally placed on a ballot for future identification, is guilty of a misdemeanor.

Sec. 175. Any chairman of a county executive or district executive committee who is charged with the duty of certifying the names of the candidates selected by a primary convention or primary election or elections, who willfully omits to certify the name of any candidate legally chosen, or who certifies falsely regarding any one chosen or defeated, is guilty of a misdemeanor.

Sec. 176. Any person who, during

an election, willfully defaces or injures an election booth or compartment, or willfully removes any of the supplies provided for elections, or before the closing of the polls willfully defaces or destroys any list of candidates to be voted for at an election which has been posted in accordance with the election laws, or who, during an election, willfully removes or defaces the cards of instruction for voters, or distance markers placed in accordance with law, is guilty of a misdemeanor.

Sec. 177. Any person or corporation who refuses to an employe entitled to vote the privilege of attending the polls, or subjects such employe to a penalty or deduction of wages because of the exercise of such privilege is guilty of a misdemeanor.

Sec. 178. If any person shall open or keep open any barroom, saloon or wholesale liquor house, where vinous, malt, spirituous and intoxicating liquors are sold, during any portion of the day on which an election is held for any purpose or office in the voting precinct, town or city where such election is held, or shall in such voting precinct, village, town or city, sell, barter or give away any vinous, malt, spirituous or intoxicating liquor during the day of such election, or if any person shall carry or cause to be carried to the polling place on the day of election any such liquor for the purpose of sale, gift or drinking the same, or if any person shall find and take possession of any liquor at or near the polling place, or inform another of its whereabouts, he shall be deemed guilty of a misdemeanor; provided, that such liquors may be sold on election day by a drug store to fill a prescription of a physician, who will at the time certify in writing on honor that it is needed by his sick patient, leaving such certificate with the druggist, and provided such sick patient is confined for that day to his bed.

Sec. 179. Any person who attempts to falsely personate at an election another person, and vote or attempt to vote on the authority of a poll tax receipt or certificate of exemption not issued to him by the county tax collector, is guilty of a felony, and shall be punished by hard labor within the walls of a penitentiary not less than three nor more than five years.

Sec. 180. If any person shall make a false affidavit that his poll tax receipt or certificate of exemption has been lost or mislaid, or willfully and corruptly induce another to make such affidavit, he shall be punished by imprisonment in the penitentiary not less than three nor more than five years.

Sec. 181. If any person shall willfully alter or obliterate, suppress or destroy any ballots, election returns or certificates of election, he shall be deemed guilty of a felony and shall be punished by imprisonment in the State penitentiary not less than three nor more than five years.

Sec. 182. Any collector of taxes who shall knowingly or willfully issue and deliver a poll tax receipt or certificate of exemption to a fictitious person shall be punished by confinement in the State penitentiary not less than three nor more than five years.

Sec. 183. Any collector of taxes, or clerk in his office, who shall deliver any poll tax receipt or certificate of exemption to any other person than to the citizen whose name is written thereon and who is entitled thereto, is guilty of a misdemeanor.

Sec. 184. Any one to whom a poll tax receipt or certificate of exemption may be entrusted for safe keeping, who fails to return the same to the owner thereof at least three days before any primary election day or primary convention day, and three days before any general election day, shall be guilty of a misdemeanor; provided, that if the party so entrusted is unable to find the citizen who gave it to him, he may evade the penalty of this section by proving that he delivered it three days before such election day to the county collector of taxes of the county, to be delivered to the owner.

Sec. 185. Any person who shall sell, pledge, loan or deposit his poll tax receipt or certificate of exemption for money or any other thing of value, shall be deemed guilty of a misdemeanor, and the person who purchases, borrows or obtains possession of the same by way of pledge or loan, is guilty of a misdemeanor. Either of the parties to such wrongful act may be compelled to appear and testify in a proceeding against the other, but he shall not thereafter be arrested or punished for his participation in such wrongful act.

Sec. 186. If any person entrusted with the transmission to the precinct election judges of official ballots, poll tax receipt and exemption certificate rolls, sample cards, instruction cards, and all supplies required to conduct an election, or who, being entrusted with the transmission of election returns, or election boxes, willfully fails to deliver within the time required by this act, or willfully does any act to defeat the delivery thereof, or not being a person entrusted therewith shall do any act to defeat the due delivery of such election returns, election supplies or election boxes, or who, being an officer or person with whom may be legally entrusted the ballots cast at an election, shall open and read any ballot, or permit it to be done, except as

provided by law in the discharge of his duty, shall be guilty of a misdemeanor.

Sec. 187. Any person who fails to keep securely any ballot box containing ballots voted at an election, when committed to his charge by one having authority over the same, shall be guilty of a misdemeanor.

Sec. 188. Any person who lends or contributes, or offers or promises to lend or contribute or pay, any money or other valuable thing to any voter to influence his vote, or to influence the vote of any other person, whether under the guise of a wager or otherwise, to induce any voter to vote or refrain from voting at any election for or against any person or persons, or for or against any particular proposition submitted to votes, or to induce such voter to come to the polls or remain away from the polls at any election, or to induce such voter or other person to place or cause to be placed his name on the poll tax or certificate of exemption rolls, is guilty of a felony, and on conviction shall be punished by confinement in the penitentiary not less than three nor more than five years, and, in addition, forfeits any office to which he may have been elected at the election, with reference to which such offense may have been committed and becomes incapable of holding office under the laws of Texas.

Sec. 189. Any person in the civil or military service of the United States in this State, who by threats, bribery, menace, or other corrupt means, attempts to control or controls the vote of an elector, or annoys, injures or punishes him for the manner in which he exercises his elective franchise in any election, is guilty of a misdemeanor, and may be arrested and tried at any future time when he may be found in Texas.

Sec. 190. Any corporation, or officer thereof, who, directly or indirectly, furnishes, loans or gives any money or thing of value to aid those who manage what has been known in Texas as "Political Headquarters" of candidates, or to any campaign manager or to any particular candidate or person to promote the success of such candidate for public office, shall be guilty of a misdemeanor and if a corporation, if the act was done with the approval or connivance of its president, financial agent, or treasurer, forfeits its charter. It shall be the duty of the Attorney-General to institute proceedings for such forfeiture whenever it is made known to him by the affidavit of a reputable man that in his opinion such offense has been committed. The officers, agents and employes of such corporation, as also the candidate, and all persons connected with his political headquarters, shall be competent witnesses, and may be compelled to attend court and testify, and those shall not be subject to prosecution who reveal facts showing a violation of this section.

Sec. 191. Any officer or employe of the State, or of a political subdivision thereof, who directly or indirectly uses his authority or official influence to compel or induce any officer, clerk or employe of the State, or any political division thereof, to subscribe, pay or promise to pay, any political assessment, shall be guilty of a misdemeanor.

Sec. 192. Any person who, while holding a public office, or seeking a nomination or appointment therefor, corruptly uses or promises to use, directly or indirectly, any official authority or influence possessed or anticipated, in any way to aid any person in securing any office or public employment, or any nomination, confirmation, promotion, appointment or increase of salary, upon consideration that the vote or political influence or action of the person so to be benefited, or of any other person, shall be given or used in behalf of any candidate, officer or party, or upon any corrupt consideration, is guilty of a misdemeanor.

Sec. 193. Any head of any of the departments of State, or other public officer, who shall demand or receive any money or thing of value from any clerk or other person in his office, for his election expenses, or to reimburse him for money already expended, or who shall remove from office any competent clerk who declines to make such contribution, shall be deemed guilty of a misdemeanor.

Sec. 194. Any person who knowingly and willfully procures from any court, clerk or other officer a certificate of naturalization, which has been allowed, signed or sealed in violation of the laws of the United States or of this State, with intent to enable him or any other person to vote at any election, when he or such person is not entitled by the laws of the United States to become a citizen or to exercise the elective franchise, is guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary not less than five nor more than ten years.

Sec. 195. This act is cumulative as to elections and penalties for violating the election laws of this State; except that it shall repeal the election act approved by the Governor April 1, 1903.

Sec. 196. The importance of this act to the people of the State, and the great amount of legislative work that will be on the calendar for this session,

rendering the passage of important acts doubtful, creates an emergency and imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule is hereby suspended.

Minority Report.

Committee Room,
Austin, Texas, April 4, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: We, a minority of your Committee on Privileges and Elections, to whom was referred

Senate bill No. 5, a bill to be entitled "An Act to regulate elections and to provide penalties for its violation, and to repeal the acts of the Twenty-eighth Legislature of 1903, regulating elections," approved April 1, 1903.

Have had the same under consideration, and are instructed to report it back to the Senate with the recommendation that it do not pass, but that the attached substitute pass in lieu thereof, and that it be not printed.

LOONEY,
FAULK,
SMITH.

A bill to be entitled "An Act to regulate elections and to provide penalties for its violation, and to repeal the acts of the Twenty-eighth Legislature of 1903, regulating elections," approved April 1, 1903.

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

Suffrage.

Section 1. The following classes of persons shall not be allowed to vote in this State: First, persons under twenty-one years of age; second, idiots and lunatics; third, all paupers supported by the county; fourth, all persons convicted of any felony, except those restored to full citizenship and right of suffrage, or pardoned; fifth, all soldiers, marines and seamen employed in the service of the army or navy of the United States.

Sec. 2. Every male person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one years, and who shall be a citizen of the United States, and who shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, shall be deemed a qualified elector; and every male person of foreign birth, subject to none of the foregoing qualifications, who not less than six months before an election in which he offers to vote shall have declared his intention to become a citizen of the United States, in accordance with the Federal naturalization laws, and shall have resided in this State one year next preceding such election, and the last six months in the county in which he offers to vote, shall also be deemed a qualified voter; and all electors shall vote in the voting precinct of their residence; provided, that the electors living in an unorganized county may vote at an election precinct in the county to which such county is attached for judicial purposes; and provided further, that any voter who is subject to pay his poll tax under the laws of the State of Texas shall have paid said tax before he offers to vote at any election in this State, and hold a receipt showing the payment of his poll tax before the first day of February next preceding such election; if he is exempt from paying a poll tax, and resides in a city of ten thousand inhabitants or more, he must procure a certificate showing his exemption, as required by this act. Or if such voter shall have lost or misplaced said tax receipt he shall be entitled to vote upon making affidavit before any officer authorized to administer oaths that such tax was actually paid by him before said first day of February next preceding such election at which he offers to vote and that said receipt has been lost. Such affidavit shall be made in writing and left with the judge of the election.

Sec. 3. All qualified electors of this State, as described in the foregoing sections, who shall have resided for six months immediately preceding an election within the limits of any city or corporated town, shall have a right to vote for mayor and all other elective officers, but in all elections to determine the expenditure of money or resumption of debt, or issuance of bonds, only those shall be qualified to vote who pay taxes on property in such city or incorporated town; provided, that no poll tax for the payment of debts thus incurred shall be levied upon the person debarred from voting in relation thereto.

Sec. 4. The residence of a single man is where he usually sleeps at night; that of a married man is where his wife resides, or if he be permanently separated from his wife, his residence is where he sleeps at night; provided, that the residence of one who is an inmate or officer of a public asylum or eleemosynary institute, or who is employed as a clerk in one of the departments of government at the capital of this State, or who is a student of a college or university, unless

such officer, clerk, inmate or student has become a bona fide resident citizen in the county where he is employed, or if such student, shall be construed to be where his home was before he became such inmate of officer in such eleemosynary institute of asylum, or such employed as such clerk or became such student; and if on payment of his poll tax he will be a qualified voter he shall be permitted to return during the month of January in each year to his home to pay his poll tax or obtain his certificate of exemption, and shall be permitted to return again to his home to vote at any general or primary election. Railroad companies are permitted to transport Confederate veterans who are at the Confederate Home in Austin to and from the county of their residence free of charge on a certificate signed by the superintendent of the Confederate Home, stating the name of the veteran, and he is permitted to return to his home of his residence in order to vote at a general or primary election or in a primary convention and the time allowed him, which shall be no longer than is required for him to vote and return.

Sec. 5. In all elections by the people, the vote shall be by official ballot, which shall be numbered and elections so guarded and conducted as to detect fraud and preserve the purity of the ballot box. No registration in cities with a population of ten thousand or more shall be hereafter required as a qualification to vote, but all the provisions of this act, which prescribes qualifications for voting and which regulated the holding of elections shall apply to elections in cities.

Sec. 6. Every male person who is more than sixty years old, who is blind or deaf or dumb, or is permanently disabled, or has lost one hand or foot, shall be entitled to vote without being required to pay poll tax, if he has obtained his certificate of exemption from the county collector when the same is required by the provisions of this act.

Election Precincts.

Sec. 7. The county commissioners court of each county shall at a term of their court to be held in August, 1905, if it is necessary, comply with succeeding provisions of this act, and may if they deem it proper at each August term of the court that is held thereafter divide their respective counties and counties attached thereto for judicial purposes into convenient election precincts, each of which shall be differently numbered and described by natural or artificial boundaries or survey lines by an order to be entered upon the minutes of the court. They shall immediately thereafter publish such order in some newspaper in the county for three consecutive weeks; if there be no newspaper in the county, then such copy of such order shall be posted in some public place in each precinct in the county. No election precinct shall be formed out of two or more justice precincts nor out of the parts of two or more justice precincts.

Sec. 8. The county commissioners court in establishing new election precincts shall divide any city or town into as many election precincts as they see proper, none of which shall have resident therein more than three hundred and fifty voters, as ascertained by the vote of the last preceding general city or town election. Every ward in every incorporated city, town or village shall constitute an election precinct, unless there shall have been cast in the said ward at the last general city or town election held therein more than three hundred and fifty votes. Towns and villages, incorporated in accordance with Chapter 2, Title XVIII, of the Revised Civil Statutes of 1895, and cities and towns incorporated under Chapter 1, Title XVIII, Revised Statutes of 1895, shall not necessarily constitute election precincts and no precinct shall be made out of parts of two wards. Provided, that this section shall not apply to cities, towns and villages of less than ten thousand inhabitants, and in such cities, towns and villages the justice precincts in which said cities, towns and villages are situated may be divided into election precincts without regard to the wards of such cities, towns and villages and without reference to the number of votes to be cast.

Sec. 9. In towns or cities incorporated under the general laws for city or town elections, the city council may provide that there shall be one or more polling places, and in such case the certified list of poll tax paying voters for all election precincts in which voters reside who are to vote at any such polling place to be used therefor.

Sec. 10. The county commissioners court shall cause to be made out and delivered to the county collector of taxes for the first day of September, A. D. 1905, and annually thereafter, a certified copy of the last order fixing the limits and designating the number or name of each precinct for the year following.

Sec. 11. Precinct judges for all general elections shall be served with copies of the order of the county commissioners court, properly certified to by the clerk of the said court, designating the number, name and bounds of the election precinct and of their appointment as judges. Such service shall be made by the sheriff or a constable within ten days after the entry of such order and return shall be made

thereof on a copy showing when, where and how he executed the same.

Poll Tax Receipts and Certificates of Exemption.

Sec. 12. The poll tax required by the Constitution and laws in force shall be collected from every male person between the ages of twenty-one and sixty, who resided in this State on the 1st day of January preceding its levy; Indians not taxed; persons insane, blind, deaf or dumb and those who have lost a hand or foot or permanently disabled, excepted; which tax shall be collected and accounted for by the tax collector each year and appropriated as required by law. It shall be paid at any time between the 1st day of October and the 1st day of February following, and the person when he pays it shall be entitled to his poll tax receipt, even if his other taxes are unpaid.

Sec. 13. The poll tax due from citizens of unorganized counties shall be paid in the county to which the unorganized county is attached for judicial purposes.

Sec. 14. The commissioners court of each county shall, before the 1st day of October every year, furnish to the county tax collector a blank book for each voting precinct, which shall be marked with the name and number of the precinct for which it is intended. Each book shall contain a sufficient number of blank poll tax receipts for each voting precinct not in a city of ten thousand inhabitants or more and not exceeding three hundred and fifty blank poll tax receipts and certificates of exemption for each precinct in a city of ten thousand inhabitants or more, of which not more than sixty shall be certificates of exemption, and a greater or less number of each in the same proportion when sufficient for the voters of the precinct. Each receipt and certificate shall in each such book be bound immediately over a duplicate copy thereof, which duplicate copy, when filled out, shall correspond with the receipt or certificate in its number, the name, length of residence in the State or county, the voting precinct, race, occupation and postoffice address of the cititzen to whom the tax receipt or certificate of exemption is given. If the voting is in a city, the receipt or certificate and duplicate must show the ward, street and number, if numbered, of the citizen's residence (in lieu of postoffice address), and the length of time he has resided in such city. The receipts and certificates shall be numbered in consecutive order. Similar blank books of poll tax receipts shall be furnished to each unorganized county attached to such county for judicial purposes, except that the voting precinct need not appear therein. When the tax receipt or certificate is delivered to the citizen it shall be detached from the book and retained by him for his future use and identification in voting.

Sec. 15. Before the 1st day of April every year the county collector of taxes shall deliver to the board that is charged with the duty of furnishing election supplies, separate certified lists of the citizens in each precinct who have paid their poll tax or received their certificates of exemption, the names being arranged in alphabetical order and to each name its appropriate number, as shown by the duplicates retained in his office, with a description of the voter as to his residence, his voting precinct, length of his residence in the State and county, his race, occupation and post office address if not in a city of more than ten thousand inhabitants. If the county have any unorganized county or counties attached to it for judicial purposes the collector of taxes shall also deliver to said board, before the first day of April of each year, as many certified lists of the electors resident in such unorganized county or counties who have paid their poll tax, as there are election precincts in his county, which lists shall be identical with those of poll tax payers in his own county, except that the voting precinct shall not be stated. The tax collector of any county containing a town or city of more than ten thousand inhabitants shall also furnish to said board, not less than four days prior to any primary or general election, supplemental lists in the form herein prescribed, of all poll tax paying voters who have since paying their poll tax removed to each voting precinct in each such city or town in the county from another county or in another precinct in the same county. Said board shall furnish each presiding judge of a precinct the certified list and supplemental list of the voters of his precinct at the time when he furnishes other election supplies. Such certified lists of qualified voters shall be in the following form:

Voters in Election Precinct.

No.... ....
Name.. ....
Precinct..... ....
Age..... ....
Length of residence in State.....
Length of residence in county .. ....
Occupation.... ....
Race.. ....
Length of residence in city and ward,
Street and No. of residence.....
Post office address.... ....

Sec. 16. Each poll tax receipt and its duplicate shall show the name of the party for whom it was issued, the payment of the tax, age, his race, the length of time he has resided in the State, the length of time he has resided in the county, the voting precinct in which he lives, except when he lives in an unorganized county, his occupation, his post office address, or if he lives in an incorporated city, ward, street and number of his residence, if numbered, and the length of time he has resided in such city or town. If the owner does not reside in a city of ten thousand inhabitants or more his poll tax must either be paid by him in person or by some one duly authorized by him in writing to pay the same and to furnish the collector the information necessary to fill out the blanks in the poll tax receipts, provided, any person who has bought the property of another, which property is legally bound for the payment of any poll tax may put the poll tax of such former owner but the collector shall not issue a poll tax receipt, authorizing any person to vote, but shall give the party paying the same an ordinary memorandum receipt therefor; provided, such memorandum receipts alone shall be issued to persons paying their poll taxes after January 31st of each year and to persons subject to the poll tax but not qualified voters paying such taxes at any time, but such memorandum receipt shall not state either the race, occupation or residence of the tax payer. Such authority and information must be signed by the party who owes the poll tax and must be deposited with the tax collector and filed and preserved by him. But in no event shall any candidate for office pay the poll tax for another. In all cases where the tax payer resides in a city of ten thousand inhabitants or more, the tax must be paid in person by the tax payer entitled to the receipt, except as provided by this act, and when in cases permitted by this act the tax is paid by an agent the tax receipt shall not be delivered to such agent, but shall be sent by mail to the tax payer or kept and delivered to him in person by the tax collector; provided that no person, shall for or on behalf of any candidate for office or person interested in any question to be voted on, pay the poll tax for another nor shall any person as agent for another pay more than one poll tax for any one year.

Sec. 17. In all counties containing a city of ten thousand inhabitants or more, other than the county seat of such county, it shall be the duty of such collector to have a duly authorized and sworn deputy to represent him for the purpose of accepting poll taxes and giving receipts therefor, who shall keep his office for such purpose at some convenient place in such city during the entire month of January of each year, and he shall publish four weeks' notice of the authority of such deputy and the location of the office.

Sec. 18. The poll tax receipt shall be in the following form, and numbered consecutively in each book provided for in this act.

Poll Tax Receipt.

No. ——

State of Texas, County of .....
Received of ..... on the .... day of ..... A. D. 190.., the sum of ..... dollars, in payment of poll tax for the year A. D. 190...

The said taxpayer, being duly sworn by me, says that he is...years old, that he resides in voting precinct No. ...., in ..... county; that his race is .....; that he has resided in Texas ..... years, and in ..... county .....; that he is by occupation .....; that his postoffice address is .....

(If in an incorporated city or town a blank must be provided for the ward, street and number of resident in lieu of his postoffice address, and length of time he has resided in such city or town.)

All of which I certify.

(Seal) (Signed) .....
Tax Collector, ... County, Texas.

Sec. 19. Every person who is exempted by law from the payment of a poll tax and who is in other respects a qualified voter, who resides in a city of ten thousand inhabitants or more, shall after the first day of October, and before the first day of February following before he offers to vote, obtain from the tax collector of the county of his residence a certificate showing his exemption from the payment of a poll tax. Such exempt person shall on oath state his name, county of his residence, occupation, race, age, the length of time he has resided in Texas, the length of time he has resided in the county and the length of time he has resided in the city, and the ward and voting precinct in which his residence is located, the street and number of his residence, if numbered. He shall also state the grounds on which he claims exemption from the payment of a poll tax. Such certificate shall be detached from said book, leaving thereunder a duplicate carbon or other copy thereof, which shall contain the same description, and the original shall be delivered, bearing its proper number,

to the citizen in person to identify him in voting. Certificates of exemption for each precinct shall be numbered consecutively, beginning at one. They shall be in the following form:

Certificate of Exemption From Poll Tax.

No. ..

State of Texas, County of .....

I, ..., tax collector for said county, Texas, do hereby certify that ..... personally appeared before me on the .... day of ....., A. D. ....., and being sworn, said his name is .....; that his race is .....; that he is .... years old; that his occupation is .....; that he has resided in Texas for .... years; in the county of ..... for .....; and in the city of ..... for .....; that he now resides in precinct No. ....; in ward No. ...., and on ..... street, and in house No. .... (if numbered); that he is exempt from the payment of the poll tax by reason of ....., and that he is a qualified voter under the Constitution and laws of Texas.

(Seal) (Signed) .....,
Tax Collector, ... County, Texas.

Sec. 20. Whenever the county collector shall have reason to believe that a citizen who has paid his poll tax or received a certificate of exemption has sworn falsely to obtain the same, he shall report the facts upon which such belief is founded to the next grand jury organized in the county.

Sec. 21. If a citizen in a city of ten thousand inhabitants after receiving his poll tax or certificate of exemption removes to another ward in the same city before the next election he may vote at any general election in the ward of his new residence by presenting his poll tax receipt or certificate of exemption to the precinct election judges or by making affidavit that it has been lost or misplaced, which affidavit shall be left with the judges and be forwarded with the election returns. But in all such cases if the removal was to the ward of his new residence in the same city before the certified list of voters was delivered to the precinct judges he shall appear before the collector of taxes not less than five days before such election or primary election, and obtain a corrected receipt or certificate and his name shall be added to the list of voters for the precinct of his new residence and he shall not vote in that event unless his name appears on the certified list of voters.

Sec. 22. If a citizen after receiving his poll tax receipt or certificate of exemption removes to another county or to another precinct in the same county he may vote at an election in the precinct of his new residence in such other county or precinct by presenting his poll tax receipt or his certificate of exemption or his written affidavit of its loss to the precinct judges of election, and where he paid such poll tax or received such certificate of exemption, and by making oath that he is the identical person described in such poll tax receipt or certificate of exemption and that he then resides in the precinct where he offers to vote and has resided for the last six months in the district or county in which he offers to vote, and twelve months in the State. But no such person shall be permitted to vote in a city of ten thousand inhabitants or more unless he has first presented to the tax collector of his residence his tax receipt or certificate not less than four days prior to such election or primary election or made affidavit of its loss and where he paid such poll tax or received such certificate of exemption, who shall thereupon add his name to the list of qualified voters of the precinct of his new residence, and unless he has done this and his name appears in the certified list of voters of the precinct of his residence he shall not vote.

Sec. 23. Every male person who will be twenty-one years old on or before the day of an election and was not subject to a poll tax preceding the election at which he desires to vote and who by reason of a minority has not theretofore been subject to a poll tax, but has or will become twenty-one years old on or before the date of any election and who possesses all the other qualifications of a voter shall be entitled to vote at such election, if he has obtained a certificate of exemption from the county collector before the first day of February, which shall specify the day when he will be twenty-one years old, and contain all the other requisites of certificate of exemption. Before the certificate of exemption shall issue the applicant therefor shall make written affidavit of his age, to be administered and certified to by the county collector, who shall file and preserve the same; provided this section shall only apply to cities of ten thousand or more.

Sec. 24. The county collector is authorized to administer oaths and certify thereto under the seal of his office in every case where an oath is required in complying with any portion of this act connected with his official duties.

Sec. 25. If a person residing in a city of ten thousand inhabitants who is subject to pay a poll tax intends

to leave the precinct of his residence before the first day of October with the intention not to return until after the first day of the following February and does not return before that time he shall be entitled to vote, if possessing all other legal qualifications, poll tax for one year.

by paying his poll tax or obtaining his certificate of exemption through an agent authorized by him in writing, which shall state truly his intention to depart from the precinct, the expected period of his absence, and every fact necessary to enable the tax collector to fill the blanks in his receipt. Such authority in fact must be sworn to by the citizen and certified to by some officer authorized to administer oaths. It shall be deposited with the tax collector and kept in his office, who shall also retain the possession of the tax receipt or certificate until he delivers it in person to the citizen, and in no event shall the agent receive it.

Sec. 26. If the county collector does not personally know one who applies to pay his poll tax or secure his certificate of exemption from its payment, as being a resident in the precinct which such person claims as that of his residence, it shall be the duty of such collector to require proof of such residence, and if he has reason to believe such person has falsely stated his age, occupation, precinct of his residence, or the length of his residence in the State, county and city, he shall require proof of such statement, and if on inquiry he is satisfied that said person has sworn falsely, he shall make a memorandum of the words used in such statement and present the same to the foreman of the next grand jury.

Sec. 27. No one shall knowingly give money to a citizen to pay his poll tax, nor shall any one keep the poll tax receipt of another person in his possession or under his control, except in cases specially authorized by law.

Sec. 28. On or before the tenth day of March of each year the collector of taxes shall make statement to the county clerk showing how many poll tax receipts he has issued; said statement shall show how many poll tax receipts have been issued and to whom issued in each voting precinct in the county, and such statement shall be entered of record by the county clerk in the minutes of the county commissioners court.

Sec. 29. The county collector shall keep securely in a safe place the duplicates of each precinct from which poll tax receipts and certificates of exemption have been detached, and they must remain there except when taken out for examination, which must always be done in his presence, but they shall be burned by the county judge at the expiration of three years.

Writs of Election.

Sec. 30. Notice shall be given to the people of all elections for State and district officers, electors for President and Vice-President of the United States, members of Congress, members of the Legislature and all officers who are elective every two years. Such notices shall be by proclamation by the Governor ordering the election, not less than thirty days before the election, issued and mailed to the several county judges.

Sec. 31. The county judge, or if his office is vacant, or if he fails to act, then two of the county commissioners shall order an election for county and precinct officers and all other elections which under the law the county judge may be authorized to order. The county judge or county commissioners, as the case may be, shall issue writs of election ordered by him or them, in which shall be stated the office or offices to be filled by the election or the question to be voted on, or both, as the case may be, and the day of election. A failure from any cause on the part of the Governor or the county judge or commissioners court, or of both to order or give notice of any general election shall not invalidate the same if otherwise legal and regular.

Sec. 32. The Secretary of State shall at least thirty days before the general election furnish to the county judge of each county a sufficient number of election returns, instruction cards, distance markers and such other stationery and printing as is to be furnished by the State, necessary to conduct said election in such county, not however, to include the official ballot.

Notice of an Election.

Sec. 33. The county judge, or if he fails to act then two county commissioners, shall cause notice of a general election or any special election to be published by posting notice of election at each precinct thirty days before the election, which notice shall state the time of holding the election, the office to be filled, or the question to be voted on, as the case may be; provided, that in local option, stock law and road tax elections the notices of elections or any other special election specially provided for by the laws of this State shall be given in compliance with the requirements of laws hereto-

fore enacted governing said elections respectively, and provided also, that if a vacancy occurs in the State Senate or House of Representatives during the session of the Legislature or within ten days before it convenes, then twenty days notice of a special election to fill such vacancy shall be sufficient. Posting of notice of an election shall be made by the sheriff or a constable, who shall make return on a copy of the writ how and when he executed the same.

Sec. 34. In all city, town and village elections the mayor, or if he fails to, then the board of aldermen or the officials in whom authority is vested by law, shall order elections pertaining alone to municipal affairs, give notice and appoint election officers to hold the election unless a different method be prescribed by the charter of such city, town or village; but in all cases supervisors may be selected as in general elections and the judges and clerks shall each be selected from different political parties when practicable.

Sec. 35. In all cases of vacancy in a civil office in the State, caused by death or resignation or otherwise, the vacancy in which is to be filled by election, the officer or officers authorized by this act to order elections shall immediately make such order, fixing the day, not exceeding thirty days after the first public notice of such order to fill the unexpired term.

Election Returns.

Sec. 36. Returns of election shall be made under existing law contained in Articles 1743 to 1749, inclusive, and Articles 1753 to 1766, inclusive, of the Revised Statutes of Texas of 1895, and also Articles 1813 to 1815, inclusive, of said Revised Civil Statutes of Texas, as amended by Chapter 26 of the General Laws of the Twenty-fifth Legislature, except as herein otherwise provided.

Election Supplies.

Sec. 37. Voting booths shall be furnished and used at elections at each voting precinct in towns or cities of ten thousand inhabitants or more.

Sec. 38. There shall be one voting booth or place for every seventy citizens who at last general election paid their poll tax or obtained certificates of exemption from its payment, and who reside in the voting precinct; provided, the judges of the election may provide as many more booths and places as they shall deem necessary. Each polling place, whether provided with voting booths or not, shall be provided with a guard rail, so constructed and placed that only such persons as are inside of such guard rail can approach the ballot boxes or compartments, places or booths at which the voters are to prepare their votes, and that no person outside of the guard rail can approach nearer than six feet of the place where the voter prepares his ballot. The arrangement shall be such that neither the ballot boxes nor voting booths nor the voters while preparing their ballots shall be hidden from view of those outside the guard rail, or from the judges, and yet the same shall be far enough removed and so arranged that the voter may conveniently prepare his ballot for voting in secrecy. There shall be provided in each voting place voting booths where voting booths are required, with three sides closed and the front side open. Each booth shall be twenty-two inches wide on the inside, thirty-two inches deep and six feet four inches high, and shall contain a shelf for convenience of the voter in preparing his ballots, and the booths shall be so constructed with hinges that it can be folded up for storage when not in use. The county judge, county clerk and sheriff shall constitute a board, a majority of whom may act to provide the supplies to be furnished and paid for by the State as provided in Section 149 of this act, and the county judge and any member of the commissioners court in case of his failure or refusal to act, shall make requisition on the Secretary of State for the supplies necessary to hold and conduct the election that are to be paid for by the State as mentioned in Section 149; all of which shall be delivered to the presiding judges of the election by the sheriff or any constable of the county when not called for and obtained in person by the precinct judges.

Sec. 39. For all supplies furnished by the county, said board shall file with the county commissioners court a written report of their action, giving detailed statement of the expenses incurred in procuring such supplies.

Sec. 40. Every guard rail shall be provided with a place for entrance and exit. The arrangement of the polling place shall be such that the booths or places prepared for voting can only be reached by passing within the guard rail, and the booths, ballot boxes, election officers and every part of the polling place, except the inside of the booths, shall be in plain view of the election officers and persons outside the guard rail, among whom may be one challenger for each political party and no more.

Sec. 41. The voting booth shall be so arranged that there shall be no access to them through any doors, window or opening except through the front of the booth, and the same care shall be observed in precincts where

there are no booths in protecting the voter from intrusion while he is preparing his ballot.

Sec. 42. When voting booths are not required, a guard rail shall be so placed that no one not authorized can approach nearer than six feet of the voter, while he is preparing his ballot, and a shelf for writing shall be prepared for him, with black lead pencil, and so screened that no other person can see how he prepares his ballot. All booths and voting places shall be properly lighted.

Sec. 43. For each election precinct there shall be provided four ballot boxes to be marked as follows: "Ballot box No. 1 for election precinct No. ...." (giving name an number of precinct); "Ballot box No. 2 for election precinct No. ..;" "Ballot box No. 3 for election precinct No. ..;" "Ballot box No. 4 for election precinct No. .."

Sec. 44. The official ballots to be counted before delivery and sealed up and together with the instruction cards, with poll lists, tally sheets, distance markers, returning blanks and stationery, shall be delivered to the precinct judges, and the number of each indorsed on the package, and entered of record by the county clerk in the minutes of the commissioners court. In like manner shall be sent the list of qualified voters for the precinct, certified to by the collector, if the presiding judge has not already received it.

Sec. 45. If from any cause ballot boxes, voting booths, guard rails or other election supplies have not been received by the presiding judge, he shall procure them, and they shall be paid for as other election supplies, and if the certified list of qualified voters is not in his possession at least three days before the election, he shall send for and procure them; provided, that all elections in incorporated cities, towns and villages, the mayor, the city clerk, the board of commissioners or aldermen, shall do and perform each and every act in other election required to be done and performed respectively by the county judge, the county clerk or the county commissioners court. And the expense of all city elections shall be paid by the city in which same are held.

The Official Ballot.

Sec. 46. No ballot shall be used in voting at any general primary or special election held to elect public officers or determine questions submitted to a vote of the people, except the official ballot, unless otherwise authorized by law. At the top of the official ballot shall be printed in large letters the words "Official Ballot." It shall contain the printed names of all candidates whose nomination for an elective office have been duly made and properly certified. The name shall appear on the ballot under the title of the party that nominates them, except as otherwise provided by this act.

Sec. 47. If from any cause the official ballot furnished for an election precinct have been exhausted or not delivered to the precinct judges, the voters may provide their own ballot after the style of the official ballot described in this act.

Sec. 48. For each voting precinct there shall be furnished one and a half times as many official ballots as there are qualified voters in the precinct, as shown by the list required to be furnished by the tax collector to precinct judges.

Sec. 49. The name of no candidate shall appear more than once upon the official ballot, except as a candidate for two or more offices permitted by the Constitution to be held by the same person. The name of the candidate nominated or indorsed by any political party shall appear on the ballot and under the head of the party making such nomination or indorsement.

Sec. 50. A nominee may decline and annul his nomination by delivering to the officer with whom the certificate of his nomination is filed ten days before the election, if it be for a city office, and twenty days in other cases, a declaration in writing, signed by him before some officer authorized to take his acknowledgments. Upon such declination (or in case of death of a nominee) the executive committee of a party or a majority of them for the state, district or county, as the office to be nominated may require, may nominate a candidate to supply the vacancy by filing with the Secretary of State in the case of State or district officers, or with the county judge in the case of county or precinct officers, a certificate duly signed and acknowledged by them, setting forth the cause of the vacancy, the name of the new nominee, the office for which he was nominated, and when and how he was nominated. Thereupon the Secretary of State or county judge, as the case may be, shall promptly notify the official board created by this act to furnish election supplies that such vacancy has occurred and the name of the new nominee, which shall then be printed upon the official ballot, if the ballots are not already printed. If such declination or death of the nominee occurs after the ballots are printed or due notice thereof the name of the new nominee is received after such printing, the official board charged with the duty of furnishing election supplies shall prepare as many

pasters bearing the name of the new nominee as there are official ballots, which shall be pasted over the name of the former nominee on the official ballot before the presiding judge of the precinct indorses his name on the ballot for identification. If a nominee dies or declines the nomination before the election and no one is nominated to take his place, the votes cast for him shall be counted and return made thereof, and if he shall have received a plurality of the votes cast for the office, the vacancy shall be filled as in case of vacancy occurring after the election. No paster shall be used except as herein authorized, and if otherwise used the names pasted shall not be counted.

Sec. 51. At the election of school district officers or school officers for a city, town or village, at which no other officer is to be elected, or election of officers of fire departments, ballots may be used described by local authorities.

Sec. 52. The name of no candidate for any political party that cast one hundred thousand votes or more at the last preceding general election shall be printed on any official ballot for a general election unless nominated by primary election, on primary election day, except as herein otherwise provided.

Sec. 53. All ballots shall be printed with black ink on clear white paper of sufficient thickness to prevent the marks thereon to be seen through the paper, and of uniform style. The tickets of each political party shall be placed or printed on one ballot, arranged side by side in columns separated by parallel rule. The space which shall contain the title of the office and the name of the candidate (or candidates, if more than one is to be voted for for the same office) shall be of uniform style and type in said tickets. At the head of each ticket shall be printed the name of the party. When a party has not nominated a full ticket the titles of those nominated shall be in position opposite to the same office in a full ticket and title of the offices shall be printed in the corresponding position in spaces where no nominations have been made. In the blank columns and independent columns, the titles of the offices shall be printed in all blank spaces to correspond with a full ticket. When presidential electors are to be voted on their names shall appear at the heads of their respective tickets. When a constitutional amendment or other propositions are to be voted on, same shall appear on each ticket in uniform style and type. When a voter desires to vote a ticket straight he shall run a pencil or pen through all other tickets on the official ballot, making a distinct marked line through such ticket not intended to be voted, and when he shall desire to vote a mixed ticket shall do so by running a line through the names of such candidates as he shall desire to vote against in the ticket he is voting, and by writing the name of the candidate for whom he desires to vote in the blank column and in the space provided for such office, same to be written with black ink or pencil.

Sec. 54. When a constitutional amendment or other question submitted by the Legislature is to be voted on, the form in which it is submitted shall be described by the Governor in his proclamation in such terms as to give the voter a clear idea of the scope and character of the amendment, and printed once at the bottom of each ballot as described by this act the words "for" and "against" under it; provided, the Legislature has failed to prescribe a form. If a proposition or question is to be voted on by the people of any city, county or other subdivision of the State, the form in which such proposition shall be voted on shall be prescribed by the local or municipal authority submitting it.

Opening the Polls.

Sec. 55. The judges and clerks of election for each precinct (and supervisors, if any have been selected), shall meet at the polling place at least half an hour before the time for opening the polls, and shall proceed to arrange the guard rail, the space within the guard rail, the voting booths (if any), and the furniture for the orderly and legal conduct of the election. The judges of election shall then examine the ballot boxes required for the reception of the ballots and the blank official ballots, and shall deposit such ballots as are found to be defective in printing in ballot box No. 4 for mutilated or returned ballots. They shall also examine the sample ballots, instruction cards, distance markers, tally sheets, return sheets, certified lists of voters, rubber or wooden stamps, and all things required for the election; but the package containing the official ballots shall not be opened until the morning of the election and at the polling place. One instruction card shall be posted near each distance marker, where it can be read by citizens before voting. The package of official ballots shall remain in the custody of the judges and the polling clerks. The judges shall cause to be

placed at the distance of one hundred feet from the entrance of the room at which the election is held, visible distance markers in each direction of approaches to the polls on each of which shall be printed in large letters the words, "distance markers." "No electioneering or loitering between this point and the entrance to the polls." The judges shall examine the ballot boxes and then relock them, after all present can see they are empty. The instruction card and distance markers shall be posted up and shall not be defaced or removed during the progress of the election. The ballot clerks with official ballots, the presiding officer of the election, the poll clerk, the election supplies, and the certified lists of qualified voters for the precinct, and the supervisors, if there are any, shall be as conveniently near each other as practicable within the polling place.

Sec. 56. Before opening the polls the presiding judge of election shall, in an audible voice, take the following oath or affirmation, which shall be uttered slowly and distinctly, and each of the other judges and clerks shall repeat the same after him: "I solemnly swear (or affirm) that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or candidates or for or against any proposition to be voted on; that I will not keep or make any memoranda or entry of anything occurring within the booths or polling places, as the case may be, nor disclose how any one whom I am permitted to assist in voting has voted, except I be called on to testify in a judicial proceeding; and that I will faithfully perform this day my duty as officer of the election, and guard as far as I am able the purity of the ballot box, so help me God." Before the election begins one instruction card shall be posted up in each voting booth where it can be read, and when there are no voting booths one shall be posted up in plain view at the place prepared for the voter to make out his ballot.

Officers of Election; Their Powers and Duties.

Sec. 57. The county commissioners court shall at the February term appoint among the citizens of each voting precinct, in which there are less than one hundred voters who have paid their poll tax and received their certificates of exemption, two reputable men, who are qualified voters, as judges of election. They shall be selected from different political parties, if practicable, and shall continue to act until their successors are appointed. When the bounds of the precinct are changed so that one or more judges reside outside of the precinct for which they were appointed, the court shall appoint others to supply his or their place. One of the judges, who shall in all cases belong to the party that at the last general election cast the largest vote for Governor throughout the State shall be designated as the presiding judge at elections; he shall appoint two competent and reputable clerks of different political parties, if practicable, who are qualified voters, to act as clerks of the election. The order appointing all judges shall be entered of record. The presiding judge shall act in receiving and depositing the votes in the ballot boxes and the other judge shall act in counting the votes cast; one of the clerks shall keep the poll list and list of qualified voters, and upon the poll list he shall write at the time of voting the name and number of each voter; the other clerk shall act as canvassing clerk and shall keep the tally list of votes counted; said officers shall perform such other duties as the presiding judge may direct.

Sec. 59. For every precinct in which there are one hundred male citizens or more who have paid their poll tax or received their certificates of exemption, the commissioners court shall appoint four judges of election, who shall be chosen when practicable from opposing political parties. The presiding and one associate judge shall act in receiving and depositing the votes in the ballot box, and the other two judges shall act in counting the vote cast. The presiding judge shall appoint four competent and reputable clerks, who have paid their poll tax, and of different politcal parties when practicable; two of said clerks shall assist in keeping poll lists and the list of qualified voters; upon the poll lists they shall write the name and number of each voter, and at the time voted. Two clerks shall be canvassing clerks, who shall keep tally lists of votes counted. and perform such other duties as the presiding judge may direct. At the close of the canvassing and during its progress, the tally clerks shall compare their tally lists and certify officially to their correctness. Provided that in all elections held under the provisions of this act other than general elections, local option elections and primary elections, the officers to be appointed by the commissioners court to hold said elections shall be a presiding judge, and assistant judge and two clerks, whose compensation shall be

two dollars per day, and two dollars to the presiding judge extra for making return of the election.

Sec. 60. The chairman of the county executive committee for each political party that has canvassed on the official ballot, or if he fails to act, any three members of such committee may not less than five days before the general election, nominate one supervisor of election for each voting precinct, who has paid his poll tax, by presenting his name to the county judge, who shall indorse his approval on the certificate of his nomination, if he is a reputable citizen, but not otherwise. And thereupon on his presenting such nomination and its approval to the presiding judge of the precinct he shall be permitted to sit conveniently near the judges, so that he can observe the conduct of the election, including the counting of the votes, the locking and sealing of the ballot boxes, their custody and safe return. He shall not be permitted to enter into any conversation with the judges or clerks, regarding the election while it is progressing, except to call the attention of the judges or clerks to any irregularity or violation of the law that he may observe. Before he shall be permitted to act as supervisor he shall take an oath to be administered by the presiding judge that he will mention and note any errors he may see in testing or counting the votes and that he will well and truly discharge his duties as supervisor impartially and will report in writing all violations of the law and irregularities that he may observe to the next grand jury.

Who Prohibited from Being Elected Judges or Clerks or Members of Executive Committee.

Sec. 61. No one who holds an office of profit or trust under the United States or this State, except a notary public, or who is a candidate for office or who has not paid his poll tax, shall act as judge, clerk, or supervisor of any election; nor shall any one act as chairman or as member of an executive committee either for the State or any district or county, who has not paid his poll tax, or who is a candidate for office, or holds any office of profit or trust under either the United States or this State, except a notary public.

Method of Conducting Elections.

Sec. 62. A general election shall be held on the first Tuesday after the first Monday in November, A. D. 1906, and every two years thereafter, at such place as may be prescribed by law, after notice given as prescribed by law.

Sec. 63. Special elections shall be held at such times and places as may be fixed by law providing therefor.

Sec. 64. In all cases, except treason, felony or breach of peace voters shall be privileged from arrest during their attendance at elections, and in going to and returning from.

Sec. 65. In all elections, general, special or primary, the polls shall be open from eight o'clock in the morning until seven o'clock in the evening, and the election shall be held for one day only.

[Note: Section 66 is here left out of copy.]

Sec. 67. No citizen shall be permitted to vote unless he first presents to the judge of election his poll tax receipt or certificate of exemption issued to him before the 1st day of February of the year in which he offers to vote, except as otherwise permitted in this act, unless the same has been lost or mislaid, or left at home, in which event he shall make an affidavit of that fact, which shall be left with the judges and sent by them with the returns of the election; provided, that if since he obtained his receipt or certificate he remove from the precinct or county of his residence he may vote on complying with other provisions of this act.

Sec. 68. Judges of election are authorized to administer oaths to ascertain all facts necessary to a fair and impartial election. The presiding judge of election, while in the discharge of his duties as such, shall have the power of the district judge to enforce order and keep the peace. He may appoint special peace officers to act as such during the election and may issue warrants of arrest for felony, misdemeanor or breach of peace committed at such election, directed to the sheriff or any constable of the county, or such special peace officer, who shall forthwith execute any such warrants, and if so ordered by the presiding judge confine the party arrested in jail during the election or until the day after the election, when his case may be examined into before some magistrate, to whom the presiding judge shall report it; but the party arrested shall first be permitted to vote, if entitled to do so; provided, that if said party is drunk from the use of intoxicating liquor he shall not be permitted to vote until he is sober.

Sec. 69. Before the balloting begins the presiding judge shall unlock ballot box No. 1, and after all the officers of the election and supervisors have inspected the same to see that it is

empty, relock it and place it within view, where it shall remain until removed to make room for ballot box No. 2. A like examination shall be made of ballot box No. 2. All the boxes shall be securely made of metal or wood, provided with a top, hinges, lock and key, and an opening shall be made at the top of each just large enough to receive a ballot when polled.

Sec. 70. In ballot box No. 4 shall be deposited, in addition to ballots defectively printed, all defaced and mutilated ballots, and when the polls are closed all the ballots that have not been voted. The box shall be locked and so returned sealed to the county clerk, with a statement which shall be placed therein signed by the presiding judge of the number of ballots received by him, the number of mutilated or defaced ballots that the box contained, and also the number of ballots not given to voters, as well as those defectively printed, so that after adding such numbers all ballots delivered to the election officers may be accounted for. Such ballot box shall when the returns of votes cast are canvassed by the commissioners court be opened, the ballots counted and a record made of what they have found to be its contents.

Sec. 71. Any judge may require a citizen to answer under oath before he secures an official ballot whether he has been furnished with any paper or ballot on which is marked the names of any one for whom he has agreed or promised to vote or for whom he has been requested to vote, or has such paper or marked ballot in his possession, and he shall not be furnished with an official ballot until he has delivered to the judge such marked ballot or paper, if he has one, which on delivery shall, without examination, be destroyed by the judge. And any person who gives, receives or secures or is interested in giving or receiving an official ballot or any paper whatever, on which is marked, printed or written the name or names of any person or persons for whom he has agreed or proposed to vote, or for whom he has been requested to vote, or has such paper marked, written or printed in his possession as a guide or indication by which he could make out his ticket, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars, and confinement in the county jail for thirty days.

Sec. 72. One of the election judges shall receive from the voter his poll tax receipt or certificate of exemption when he presents himself to vote; the voter shall announce his name and the judge, after comparing the appearance of the party with the description given in the certified list of qualified voters of the precinct made out by the county collector and being satisfied that it accords therewith, shall pronounce in an audible voice the name of the voter and his number, as given in the list of qualified voters. If the voter has lost his receipt or certificate and shall present his written affidavit of that fact, and if his appearance tallies with that given for the same number and name on the list of qualified voters and if the voter presents his written affidavit of removal from some other precinct or county in cases when the same is permitted by this Act, together with his receipt or certificate or affidavit of the loss thereof, the judges of election shall be satisfied that he paid his poll tax or received his certificate of exemption before the first day of the preceding February, the judge shall in like manner pronounce in an audible voice the name and number of the elector on the certified list of qualified voters with the word "correct."

Sec. 73. When the judges are satisfied as to the right of the citizen to vote and one has pronounced in an audible voice his name and number as shown on the list of qualified voters of the precinct and the word "correct," the judge shall stamp in legible characters with a stamp of wood or rubber the poll tax receipt or certificate of exemption with the words: "Voted——— day of ———, A. D. 19——," or write the same words in ink (showing date of voting), and then return said receipt or certificate to the voter, and shall at the same time deliver to him one official ballot on the blank side of which the presiding judge shall have previously written his signature. The voter shall then immediately repair to one of the voting booths or places prepared for voting by the election officers and there prepare his ballot, in the manner provided by section 53 of this Act.

Sec. 74. When a person offering to vote shall be objected to by an election judge or a supervisor or challenger, the presiding judge shall examine him upon an oath touching the points of such objection, and if such person fails to establish his right to vote to the satisfaction of the majority of the judges, he shall not vote. If his vote be received, the word "sworn" shall be written upon the poll list opposite the name of the voter.

Sec. 75. When a citizen shall have prepared his ballot, he shall fold the same so as to conceal the printing thereon and so as to expose the signature of the presiding judge on the

blank side, which shall always be indorsed by the judge before the ballot is delivered, and shall after leaving the booth hand to the numbering judge his ballot, who shall number the same. If the judges are satisfied that the ballot returned is the one delivered to the voter the numbering judge shall number the ballot, writing on the blank side the number opposite the voter's name on the voting list, and shall stamp or write the same with the word "voted," and deposit the ballot in the ballot box. The letter "v" shall at the same time be marked by one of the clerks on the certified list or supplemental list of qualified voters opposite the voter's name thereon, and the voter shall thereupon immediately leave the polling place.

Sec. 76. No voter shall be entitled to receive a new ballot in lieu of one mutilated and defaced until he first returns such ballot and it is deposited in box No. 4, nor shall any one be supplied with more than three ballots in succession, when they are mutilated or defaced. A register shall be kept by the clerks as the voting progresses of the mutilated or defaced ballots, which shall be deposited in box No. 4, in which shall also be deposited and returned all official ballots not used.

Sec. 77. From the time of opening the polls until the announcement of the results of the canvass of votes cast and the signing of the official returns, the boxes and official ballots shall be kept at the polling place in the presence of one or more of the judges and supervisors if there are any. No person shall be admitted within the room where the election is being held except the judges, clerks, persons admitted by the presiding judge to preserve order, supervisors of election, and persons admitted for the purpose of voting; provided, that the officers of the election shall permit an interpreter to assist any voter who can not both speak and read the English language. No judge or clerk shall make any statement nor give information in any manner of the number of votes nor any other fact regarding their opinion of the state of the polls after the closing thereof except as herein permitted.

Sec. 78. No officer of election shall unfold or examine the face of a ballot when received from an elector, nor the indorsement on the ballot, except the signature of the judge, or the words stamped thereon, nor compare it with the clerk's list of voters, when the ballots are counted, nor shall he permit the same to be done, nor shall he examine nor permit to be examined the ballots after they are deposited in a ballot box, except as herein provided for in canvassing the votes, or in cases specially provided by law.

Sec. 79. The counting judges and clerks shall familiarize themselves with the signature of the judge who writes his name on each ballot that is voted, and shall count no ballots that do not bear his signature or are unnumbered, or if on examination by the judges, such signature is found to be a forgery.

Sec. 80. If the officers of election need refreshments during the voting and before the canvass of votes, they shall be taken at the polling places and in view of the ballot boxes, provided that the refreshments shall contain no alcoholic, vinous, malt or intoxicating liquors.

Sec. 81. At the expiration of one hour after voting has begun the receiving judges shall deliver ballot box No. 1 to the counting judges, who shall at once deliver in its place ballot box No. 2, which shall again be opened and examined in the presence of all the judges and securely closed and locked; and until the ballots in ballot box No. 1 have been counted, the receiving judge shall receive and deposit ballots in ballot box No. 2. Ballot box No. 1 shall on its receipt by the counting judges, be immediately opened and the tickets taken out by one of them, one by one, when he shall read and distinctly announce, while the ticket remains in his hand, the name of each candidate voted for thereon, which shall be noted on the tally sheets, and shall then deliver the ballot to the other counting judge, who shall place the same in box No. 3, which shall remain locked and in view until the counting is finished, when said box shall be returned with the other boxes, locked and sealed, to the county clerk. Ballot boxes Nos. 1 and 2 shall be used by the receiving judge and the counting judge alternately, as above provided, as often as the counting judge has counted and exhausted the ballots in either box; the election supervisors may be present when the ballots are being examined and the votes called off and noted on the tally sheets.

Sec. 82. At each change of the boxes one of the judges shall announce at the outer door of the voting place the number of votes already cast.

Sec. 83. Not more than one person at the same time shall be permitted to occupy any one compartment, voting booth or place prepared for a voter, except when a voter is unable to prepare his ballot from inability to read or write, or physical disability, two judges or an interpreter, if he can not both read and speak the English language, shall assist him, they having been first sworn that they will not suggest by word or sign or gesture how the voter shall vote; that they shall confine their assistance to answering his questions, to naming candidates, and the political parties to which they

belong, and that they will prepare his ballot as the voter himself shall direct. The judges who assist the voter in preparing his ballot shall be of different political parties, if there be such judges present, and an election supervisor or supervisors may be present, but must remain silent, except in case of irregularity or violation of the law.

Sec. 84. If a presiding judge fails to attend on election day, or fails to act, or none shall have been appointed, the voters present may appoint their own presiding officer who has paid his poll tax, and such voters may also appoint the necessary assistant judges of election. When a presiding officer who has been appointed by a commissioners court fails to act in conducting an election, and one is selected by the voters present, the judges and clerks at such election shall, in making their returns of election, certify to that fact, and state that the acting judges were appointed by the voters present. When an assistant judge or clerk has not been appointed or having been theretofore appointed fails to attend on election day, or fails to act at the opening of the polls or during the election, the presiding judge shall appoint in his place another with the same qualifications, and return a certificate of such appointment with each election return.

Sec. 85 The election judges shall prevent loitering and electioneering while the polls are open within one hundred feet of the door through which voters enter to vote, and within one hundred feet of the place where the voter is required to prepare his ballot, and for this purpose they shall appoint a special constable to enforce this authority.

Sec. 86. No carriage or other vehicle shall be used either by candidates or their friends to convey voters to the voting places unless the voter is physically unable to go to or to enter the polling place without assistance, in which event two of the judges of different political parties, if there are such, may deliver an official ballot to him at the entrance to the polling place and permit him to make out his ballot and deliver it there.

Sec. 87. No person shall open or keep open any barroom, drinking saloon or wholesale beer or liquor house, where vinous, malt, spirituous and intoxicating liquors are sold during any portion of the day on which an election, either general, special or primary, is held for any purpose in the voting precinct where such election is held; nor shall any one in such voting precinct sell, barter or give away any vinous, spirituous or intoxicating liquor during the day of such election, nor shall any one carry or cause to be carried to the polling place on the day of election any intoxicating liquor for the purpose of sale, gift or to be drunk; and if any one shall find any intoxicating liquor on election day he shall refrain from taking possession of it and shall not inform another of its whereabouts.

Sec. 88. Intoxicating liquor may be sold on election day by a druggist only to fill prescriptions by a physician, but who at the time must certify in writing, on his honor, that it is needed by his sick patient.

Sec. 89. Immediately upon the closing of the polls, and at intervals of two hours thereafter, the presiding judge or an associate judge shall make a correct but unofficial memorandum of the total number of votes counted for each candidate at that time, such memorandum being in the order in which the names of the candidates appear upon the ballot; and thereupon he shall publicly announce from such memorandum the status of the count at the door of the building where the counting is in progress. This memorandum shall thereafter be accessible to the public, and especially newspaper reporters, who may call for information, and the presiding judge or an associate judge may furnish reporters information concerning the status of the count at other times after the polls have closed. The announcement of the status of the count shall continue as aforesaid until the count has been completed, when a correct but unofficial announcement of the total number of votes received by each candidate shall be announced in the manner above provided. This section shall also apply so as to require the same reports from judges of primary elections.

Expenses by Managers of Political Headquarters and by Others.

Sec. 90. Every person who manages any political headquarters for any political party or for any candidate before any election, and every clerk or agent of such manager for such headquarters or candidate, and every other person whomsoever who expends money, gives any property or thing of value, or promises to use influence, or give a future reward to promote or defeat the election of any candidate or to promote or defeat the success of any political party at any election, shall within ten days after such election file with the county judge of the county in which the political headquarters was located, and with the county judge of the county where such manager, clerk or other person, as the case may be, reside, an itemized statement of all moneys or things of value thus given or promised, for what purpose, by whom supplied, in

what amount and how expended, and what reward was given or promised, by whom and to whom, and what influence was promised, by whom promised and to whom said promise was given. He shall also state whether he has been informed or has reason to believe that the person thus aiding or attempting to defeat a party or candidate was an officer, stockholder, agent or employe of, or was acting for or in the interest of any corporation, giving his name, and if so of what corporation; and he shall if he has no positive knowledge state the source of his information or the reasons for his belief as the case may be; all of which shall be sworn to and subscribed befor the county judge, who shall file and preserve the same, which shall at all times be subject to inspection of the public.

Expenses of Candidates.

Sec. 91. Within ten days after a primary and also after a final election all candidates for office at such election shall file a written itemized statement under oath with the county judge of the county of their residence of all the expenses incurred during the canvass for the office, and for the nomination, including amounts paid to newspapers, hotel and traveling expenses, and such statement shall be sworn to and filed, whether the candidate was elected or defeated, which shall at all times be subject to inspection of the public.

Return of Election Supplies.

Sec. 92. One of the precinct judges shall deliver the returns of election with certified lists of qualified voters, with all stationery, rubber stamps and blank forms and other election supplies not used to the county judge immediately after the votes have been counted. He shall provide for the safe storage of the voting booths in some place in the precinct and notify the county judge.

Non-Partisan and Independent Candidates.

Sec. 93. The name of a non-partisan or independent candidate may be printed on the official ballot in the column for independent candidates, after a written application signed by qualified voters to the Secretary of State and delivered to him within thirty days after primary election day as follows:

If for a State office to be voted for throughout the State, one per cent of the entire vote of the State cast at the last preceding general election; if for a congressional, supreme, judicial, senatorial, flotorial or judicial district office, three per cent of the entire vote cast in any such district at the last preceding general election; provided, that the number of signatures shall not exceed five hundred for any congressional, senatorial or judicial office, nor for any other office that is not filled by all the voters of the State.

Sec. 94. No application to the Secretary of State shall contain the name of more than one candidate, and no citizen shall sign such application unless he has paid his poll tax or received his certificate of exemption; provided, that if the office is one to which two or more persons are to be elected, his application may be for as many candidates as there are persons to be elected to that office, and provided, also, that no person who has voted at a primary election shall sign an application in favor of anyone for an office for which a nomination was made at such primary election.

Sec. 95. To every citizen who signs such application shall be administered the following oath, which shall be reduced to writing and attached to such application, viz.: "I know the contents of the foregoing application; I have participated in no primary election which has nominated a candidate for the office for which I desire (here insert the name) to be a candidate; I am a qualified voter at the next general election under the Constitution and laws in force, and have signed the above application of my own free will." One certificate of the officer before whom the oath is taken may be so made as to apply to all to whom it was administered.

Sec. 96. The Secretary of State shall on the receipt of the application which conforms to the above requirements issue his instruction to the county clerks of this State, or of the district, as the case may require, directing that the name of the citizen in whose favor the application is made shall be printed on the official ballot under the title of the office for which he is a candidate; provided, that the citizen in whose favor the application is made shall first file his written consent with the Secretary of State to become a candidate within thirty days after primary election day.

Sec. 97. Independent candidates for office at a county, city or town election may have their names printed upon the official ballot on application to the county judge, or for a county office, or to the mayor if for a city or town office; such application being in the same form and subject to the same requirements herein prescribed for applications to be made to the Secretary of State in case of State or district independent nomination; provided, that a petition of three per cent of the entire vote cast in such county, city or town at the last general election shall be required for such nomination.

Sec. 98. All political parties whose

nominee for governor at the last preceding general election received as many as ten thousand and less than one hundred thousand votes, may nominate candidates for State, district and county offices under the provisions of this law by primary election or they may nominate candidates for State offices at a State convention, which shall be held the third Tuesday in May, and which shall be composed of delegates elected in the various counties at county conventions held on the first Saturday after the first Tuesday in May, which shall be composed of delegates from the various election precincts in such counties elected therein at primary conventions held in such precincts between the hours of six and ten o'clock p. m. on the first Tuesday in May. The State committee of all such parties shall meet at some place in the State to be designated by the chairman thereof on the second Tuesday in March and shall decide and by resolution declare whether they will nominate State, district and county offices by convention or by primary election, and shall certify their decision to the Secretary of State. Nominations for district offices made by such parties if by convention shall be made by conventions held on the second Tuesday in May and composed of delegates elected thereto at the county conventions held on Saturday after the first Tuesday, all of which county conventions shall nominate candidates for county offices of such parties for such county. All nominations so made by a State or district conventions shall be certified by the chairman of the State or district committees of such parties to the Secretary of State, and nominations made by county conventions shall be certified to the county clerk by the chairman of the county committee. No conventions of such parties to nominate candidates for office shall be held except on the dates herein prescribed. No person shall be allowed to vote or participate in any such primary convention unless he shall have first produced evidence that he has paid his poll tax or is exempt, and no person shall be allowed to participate in any such convention who has participated in the convention or primary of any other party held on the same day.

Sec. 98a. Any political party not having a State organization but desiring to nominate candidates for county and precinct offices only, may nominate such candidates therefor under the provisions of this act by primary elections by a county convention held on the local primary election day, as herein defined, which county convention shall be composed of delegates from various election precincts in said county, elected therein at primary conventions held in such precinct between the hours of 8 a. m. and 10 p. m. of the preceding Saturday. All nominations made by any such parties shall be certified to the county clerk by the chairman of the county committee of such party, and after taking the same course as nominations of other parties certified by the clerk, shall be printed on the final ballot in a separate column, headed by the name of the party; provided, a written application for such printing shall have been made to the county judge, signed and sworn to by three per cent of the entire vote cast in such county at the last general election.

Sec. 99. No new political party shall assume the name of any pre-existing party, and the party name printed on the official ballot shall not consist of more than three words.

Contesting Elections.

Sec. 100. All election contests, except for nominations in primary elections shall be tried as required by the Act of April 6, A. D. 1895, unless otherwise provided for by law.

Sec. 101. The provisions of this act shall apply to all elections held in this State, except as otherwise herein provided.

Primary Elections.

Sec. 102. The term "Primary Election," as used in this act, means an election held by the members of an organized political party for the purpose of nominating the candidates of such party to be voted for at a general or special election, or to nominate the county executive officers of a party.

Sec. 103. No one shall vote in any primary election unless he has paid his poll tax or obtained his certificate of exemption from its payment, in cases where such certificate is required, before the first day of February next preceding, which fact must be ascertained by the officers conducting the primary election by an inspection of the certified lists of qualified voters of the precinct and of the poll tax receipts or certificates of exemption; provided, that the requirement as to the presentation of poll tax receipts shall apply only to cities of five thousand inhabitants or over, nor shall he vote in any primary election except in the voting precinct of his residence; provided, that if his receipt or certificate be lost or misplaced, or inadvertently left at home, that fact must be sworn to by the party offering to vote; pro-

vided, that the executive committee of any party for any county may prescribe additional qualifications for voters in such primaries, not inconsistent with this act.

Sec. 104. To guard against fraud, a certified list and supplemental list of the qualified voters of the voting precinct furnished by the collector of taxes shall be in the possession of the officers conducting the primary election for reference and comparison, and opposite the name of every voter on said list shall be stamped when his vote is cast with a rubber or wooden stamp, or written with pen and ink the words, "primary—voted," with the date of such primary under the same; provided, that this section shall not apply to towns and cities with a less population than ten thousand in so far as it applies to certificates of exemption; and provided further, that the judges of primary elections are authorized to administer oaths in regard to any matter pertaining to the election. And provided further, that it shall be the duty of the tax collector of each county upon application by the county chairman of the various political parties, to furnish to the presiding judges of the election in the several precincts, certified copies of the list of qualified voters of the several precincts, which said copies shall be furnished at least four days prior to said primary election.

Sec. 105. The fourth Saturday in July in the year 1906 and every two years thereafter shall be the legal "primary election day" and primary elections to nominate candidates for a general election shall be held on no other day except when specially authorized. Any political party may hold a second primary election on the second Saturday in August to nominate candidates where a majority vote is required to make a nomination; but at such second primary only the two candidates who received the two highest votes for the same office shall be voted for. Nominations of candidates to be voted for at any special election shall be made at a primary election at such time as the party executive committee shall determine, but no such committee shall ever have the power to make such nominations; provided, that all precincts in the same county and all counties in the same district shall vote on the same day. Nominations of party candidates for offices to be filled in a city or town shall be made not less than ten days prior to the city or town election at which they are to be chosen, in such manner as the party executive committee for such city or town shall direct, and all laws prescribing the method of conducting county primary elections shall apply to them.

Sec. 106. There shall be for each political party required by this law to hold primary elections for nomination of its candidates, a county executive committee to be composed of one member from each voting or justice precinct in such county as the party executive committee may direct, to be elected by direct qualified voters of the party in such precinct, on the primary ticket on primary election day, and a chairman thereof, who shall be elected at the same time and in the same manner by all the voters in the county at large; provided, that in case of a vacancy occurring in the office of chairman or any member of such committee such vacancy may be filled by a majority of said executive committee.

Sec. 107. The vote at all general primaries shall be by official ballot which shall have printed at the head the name of the party and under such head the name of all candidates, those for each nomination being arranged in the order determined by the various committees as herein provided for beneath the title of the office for which the nomination is sought. The voter shall erase or mark out all the names he does not wish to vote for.

The official ballot shall be printed in black ink upon white paper and beneath the name of each candidate thereof for State and district offices there shall be printed the county of his residence. The official ballot shall be printed by the county committee in each county, which shall furnish to the presiding officer of the general primary for each voting precinct at least one and one-half times as many of such official ballots as there are poll taxes paid for such precinct as shown by the tax collector's list. Where two or more candidates are to be nominated for the same office, to be voted for by the qualified voters of the same district, county or justice precinct, such candidates shall be voted for and nominations made separately and all nominations shall be separately designated on the official ballots by numbering the same "1," "2," "3," etc., printing the abbreviation "No." and the designating number after the title of the office for which such nominations are to be made. Each candidate for such nominations shall designate in the announcement of his candidacy and in his request to have his name placed on the official ballot the number of the nomination for which he desires to become a candidate and the names of all candidates so requesting shall have their names printed beneath title of the office and the number so designated. Each voter shall vote for only one candidate for each such nomination.

Sec. 108. Any person affiliating

with any such party who desires his name to appear on the official ballot for a general primary as a candidate for the nomination of such party for any State office shall file with the State chairman not later than the first Monday in June preceding such primary his written request that his name be placed upon such official ballot as a candidate for the nomination named therein, giving his age and occupation, the county of his residence and his postoffice address, which shall be signed by him and acknowledged by him before some officer. Any twenty-five qualified voters may likewise join in the request that the name of any person affiliating with such party be placed upon the official ballot as a candidate for any State nomination, giving the occupation, county of residence and postoffice address of such person signing and acknowledging the same as above provided, and may file the same with the State chairman on or prior to the date above mentioned with the same effect as if such request had been filed by the party named therein as a candidate for such nomination. All such requests shall be considered filed with the State chairman when they are sent from any point in this State by registered mail addressed to the State chairman at his postoffice address.

Sec. 109. On the second Monday in June preceding each general primary the State committee shall meet at some place to be designated by its chairman, of which designation it shall be the duty of such chairman to notify by mail all members of said committee and all persons whose names have been requested to be placed upon the official ballot not less than three days prior to such meeting. Such committee at this meeting shall by resolution direct their chairman to certify to each county chairman in the State the names of such candidates and county of residence of each as shown by the requests filed with the State chairman. Copies of such certificates shall be immediately furnished to each newspaper in the State and desiring to publish the same, and one copy shall be immediately mailed to the chairman of the executive committee of each county. At this meeting the State committee shall also decide upon and publish the place where the State convention of the party shall be held on the second Tuesday in August thereafter.

Sec. 110. Any person desiring his name to appear on the official ballot as a candidate for the nomination for chief justice or associate justice of the Court of Civil Appeals, or for representative in Congress or for State senator or for representative or district judge in representative or judicial districts composed of one or more county, or for district attorney, shall file with the chairman of the executive committee of the party for the district, the request prescribed in this act, with reference to the candidate for State nominations, or if there be no chairman of such district executive committee, then with the county chairman of each county composing such district not later than the first Monday in June preceding the general primary. Such requests may likewise be filed not later than said date by any twenty-five qualified voters resident within such district, signed and acknowledged by such voters in the manner prescribed respecting such request signed by a candidate named therein. Immediately thereafter it shall be the duty of each such district chairman to certify the name of all persons for whom such requests have been filed to the county chairman of each county composing such district and each county committee shall determine by lot the order in which the names of all candidates for each such district office shall be printed upon the official ballot.

Sec. 111. Any person desiring his name to appear on the official ballot for the general primary as a candidate for the nomination for any office to be filled by the qualified voters of a county or a portion thereof, or for county or precinct chairman, shall file with the county chairman of the county of his residence, not later than the Saturday before the third Monday in June preceding such primary, a written request for his name to be printed on such official ballot as a candidate for the nomination or position named therein, giving his occupation and postoffice address, giving the street and number of his residence if within a city or town, such request to be signed and acknowledged by him before some officer authorized to take acknowledgments to deeds. Such request similarly signed and acknowledged by any twenty-five qualified voters resident in the county may be filed on or before said date requesting that the names of any person named therein may be placed on the official ballot as a candidate for any county or precinct office or chairmanship, with like effect as if such request was filed by the person named as candidate therein; which request shall be endorsed by the candidate named therein, showing his consent to such candidacy if nominated. On the third Monday in June preceding such general primary the county committee of each county shall meet at the county seat and determine by lot the order in which the names of all candidates for each nomination or position requested be

printed on the official ballot shall be printed thereon. At such meeting the county committee shall also carefully estimate the cost of printing the official ballots, renting polling places where same may be found necessary, providing and distributing all necessary poll books, blank stationery and voting booths required, compensation of election officers and clerks and messengers to report the result in each precinct to the county chairman, as provided for herein, and all other necessary expenses of holding such primaries in such counties, and shall apportion such cost among the various candidates for nomination for county and precinct offices only as herein defined, and offices to be filled by the voters of such county, or precinct, only (candidates for state offices excepted), in such manner as in their judgment is just and equitable, giving due consideration to the importance and emoluments of each such office for which a nomination is to be made, and shall by resolution direct the chairman to immediately mail to each person whose name has been requested to be placed on the official ballot a statement of the amount of such expenses so apportioned to him, with the request that he pay the same to the county chairman on or before the fourth Monday in June thereafter. At this meeting the county chairman shall present to the committee the certificates of the chairman of the State and the various district executive committees, showing the names of all persons whose names are to appear on the official ballot as candidates for State and district offices and shall appoint subject to the approval of the committee a subcommittee of five members to be known as the primary committee, of which he shall be ex officio chairman, which subcommittee shall meet on the second Monday in June and make up the official ballot for such general primary in such county, in accordance with the certificates of the State and district chairman, and the request filed with the county chairman and placing the name of candidates for nomination for State, district, county and precinct offices thereon in the order determined by the county executive committee as herein provided; provided, that the name of no person shall be placed thereon for a county or precinct office who has not paid to the county executive committee the amount of the estimated expenses of holding such primary apportioned to him by the county executive committee as hereinbefore provided. No candidate for a State or district office shall be required to pay any portion of such cost, unless the executive committee of the county shall so direct, but in no event shall more than one dollar apiece be assessed against any such candidate for a State or district office. If there are no requests filed for candidates for county or precinct chairman, a blank space shall be left on the ticket beneath the designation of such position.

Sec. 112. All county executive committees of organized political parties shall meet the first Saturday after each primary election to canvass the result of such election.

Sec. 113. It shall be the duty of the various county committees of any political party on the day and date set apart by this act for arranging for primary elections to determine the order in which the name of the various candidates for State or district offices shall appear on the ticket and said order shall be determined by lot so no preference shall be given to any candidate.

Sec. 114. An executive committee for a district assembled to canvass the votes at a primary election for the counties of the district for a district office, shall meet for such purpose on the third Saturday in August, A. D., 1906, and every two years thereafter, which shall be known as "district executive committee day," and immediately thereafter the chairman of each district executive committee shall certify to the Secretary of State the names of all nominees for district offices. Those who have received a majority of all the votes cast at said primary for the candidates for such office shall be declared and certified as such nominees.

Sec. 115. On the first Saturday after primary election day for 1906, and each two years thereafter, there shall be held in each county a county convention of each party, to be composed of one delegate from each precinct in such county for each twenty-five votes or a major fraction thereof cast for the party's candidate for governor at the last preceding election, which delegates shall be elected by the voters of each precinct on primary election day in such manner as may be prescribed by the county executive committee at their meeting on the second Monday in June, which convention shall select one delegate to the state convention for each three hundred votes or a major fraction thereof, cast for all candidates for governor in such county at the last preceding primary election, and the delegates to the state convention, so elected, or such of them as may attend the state convention, shall cast a vote of the county in such state convention. Immediately upon the adjournment of

each such county convention the president thereof shall make out a certified list of the delegates to the state convention chosen by such county convention and shall sign the same, the secretary of such convention attesting his signature, and shall forward such certified list by sealed registered letter to the chairman of the state executive committee, who shall present the same to the State committee at its meeting on the day prior to the State convention, and from such certified list the State committee shall prepare a temporary roll of those selected as delegates to such convention; provided that no proxies shall be allowed to or recognized in any convention held by authority of this Act.

Sec. 116. All party State conventions to announce a platform of principles and announce nominations for Governor and State offices shall meet at such places as may be determined by the parties respectively on the second Tuesday in August, A. D. 1906, and every two years thereafter, and they shall remain in session from day to day until all nominations are announced and the work of the convention is finished.

Sec. 117. On primary election day in 1906 and every two years thereafter, candidates for Governor and for all other State offices to be chosen by a vote of the entire State, and candidates for Congress and all district offices to be chosen by the vote of any district comprising more than one county, to be nominated by each organized political party that cast one hundred thousand votes or more at the last general election, shall, together with all candidates for offices to be filled by the voters of a county or of a portion of a county, be nominated in primary elections by direct vote of the qualified voters of such party. The chairman of the executive committee in each county shall, as soon as the vote cast in the primary election has been counted and canvassed as herein provided for, prepare a tabulated statement of the votes cast in his county for each candidate for each nomination for a State office, and of that cast for county chairman, as shown by the canvass made by the county executive committee, and shall immediately mail the same in a sealed envelope by registered letter to the chairman of the State executive committee, who shall present the same to the State committee at its meeting to be held on the day prior to the State convention as provided for; provided that the county executive committee may determine whether the nomination of county officers shall be by a majority or plurality vote in such county, and if by a majority vote, then the committee may call as many such elections as may be necessary to make such nomination.

Sec. 118. Every certificate of nomination made by the president of the State convention or by the chairman of any executive committee must state when, where, by whom and how the nomination was made; and no name shall appear on the official ballot except that of a candidate who was actually nominated in accordance with the provisions of this act. No executive committee shall ever have any power of nomination except where a nominee has died or declined the nomination as provided in Section 50 of this act.

Sec. 119. On the Monday preceding the second Tuesday in August, 1906, and every two years thereafter, the State executive committee shall meet at the place selected for the meeting of the State convention on the following day, and shall open and canvass the returns of the primary election as to nominations for State officers, as certified by the various county chairmen to the State chairman for each county, and shall ascertain the total number of votes received by each candidate for each State nomination upon the official ballot, and shall prepare a tabulated statement showing the number of votes received by each such candidate in each county, and the total number received by each in the entire State, which statement shall be approved by the State committee and certified by its chairman. At this meeting the State committee shall also prepare a complete list of the delegates elected to the State convention from each county as certified to the State chairman by each county chairman. The State chairman shall present said tabulated statement and said list of delegates to the chairman of the State convention immediately after its temporary organization on the following day, for its approval or disapproval.

Sec. 120. Those candidates for nomination for State offices who have received a majority of all the votes cast for all candidates for such nomination at the primary election, as shown by the returns thereof, and approved by the State convention, shall be declared the nominees of the party for such State offices. In case no candidate for a State office has received a majority of the vote cast in the primary election, then the State convention shall proceed to nominate a candidate for such office in the manner and upon the basis following.

Each candidate shall be entitled to such part of each county vote in the convention as the vote

cast for him in each county bears to the entire vote cast in the primary election in that county, the same to be ascertained from the returns made to the State executive committee by the county chairman, as provided for by this act, and each county delegation shall cast the vote of its county accordingly in its convention. At the end of each ballot cast, the candidate receiving the smallest vote shall be dropped from the list of candidates to be voted for on the next ballot. Each county delegation upon each ballot cast for candidates being voted for, shall cast for each of such candidates his pro rata part of the county vote, as above ascertained, as long as the name of such candidate is before the convention. Whenever the name of any candidate is withdrawn from the convention as above provided, then the delegation of each county may cast the instructed vote or any part thereof of such county for such withdrawn candidate for any other candidate whose name is then before the convention, as the delegation may decide. The convention shall continue to ballot until some one of the candidates balloted for shall receive a majority of all the votes of the convention, when he shall be declared the nominee of the party for the office for which he is nominated. Each county in the State convention shall be entitled to one vote for each three hundred votes or major fraction thereof, cast for the candidate for governor of the political party holding a convention at the last preceding general election.

In case at such general election there were cast for such candidate for governor less than three hundred votes in any county, then all such organized counties shall have one vote.

Sec. 121. On primary election day, when candidates for State, district, county and precinct offices are nominated the voters of each organized political party shall vote for a chairman of the county executive county and the result shall be reported to the county clerk and the county chairman thus elected shall at once enter upon the discharge of the duties of such position; the said county chairman shall be ex officio a member of the executive committee of all districts of which his county is a part, and the district committee thus formed shall elect its own chairman; and all chairmen and members of the different executive committees in existence when this law becomes effective shall remain in office until their successors are elected, as provided herein.

Sec. 122. The places of holding primary election and primary conventions by political parties in the various precincts of the State shall not be within one hundred yards of the place at which such elections or conventions are held by a different political party. When the chairman of the executive committee of different parties can not agree on the places where precinct primary elections to be held on the same day shall be held such places in each precinct shall be designated by the county judge, who shall cause public notice thereof to be given at once in some newspaper in the county; if there be none, by posting notices in some public place in the precinct.

Sec. 123. All the precinct primary elections of a party shall be conducted by a presiding judge to be appointed by a chairman of the county executive committee of the party with the assistance and approval of at least a majority of the members of the county executive committee. Such presiding judge shall select an associate judge and two clerks to assist in conducting the election; two (2) supervisors may be chosen by any one-fourth of the party candidates, who with the judges and clerks shall take the oath required of such officers in general elections. Two additional clerks may be appointed, but only when in the opinion of the presiding judge there will be more than one hundred votes polled at the primary election in the precinct. No one shall serve as judge, clerk or supervisor at a primary election unless he has paid his poll tax. The primary committee shall have general supervision of the primary in such county and shall be charged with the full responsibility for the distribution of all supplies necessary for holding same in each precinct to the presiding judge thereof. If the duly appointed presiding officer shall fail to obtain from the primary committee the supplies for holding such election such committee shall deliver the same to the precinct chairman for such precinct, and if unable to deliver the same to such presiding officer or precinct chairman not less than twenty-four hours prior to the time of opening the polls for such primary, such committee shall deliver the same to any qualified voter of the party residing in such district, taking his receipt therefor and appointing him to hold such election in case such presiding officer or precinct chairman shall fail to appear at the time prescribed for opening the polls.

Sec. 124. No official ballot either for a primary or general election shall have on it any symbol or device or any printed matter except that which is authorized by law, and no ballot cast in violation of this section shall be counted for any candidate. Pro-

vided, that the executive committee of the party for any county shall print on the primary ticket the names of all persons whose names, not less than thirty days prior to the day of the primary shall be requested to be printed thereon as candidates for United States Senator, and the executive committee shall forward to each nominee of the party for State Senator and Representative voted for by the others of such county, a certified statement of the vote cast in the county for each such candidate.

Sec. 125. The polls at primary election shall be open at eight o'clock in the morning and closed at seven o'clock in the evening of the same, and the election shall be held for one day only.

Sec. 126. Any one-fourth of the candidates whose names appear on the official ballot may on the day preceding the election or prior thereto, agree in writing signed by them upon two supervisors who when selected shall be sworn as election officers and while the election is being held they shall remain in view of the ballot boxes until the count is concluded, and they shall report any fraud or irregularity occurring to the next grand jury.

Sec. 127. The law prohibiting the sale of intoxicating liquor on election day applies to primary elections with all its prohibitions, and the officers of primary elections shall not on primary election day partake of spirituous, vinous, malt or intoxicating liquors after the polls are open.

Sec. 128. The voting booths, ballot boxes and guard rails prepared for a general election may be used by the organized political party nominating by primary election that cast over one hundred thousand votes at the last preceding general election.

Sec. 128a. Each and every incorporated town and city in the State of Texas, whether incorporated under general or special laws, may make nominations for office in the following manner: In each of said cities and towns there shall be an executive committee for each political party, consisting of a city chairman and one member for each ward in said city or town, and in case said city or town is not divided into wards, then there shall be selected four members of said committee in addition to the city chairman. In all cities and towns which now have a duly selected executive committee the same shall serve until the next city election, and in cities and towns having no executive committee the county chairman of the political party desiring to make nominations in such cities and towns shall appoint an executive committee to serve until the next city election shall be held, and in each city and town in this State in which a political party may desire to make nominations there shall be held on the first Tuesday in March, 1906, and annually thereafter an election at which there may be nominated by each political party officers to be selected at the next city election, and at which said election there shall be selected the executive committee for said city and town herein provided for, and in all such city primary elections the provisions of the law relating to primary elections and general elections shall be observed. The executive committee herein provided for may decide whether or not nominations shall be made by such political party in such city or town, and in case it is decided that no nomination shall be made such executive committee shall call a meeting of the members of such political party on the first Tuesday in March of each year, at which a new executive committee shall be selected to serve during the ensuing term; provided, that this act shall not be construed to prevent independent candidates for city offices from having their names upon the official ballot, as provided for in Section 97 of this act.

Sec. 129. The county tax collector shall deliver to the chairman of the county executive committee of each political party for its use in primary election, at least five days before election day, certified lists of the qualified voters of each precinct in the county, arranged by precincts who have paid their poll tax or received certificates of exemption, and it shall be the duty of such chairman to place the same in the hands of the election officers of each election precinct before the polls are open, and no primary election shall be legal unless such list is obtained and used for reference during the election. For each list of all the qualified voters of the county who have paid their poll taxes and received their certificates of exemption, the collector shall be permitted to charge not more than five dollars, the same to be paid by the party or its chairman so ordering said lists; provided, that the charge of five dollars shall be in full for the certified lists of all the voters of the county arranged by precincts, as above provided.

Sec. 130. All ballots given to the election judges of the precinct by the executive chairman or some member of the executive committee shall be used and accounted for as in general elections.

Sec. 131. All returns of precinct primary elections properly signed and certified as correct by the judges and clerks thereof, showing the vote cast for each candidate, shall be sealed and immediately delivered after such primary election to the chairman of the county executive committee of the

party. Such party chairman shall give notice to the members of the county executive committee to assemble at the county seat of the county on the first Saturday after the first primary election, and said returns shall then be opened under the directions of such executive committee and canvassed by them. They shall then make a list of the candidates who have received the highest vote for office and the chairman of the executive committee shall certify to the same and deliver it to the county clerk of the county, who shall cause the names of the candidates who have received the highest vote for each office to be printed in some newspaper published in the county, and if no newspaper be published in a county then he shall post a list of such names in at least five public places in the county, one of which shall be upon the door of the court house in said county; provided, that all objections to the regularity or validity of the nomination of any person whose name appears in said list shall be made within five days after such printing or posting by a notice in writing filed with the county clerk, setting forth the grounds of objection. In case no such objection is filed within the time prescribed, the regularity or validity of the nomination of no person whose name is so printed or posted shall be thereafter contested. After said names have been so printed or posted for the period above required, the said clerk shall cause said names to be printed on the official ballot in the column for the ticket of that party; provided, that as to candidates for Governor or for an office to be filled by all the voters of the State or of any district composed of more than one county, the chairman of the county executive committee and its secretary shall certify the number of votes cast for each of such candidates and cause the same to be published in some newspaper of the county, if there be one, and deliver his certificate of the vote cast for each candidate for such office to the president of the next State convention of the party in the manner required elsewhere in this act, and certify the vote cast for each district office to the chairman of the district committee; provided, that nothing in this section shall prevent the holding of the county convention at the time named in this section for the meeting of the executive committee for the purpose of counting and declaring the result, but the chairman of the executive committee shall certify the result as above required.

Sec. 132. It shall be the duty of the county clerk of each county to post in a conspicuous place in his office for the inspection and information of the public the names of all candidates that have been lawfully certified to him to be printed on the official ballot for at least ten days before he orders the same to be printed on said ballot, and he shall order all the names of the candidates so certified printed on the official ballot as herein otherwise provided, and in case the county clerk refuses or willfully neglects to comply with this requirement he shall be guilty of a misdemeanor, and shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, or to hard labor on the public roads of the county in which the offense was committed, for any period of time not less than sixty days nor more than one year, or both of such penalties.

Sec. 133. If on counting the vote in a primary election it shall appear that the largest vote has been cast for two candidates for the same office and that they have each received the same number of votes, the chairman of the executive committee shall in the presence of the executive committee of the county convention (as the case may be) cast lots for the nomination in such manner as they may direct and in the presence of the rival candidates if they desire to be present and declare and certify the result of that candidate who is successful by lot. The same method of determining the nominee for a district office in case of a tie shall be adopted by the executive committee of the district, and if there be a tie between two candidates who have received the two highest votes for the same office, the State executive committee or those of them who may be present in the State convention shall in like manner determine the nomination by casting lots in the convention and under its direction; thereupon the chairman of the State executive committee and the president of the State convention shall certify the nomination of the successful candidate to the Secretary of State and the manner in which he was chosen.

Sec. 134. Returns shall be made by the chairman of the county executive committee within three days after canvassing the primary election vote of the county to the chairman of each district executive committee of the vote for district candidate, and when the returns of each county comprising the district have been received by the chairman of the district executive committee and the result of the primary election in the various counties of the district have been ascertained by that committee, the name of the candidate for that party in that district who has received a majority of all the votes cast for the candidates

for such office shall be declared the nominee, and the district committee shall declare such result and certify such name to the county clerk of each county composing said district, which name shall be placed on the official ballot by said clerk. But in case no candidate has received such majority, then said district committee shall determine whether a second primary election in said district or a district convention, shall be held to nominate a candidate, and in the event a district convention is determined on by the committee, the chairman thereof shall call said district convention at such time and place as the committee may determine, and the manner of making said nomination in said convention shall be the same as is provided in this act for nominating State officers; provided further, that the delegate selected by the several county conventions to the State convention shall also constitute delegates to all district conventions and shall represent their respective county in any such district conventions that may be called, and shall in obedience to such call assemble at the time and place fixed therefor.

If the committee decides to have a second primary then only the name of the two candidates receiving the highest number of votes cast shall be placed on the official ballot for the second primary, and the chairman shall call said second primary on such day, as the committee may determine; the chairman shall give notice of the same by publishing it in a newspaper or newspapers published in the district, and shall send a copy of said order to the chairman of the executive committee of the several counties composing said district, upon receipt of which they shall immediately in pursuance of said cause, order a primary election in their respective counties, to make said nomination, the expenses thereof to be paid as per other primary elections, and the same shall be conducted in the same manner and held by the same officers who held the first primary election and when said district chairmen receives returns from each of said county chairmen, he shall immediately call the district executive committee together and in their presence shall open the returns and declare the result, transmitting by mail the names of such nominees to the county clerk of the several counties composing said district whose duty it shall be to place said names upon the official ballot.

Sec. 135. Judges of primary elections have the same authority and it shall be their duty to administer oaths, to preserve order at the election, to appoint special officers to enforce the observance of order and to make arrests as is conferred on judges of general elections. Such judges and officers shall compel the observance of the law that prohibits loitering or electioneering within one hundred feet of the entrance of the polling place and shall arrest or cause to be arrested any one engaged in the work of conveying voters to the polls in carriages or other mode of conveyance except as permitted by this act.

Sec. 136. The same precautions required by law to secure the purity of the ballot box in general elections in regard to the ballot boxes, locking the ballot boxes, sealing the same, watchful care of them, the secrecy in preparing the ballot in the booth or places prepared for voting, shall be observed in all primary elections.

Sec. 137. Returns shall be made within four days to the chairman of the executive committee by the precinct judges of the ballot boxes containing the ballots voted, locked and sealed, tally sheets, return sheets, ballots mutilated and defaced, and ballots not voted, for which he shall account to the executive committee of the county.

Sec. 138. No immaterial error made by any officer of a primary election nor any immaterial violation of the primary election laws by an elector shall vitiate any election held under this act, nor be the cause of throwing out the vote of any election precinct.

Sec. 139. No more than three ballots in succession shall be furnished a voter who mutilates or otherwise spoils his ballot, and the judges may, as in general election, require a voter before he receives an official ballot to surrender to them any ballot or paper on which is written or printed any names for which the voter has agreed to vote or been requested to vote.

Sec. 140. Any political party desiring to elect delegates to a national convention shall hold a state convention at such place as may be designated by the state executive committee of said party on the fourth Tuesday of May, 1908, and every four years thereafter. Said convention shall be composed of delegates duly elected by the voters of said political party in the several counties of the state at primary conventions or primary elections to be held on the first Saturday in May, 1908, and every four years thereafter.

Said primary convention or primary election shall be held between the hours of 10 o'clock and 8 o'clock p. m. These primary conventions shall elect delegates to the county convention of the several counties, which shall be held on

the first Tuesday after the first Saturday of May, 1908, and every four years thereafter.

Sec. 141. Each organized political party shall determine for itself whether it will nominate candidates for office by primary election or by primary convention; that is to say, the state executive committee shall so determine as to nominations for all state offices; the district executive committee shall so determine as to all nominations for district offices, and the county executive committee shall so determine as to all nominations for county and precinct offices. If the executive committee should determine that nominations shall be made by primary conventions, the same shall be ordered in ample time to give due notice thereof to those charged with the duty of holding such conventions; provided that when the same are called they shall be uniform throughout the limits of the jurisdiction of the executive committee calling the same.

The primary convention shall be held on primary election day, and no one shall vote or participate therein who is not eligible to vote at a primary election.

Those appointed as judges of primary elections in the various voting precincts shall be the chairman of the several conventions, and are authorized to appoint one or more persons to act as clerks or officers of such conventions, to assist in conducting the business thereof, and to make, preserve, and return a faithful record of its proceedings; each of whom shall possess all the qualifications required by this act for judges and officers of election and the said chairman shall possess the power and authority given by this act to the judges of election.

Before transacting any business the chairman shall make or cause to be made a list of all qualified voters present; and the name of no one shall be entered upon said lists, nor shall he be permitted to vote or participate in the business of such convention until he has in the manner and by the evidence required by this act shown to the officers of such convention that he is a qualified voter in said precinct. After the convention is organized and a list of the qualified voters made, the chairman shall announce to the convention in a distinct voice the name of each candidate for the office first to be voted upon, and in like manner, before the balloting, shall begin for candidates for each office. There shall be kept a complete record of the proceedings of such convention, giving the number of persons voting for each candidate, the same to be signed officially by the chairman and other officers, if any, and shall constitute the returns of said primary convention, to be by the chairman transmitted in the manner, within the time, and to the place and person provided by this act as in the case of a primary election. The returns above provided for shall be opened by the persons at the time, place and in the manner, and the result determined, declared, certified and published in all respects as is required by this act for primary election. All the provisions of this act, civil or criminal, pertaining in any manner to the subject of primary elections shall apply to govern and control in primary conventions, in so far as the same can be adapted thereto.

Contesting Primary Elections.

Sec. 142. All contests for a nomination in a primary election based on charges of fraud or illegality in the method of conducting the elections shall be decided by the executive committee for the State, district or county as the nature of the office may require, each executive committee having control in its own jurisdiction. The complaining candidate shall within five days after the result has been declared by the committee cause a notice to be served on the chairman or some member of the executive committee, in which he shall state specifically the ground of his contest; also shall serve or cause to be served on the opposing candidate a copy of such notice at least five days prior to the date set for hearing by the committee. If special charges of fraud or illegality in the conduct of the election are made and not otherwise, the chairman, or in case he fails or refuses, any member of the committee shall within ten days thereafter convene the executive committee, who shall then examine the charges, hear evidence and decide in favor of the party who in their opinion was nominated; provided, that before any advantage can be taken of the disregard or violation of any directory provision of the law, it must appear that, but for such disregard or violation, the results would have been different. In all contests between candidates for State office, the committee shall hold its hearing in the city of Austin, Travis county, unless some other place is agreed upon by the party, and in all contests between candidates for any district, county or precinct office the committee may holds its hearing at its election either in the county of the residence of the contestee or in any county where the fraud or illegality complained of is alleged to have occurred, or at such other place as the parties may agree upon. When the committee has decided the contest the executive chairman shall immediately certify their finding to the officers charged with the duty of providing

the official ballot, and the name of the candidate in whose favor the executive committee shall find shall be printed on the official ballot for the general election. The executive committee may, if in their opinion the ends of justice require it, unlock and unseal the ballot boxes used in the precinct where fraud or illegality is charged to have been used and examine their contents, after which they shall be sealed and delivered to the county clerk.

Sec. 144. Any executive committee or committeeman or primary election officer or other person herein charged with any duty relative to the holding of the primary election or the canvassing, determination or declaration of the result thereof may be compelled by mandamus to perform the same in accordance with the provisions of this act.

Sec. 145. Ballot boxes after being used in primary elections shall be returned with the ballots cast, or contained in each box as they were deposited by the election judges, locked and sealed, to the county clerk, after the executive committee has announced the party nominee, and unless there be a contest for a nomination in which fraud or illegality is charged they shall be unlocked and unsealed by the county clerk and their contents destroyed by the county clerk and the county judge without examination of any ballot, at the expiration of sixty days after such primary election.

Paying for Election Supplies and for Official Services.

Sec. 146. The collector of taxes shall be paid ten cents for each poll tax receipt and certificate of exemption issued by him to be paid pro rata by the State and county in proportion to the amount of poll tax received by each, and this shall include his compensation for administering oaths, furnishing certified lists of qualified voters in election precincts for use in all general elections and primary conventions, when desired, and for all the duties required of him under this act.

Sec. 147. The sheriff or any constable for serving copies of the order designating the bounds of election precincts, or the election judges, posting notices, and for serving all other writs or notices prescribed by this act, shall be paid the amounts allowed by statute for serving civil process. For delivering election supplies to precinct judges, when they are not obtained by such judges in person he shall be paid such amount as may be allowed by the commissioners court, not to exceed two dollars for each election precinct.

Sec. 148. Judges and clerks of general and special elections shall be paid two dollars a day each, and the judge who delivers the returns of election immediately after the votes have been counted shall be paid two dollars for that service, provided the polling place of his precinct is at least two miles from the court house, and provided also he shall make returns of all election supplies not used when he makes return of the election.

Sec. 149. All expenses incurred in providing voting booths, official ballots, wooden and rubber stamps, ballot boxes, sealing wax, and all other supplies required for conducting a general or special election, except such as are to be paid for by the State, shall be paid for by the county, except the cost of supplying the voting booths for cities, which shall be paid for as required by former laws; provided, that all accounts for supplies furnished or services rendered shall first be approved by the county commissioners court, except for voting booths for cities. All expenses incurred for tally sheets, poll lists, instruction cards, distance markers, envelopes and all other stationery and printing required for conducting a general or special election, shall be paid for by the State and shall be furnished to the county judge of the several counties by the Secretary of State, on requisitions made therefor. The Secretary of State shall procure such stationery, printing and supplies through the expert printer, the same to be paid for out of any appropriation made for public printing.

Penalties.

Sec. 150. Any person who is found guilty of a misdemeanor under this act shall be subject to a fine of not less than two hundred dollars nor more than five hundred dollars, or to hard labor on the public roads of the county in which the offense was committed for any period of time not less than sixty days nor more than one year, or to both such penalties.

Sec. 151. Any person who at a general, special or primary election willfully votes or attempts to vote in any other name than his own, or who votes or attempts to vote more than once is guilty of a misdemeanor.

Sec. 152. Any person who fraudulently or wilfully does anything in violation of this act to affect the result of any primary, special or general election is guilty of a misdemeanor unless some other penalty for such act is specially provided for.

Sec. 153. Any person who being an officer, clerk or employe of the county collector of taxes, precinct judge or clerk of election who knowingly puts in the certified list of qualified

voters of a precinct any other number than that written when the poll tax receipt or certificate of exemption was issued, or who knowingly delivers to or receives from any voter any poll tax receipt or certificate of exemption on which is placed any other name than that first written when it was issued is guilty of a misdemeanor.

Sec. 154. Any collector of taxes, or any one in his employ, who wilfully fails or refuses to transcribe correctly from the original poll tax receipt or certificate of exemption and insert in the duplicate retained in the collector's office the name and other description of the citizen required by law to be given by him, or who fails to transcribe correctly from the duplicate kept in the collector's office and insert in the list of qualified voters of a precinct the name and description of the citizen as contained in said duplicate, or who issues a poll tax receipt after the first day of February in any year, bearing a date prior to the first day of February, or who wilfully fails to keep said original duplicate securely locked up when the same are not being used, or permits them to be mutilated, defaced, lost or destroyed, or who conceals, alters or destroys them is guilty of a misdemeanor.

Sec. 155. Any judge or clerk of an election, chairman or member of a party executive committee, or officer of a primary, special or general election, who wilfully makes any false canvass of the votes cast at such election, or a false statement of the result of a canvass of the ballots cast, is guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary not less than two years nor more than five years.

Sec. 156. Any judge, clerk, chairman or member of an executive committee, collector of taxes, county clerk, sheriff, county judge or judge of an election, president or member of a State convention, or Secretary of State who wilfully fails or refuses to discharge any duty imposed on him by this law, is guilty of a misdemeanor unless the particular act under some other section of the law is made a felony.

Sec. 157. Any judge of an election or primary who wilfully or knowingly permits a person to vote, whose name does not appear on the list of qualified voters of the precinct, and who fails to present his poll tax receipt or certificate of exemption, or makes affidavit of its loss or that it was misplaced, or inadvertently left at home, except in cases where no certificate of exemption or tax receipt is required, is guilty of a misdemeanor.

Sec. 158. Any judge, clerk, supervisor or other person who may be in the room where an election, either primary, special or general, is being held, who there indicates by a word, writing sign or token how he desires a citizen to vote or not to vote, shall be fined not less than two hundred nor more than five hundred dollars, and shall in addition be confined in jail or worked as a convict on the public road not less than ten nor more than thirty days.

Sec. 159. Any person who knowingly becomes agent to obtain a poll tax receipt or certificate of exemption for more than one person or who procures or advises any other person to become such agent, or any one who gives money to another to induce him to pay his poll tax is guilty of a misdemeanor.

Sec. 160. If any person entrusted with the transmission to the precinct election judge of official ballots, sample cards, instruction cards, distance markers or other election supplies or who being intrusted with the same, wilfully fails to deliver or return the same, or does any act to defeat the delivery or return of the same, or being a person to whom may be legally intrusted the ballots cast at an election, shall open and read a ballot, or permit it to be done, is guilty of a misdemeanor.

Sec. 161. Any person who shall do any electioneering or loitering within one hundred feet of the entrance of the place where the election is to be held or who shall hire any vehicle for the purpose of conveying voters to the polling place, or shall wilfully remove any ballots from the polling place, except as permitted by law, except when in marking, or who being a voter shall show his ballot so as to reveal the vote cast by him or marks it otherwise than is required by law for identification, or who being a voter shall deliver to the precinct judge of election any other ballots than the one delivered to him by the judge at the polling place, is guilty of a misdemeanor.

Sec. 162. Any person who lends or contributes or offers or promises to lend or contribute or pay any money or other valuable thing to any voter, to influence the vote of any other person, whether under the guise of a wager or otherwise, or to induce any voter to vote or refrain from voting at an election for or against any person or persons, or for or against any particular proposition submitted at an election, or to induce such voter to go to the polls, or to remain away from the polls at an election, or to induce such voter or other person to place or cause to be placed his name unlawfully on the certified list of qualified voters that is

required to be furnished by the county tax collector, is guilty of a felony, and on conviction shall be punished by confinement in the penitentiary not less than one year nor more than five years, and in addition shall forfeit any office to which he may have been elected at the election with reference to which such offense may have been committed, and is rendered incapable of holding any office under the State of Texas.

Sec. 163. Any person who gives or offers to give any office, employment or thing of value, or promises to secure any office, thing of value or employment to for any voter or to or for any other person, to induce such voter or other person to vote or refrain from voting at an election for or against any person, or for or against any proposition submitted at an election, or to obtain his certificate of exemption, is guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary not less than three nor more than five years, and in addition shall forfeit any office to which he may have been elected, and becomes ineligible to any other public office.

Sec. 164. The penalty prescribed in the last preceding section against those who violate any of its provisions shall be imposed on any one who receives or agrees to receive any money, gift, loan or other thing of value, place, office or employment, for himself or any other person, for voting or agreeing to vote, for going or agreeing to go to the polls on election day, or for remaining away, or agreeing to remain away from the polls on election day, or for refraining or agreeing to refrain from obtaining his poll tax receipt or certificate of exemption, or for obtaining or agreeing to obtain the same, or for voting or agreeing to vote for or against any particular person or proposition submitted to a vote of the people.

Sec. 165. Any candidate for any public office who fails to file with the county judge of his county within ten days after the date of a primary or general election an itemized statement of all money or things of value paid or promised by him before or during his candidacy for such office, including his traveling expenses, hotel bills and money paid to newspapers, and make affidavit to the correctness of such account, showing to whom paid or promised, whether he was elected or not, is guilty of a misdemeanor, and on conviction shall be fined not less than two hundred nor more than five hundred dollars, may be sentenced to work on the county roads not less than thirty days nor more than twelve months.

Sec. 166. Any candidate for office or other person who pays or procures another to pay the poll tax of a citizen, except as is permitted by law, is guilty of a felony, and shall be punished by confinement in the penitentiary not less than two nor more than five years.

Sec. 167. When two persons are parties to the same act in violating any provisions of the election laws of this State, either party may be required to testify regarding the same, but the one testifying shall not thereafter be prosecuted for such illegal act.

Sec. 168. The offenses and penalties described in this act shall be given specially in charge by district judges to grand juries, and whenever this duty is neglected by a district judge it shall be the duty of the next grand jury to make a formal report of such neglected duty to the court. District judges shall in every charge to a grand jury emphasize the importance of pure elections as necessary to preserve free government, and direct them to search diligently and to present all infractions of the election laws of this State.

Sec. 169. Anything published in a newspaper, pamphlet or printed journal in favor of or in opposition to any candidate for any public office or in favor of or in opposition to the success or defeat of any political party, or any proposition submitted to vote of the people, when the same is published in consideration of the receipt or promise of money or thing of value, shall be known as political advertising; and any editor, publisher, manager or agent of any newspaper, pamphlet or printed journal who shall publish political advertising other than as advertising matter, or who shall knowingly and willfully demand or receive for the publication of such political advertising money or other thing of value in excess of the sum or sums due for such service at the regular advertising rates of such newspaper, pamphlet or printed journal, or any person who shall pay or offer to pay the editor, publisher, manager or agent of any newspaper, pamphlet or printed journal for such service any money or other thing of value in excess of the sum or sums due at regular advertising rates, or any person who shall pay or offer to pay any editor, publisher, manager or agent of a newspaper, pamphlet or printed journal any money or thing of value for the publication of political advertising except as advertising matter, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, and sentenced to imprisonment in the county jail or to work on the county road not less than ten nor more than thirty days; provided, however, that nothing herein contained shall be construed as applying to announcements of candidates for office.

Sec. 170. If any editor or manager of a newspaper or printed journal, or if any person or persons having control thereof shall demand or receive any money, thing of value, reward or promise of future benefit for publishing anything as editorial matter in advocacy of or opposition to any candidate, or for or against any proposition submitted to a vote of the people, he or they, and also the individual or parties offering such reward shall be punished as in the last preceding section, and if the offense be committed by the president of any corporation, or by any officer thereof with the knowledge or consent of its president, in addition to punishment of the individual its charter shall be forfeited. Either party to a violation of this and the preceding section may be compelled to testify regarding thereto, but shall not be punished for any act regarding which he may have been required to testify.

Sec. 171. Any tax collector who shall deliver a tax receipt or certificate of exemption to any one except the one entitled thereto and at the time when the tax is paid or the certificate of exemption is applied for, except as specially permitted by this act, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars and shall be removed from office.

Sec. 172. Any person who loans or advances money to another knowingly to be used for paying the poll tax of such other person, is guilty of a misdemeanor.

Sec. 173. Any person who votes or offers to vote at a primary election or convention of a political party, having voted at a primary election or convention of any other party on the same day is guilty of a misdemeanor.

Sec. 174. Any judge of election who wilfully permits the removal of ballots before the closing of the polls, or refuses to receive a ballot after a citzen has legally folded and returned same, or refuses to deliver to a citizen entitled to vote under the law an official ballot, or wilfully fails to keep order within the polling place, or permits any person except the clerks and judges of election or those who enter for the purpose of voting, to come within the guard rail, or knowingly permits any one to remove, alter or deface a stamp number or signature legally placed on a ballot for future identification, is guilty of a misdemeanor.

Sec. 175. Any chairman of a county executive or district executive committee who is charged with the duty of certifying the names of the candidates selected by a primary convention or primary election or elections, who wilfully omits to certify the name of any candidate legally chosen, or who certifies falsely regarding any one chosen or defeated, is guilty of a misdemeanor.

Sec. 176. Any person who, during an election, wilfully defaces or injures an election booth or compartment, or wilfully removes any of the supplies provided for elections, or before the closing of the polls wilfully defaces or destroys any list of candidates to be voted for at an election which has been posted in accordance with law, is guilty of a misdemeanor.

Sec. 177. Any person or corporation who refuses to an employe entitled to vote the privilege of attending the polls, or subjects such employe to a penalty or deduction of wages because of the exercise of such privilege is guilty of a misdemeanor.

Sec. 178. If any person shall open or keep open any barroom, saloon or wholesale liquor house, where vinous, malt, spirituous or intoxicating liquors are sold, during any portion of the day on which an election is held for any purpose or office in the voting precinct, town or city where such election is held, or shall in such voting precinct, village, town or city, sell, barter or give away any vinous, malt, spirituous or intoxicating liquor during the day of such election, or if any person shall carry or cause to be carried to the polling place on the day of election any such liquor for the purpose of sale, gift or drinking the same, or if any person shall find and take possession of any liquor at or near the polling place, or inform another of its whereabouts, he shall be deemed guilty of a misdemeanor; provided, that such liquors may be sold on election day by a drug store to fill a prescription of a physician, who will at the time certify in writing on honor that it is needed by his sick patient, leaving such certificate with the druggist.

Sec. 179. Any person who attempts to falsely personate at an election another person, and vote or attempt to vote on the authority of a poll tax receipt or certificate of exemption not issued to him by the county tax collector, is guilty of a felony, and shall be punished by hard labor within the walls of a penitentiary not less than three nor more than five years.

Sec. 180. If any person shall make a false affidavit that his poll tax receipt or certificate of exemption has been lost or mislaid, or wilfully and corruptly induce another to make such affidavit, he shall be punished by imprisonment in the penitentiary not less than three nor more than five years.

Sec. 181. If any person shall wilfully alter or obliterate, suppress or destroy any ballots, election returns or certificates of election, he shall be deemed

guilty of a felony and shall be punished by imprisonment in the State penitentiary not less than three nor more than five years.

Sec. 182. Any collector of taxes who shall knowingly or wilfully issue and deliver a poll tax receipt or certificate of exemption to a fictitious person shall be punished by confinement in the State penitentiary not less than three nor more than five years.

Sec. 183. Any one to whom a poll tax receipt or certificate of exemption may be intrusted for safe keeping, who refuses on demand of the owner to return the same to the owner thereof, before any primary election day or primary convention day and before any general election day shall be deemed guilty of a misdemeanor.

Sec. 184. Any person who shall sell, pledge, loan or deposit his poll tax receipt or certificate of exemption for money or any other thing of value shall be deemed guilty of a misdemeanor, and the person who purchases, borrows or obtains possession of the same by way of pledge or loan is guilty of a misdemeanor. Either of the parties to such wrongful act may be compelled to appear and testify in a proceeding against the other, but he shall not thereafter be arrested or punished for his participation in such wrongful act.

Sec. 185. If any person intrusted with the transmission to the precinct election judges of official ballots, poll tax receipts and exemption certificate rolls, sample cards, instruction cards, and all supplies required to conduct an election, or who, being intrusted with the transmission of election returns, or election boxes, willfully fails to deliver within the time required by this act, or willfully does any act to defeat the delivery thereof, or not being a person intrusted therewith, shall do any act to defeat the due delivery of such election returns, election supplies, election boxes, or who being an officer or person with whom may be legally intrusted the ballots cast at an election, shall open or read any ballot, or permit it to be done, except as provided by law in the discharge of his duty, shall be guilty of a misdemeanor.

Sec. 186. Any person who fails to keep securely any ballot box containing ballots voted at an election, when committed to his charge by one having authority over the same, shall be guilty of a misdemeanor.

Sec. 187. Any person who willfully fails or refuses to file within ten days after an election, with the county clerk of the county of his residence, any report or itemized statement required by this act, or who knowingly files a false or incomplete statement thereof, shall be guilty of a misdemeanor.

Sec. 188. Any county clerk or other officer charged by this act with the duty of preparing or having printed the official ballot at any general or special election, and any county chairman or a member or members of the county executive committee of any political party hereby charged with the duty of preparing or having printed the official ballot, to be used at any primary election of such party, who fails or refuses, except in cases permitted by law, to have the name of any candidate or candidates whose nominations have been certified to him placed or printed on such official ballot, shall be guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary for not less than one nor more than five years.

Sec. 189. Any person in the civil or military service of the United States in this State who by threats, bribery, menace or other corrupt means attempts to control or controls the vote of an elector, or annoys, injures or punishes him for the manner in which he exercises his elective franchise in any election, is guilty of a misdemeanor, and may be arrested and tried at any future time when he may be found in Texas.

Sec. 190. Any corporation or officer thereof who directly or indirectly furnishes, loans or gives any money or thing of value to aid those who manage the political campaign of any candidate or candidates, or to any campaign manager or to any particular candidate or person to promote the success of such candidate for public office, shall be guilty of a misdemeanor, and if a corporation, if the act was done with the approval or connivance of its president, financial agent or treasurer, forfeits its charter. It shall be the duty of the Attorney-General to institute proceedings for such forfeiture whenever it is made known to him by the affidavit of a reputable man that in his opinion such offense has been committed. The officers, agents and employes of such corporation, as also the candidate, and all persons connected with his political headquarters, shall be competent witnesses, and may be compelled to attend court and testify, and those shall not be subject to prosecution who reveal facts showing a violation of this section.

Sec. 190a. Any judge of an election or an interpreter who, in assisting a voter to prepare his ballot, shall prepare the same otherwise than the way the voter himself shall direct, shall be deemed guilty of a misdemeanor.

Sec. 191. Any officer or employe of the State, or of a political subdivision thereof, who directly or indirectly uses his authority or official influence to

compel or induce any officer, clerk or employe of the State, or any political subdivision thereof, to subscribe, pay or promise to pay, any political assessment, shall be guilty of a misdemeanor.

Sec. 192. Any person who, while holding a public office, or seeking a nomination or appointment thereof, corruptly uses or promises to use, directly or indirectly, any official authority or influence possessed or anticipated, in any way to aid any person in securing an office or public employment, or any nomination, confirmation, promotion, appointment or increase of salary, upon consideration that the vote or political influence or action of the person so to be benefited, or of any other person, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt consideration, is guilty of a misdemeanor.

Sec. 193. Any head of any of the departments of State, or other public officer, who shall demand or receive any money or thing of value from any clerk or other person in his office, for his election expenses, or to reimburse him for money already expended, or who shall remove from any office any competent clerk who declines to make such contribution, shall be deemed guilty of a misdemeanor.

Sec. 194. Any person who knowingly and wilfully procures from any court, clerk or other officer a certificate of naturalization, which has been allowed, signed or sealed in violation of the laws of the United States or of this State, with intent to enable him or any other person to vote at any election, when he or such person is not entitled by the laws of the United States to become a citizen or to exercise the elective franchise, is guilty of a felony, and upon conviction shall be punished by confinement in the penitentiary not less than five nor more than ten years.

Sec. 195. This act is cumulative as to elections and penalties for violating the election laws of this State; except that it shall repeal the election act approved by the Governor April 1, 1903; provided that this act shall not interfere with or repeal any local option or special laws of this State, except as herein specially provided and set forth.

Sec. 196. The importance of this act to the people of the State, and the great amount of legislative work that will be on the calendar for this session, rendering the passage of important acts doubtful, creates an emergency and imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and the said rule is hereby suspended.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas.
Saturday, May 6.

Senate met pursuant to adjournment, President Pro Tem. Willacy in chair.

Roll call. Quorum present, the following Senators answering to their names:

Barrett.	Looney.
Brachfield.	Martin.
Chambers.	McKamy.
Decker.	Paulus.
Faulk.	Skinner.
Faust.	Smith.
Griggs.	Stokes.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent.

Beaty.	Harbison.
Davidson.	Hill.
Glasscock.	Holland.
Grinnan.	Meachum.
Hale.	Stafford.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Faulk the same was dispensed with.

SPECIAL COMMITTEE REPORT.

To Hon. Geo. D. Neal, President of the Senate.

Sir: We, the undersigned committee, heretofore appointed to investigate certain charges against some member of the Legislature, published in the San Antonio Express and other daily papers, to the effect that he had attempted to sell postage stamps at the postoffice in Austin, which were put up in packages of ten books each, of the value of 97 cents per book, amounting in the aggregate to $29.10, have had the same under consideration, and beg to submit the following as the result of our labors, viz:

We called before us Mr. Hornaday, and after putting him under oath, he said that he was the reporter for the San Antonio Express, the Houston Post and the Fort Worth Record, and that he procured said item, making said charge, and sent and had it published in said paper; that he procured it from Mr. T. L. Wren, assistant postmaster at Austin, about the 27th day of April, the day before said publication; that Mr. Wren approached him on the streets and told him that a member of the Legislature had attempted to sell three packages of stamps at the postoffice, being about $30.00 worth; that he told him emphatically that there were three packages, and the value thereof; that they made