titled "An Act to provide for the sale of lands constituting part of the public domain; to provide for the sale of certain lands situated upon Mustang Island under certain regulations, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 112, A bill to be entitled "An Act to amend Article 958, of Chapter 1, Title XVIII of the Penal Code of the Revised Statutes of Texas of 1895, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

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

House bill No. 344, A bill to be entitled "An Act to amend Articles 3752, 3753 and 3754, and to repeal Article 3756, Title LXXX of the Civil Statutes of Texas, pensions, and to amend Sections 1 and 2, Chapter CVII of the General Laws of Texas passed by the Twenty-sixth Legislature, relating to Confederate Pensions,"

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

Stone, Chairman; Skinner, Brachfield, Grinnan, Green, Masterson, Senter.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Commitee on Public Lands and Land Office, to whom was referred

House bill No. 697, A bill to be entitled "An Act to donate land belonging to the State of Texas, situated on Mustang Island, in Nueces county, Texas, to the United States Government, on which to locate, construct and maintain engineers' offices and other buildings," etc.,

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

Murray, Chairman; Veale, Alexander, Hudspeth, Willacy, Green.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 696, A bill to be entitled "An Act incorporating the Bowie Independent School District, in Montague county, Texas, for free school purposes only, defining its boundaries," etc.,

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

Barrett, Chairman; Green, Grinnan, Kellie, Senter, Paulus, Glasscock.

SIXTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,
Friday, April 5, 1907.

Senate met pursuant to adjournment.

Lieutenant Governor A. B. Davidson in the chair.

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

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Griggs.	Veale.
Harbison.	

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

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

(See Appendix for committeee reports, petitions and memorials.)

EXCUSED.

On motion of Senator Barrett Senator Veale was excused from attendance upon the Senate for today and until Monday, on account of important business.

On motion of Senator Stone, Senator Harper was excused from attendance upon the Senate for Wednesday, yesterday and today on account of important business.

BILLS AND RESOLUTIONS.

By Senator Skinner:

Senate bill No. 318, A bill to be entitled "An Act concerning the jurisdiction of the Court of Civil Appeals, and to amend Article 996, Chapter 13, of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Willacy:

Senate bill No. 319, A bill to be entitled "An Act amending Articles 730 and 731 of Chapter 15, Title XXI of the Revised Statutes of Texas, authorizing certain corporations to construct, own and maintain upon the gulf coast of Texas in connection with deep water harbors and navigable channels, docks, wharves and navigable channels for the accommodation of commerce, prescribing their rights, privileges and duties, and regulating their charges; subjecting such corporations to control and regulation by the Railroad Commission of Texas; declaring any railroad or other means of transportation between the main land and any such deep water harbor or channel a public highway and subjecting same as a railroad to control and regulation by said Railroad Commission; prohibiting discrimination; providing penalties for violations of the provisions of this act; repealing Articles 726, 727, 728, 729 and 732 of said Chapter 15, Title XXI; repealing Chapter 38 of the General Laws of the Twenty-fourth Legislature and Chapter 64 of the General Laws of the Twenty-fifth Legislature and Chapter 160 of the General Laws of the Twenty-fifth Legislature, and any and all laws and parts of laws authorizing or permitting any corporation organized under the laws of Texas which is now authorized or which may hereafter be authorized by an act of Congress of the United States to construct, own, operate, or maintain, with private capital a deep water harbor, navigable channel, docks or wharves on the Gulf coast of Texas, or the Aransas Pass Harbor Company, to purchase from the State of Texas at $2 per acre any public lands whatever or any shore or island or shallow bay or any flats or shoal waters belonging to the State of Texas; and declaring an emergency."

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

By Senator Cunningham (by consent):

Senate Concurrent Resolution No. 19.

Whereas, There is now in the State Treasury to the credit of the Permanent University fund, the sum of one thousand, one hundred and ninety-one and 25-100 dollars ($1191.25), which was erroneously paid in by J. I. Holland as a portion of the purchase money on Sections 127 and 128 University lands in Callahan county, embracing 280 acres in the name of T. J. Gray, which payment having been made prior to maturity of the obligation therefor, and the Board of Regents of the State University having, for that reason, declined to accept payment thereof; and,

Whereas, There is now in the State Treasury to the credit of the Available School Fund, the sum of seventy-six and 80-100 dollars ($76.80), which was erroneously paid in by Rufus Cleveland as lease money for the year beginning July 1, 1906, on 2560 acres of land which had theretofore been sold out of lease No. 27823 in the name of J. F. Bustin; now, therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives of the State of Texas concurring, That the State Treasurer shall be and he is hereby authorized and directed to refund and pay to the said J. I. Holland the said sum of one thousand, one hundred ninety-one and 25-100 dollars ($1191.25) and charge the same to the Permanent University Fund, and to refund and pay to the said Rufus Cleveland the said sum of seventy-six and 80-100 dollars ($76.80), and charge same to the Available School Fund.

Read and referred to Finance Committee.

Morning call concluded.

HOUSE CONCURRENT RESOLUTION NO. 28.

Senator Glasscock called up, and the Chair laid before the Senate,

House Concurrent Resolution No. 28.

Whereas, The General Assembly of the State of Tennessee did, on March 22, 1907, pass the following resolution:

"It is rapidly growing into a custom for those States whose sons and daughters have peopled and built into glorious commonwealths so many of our sister States, to establish a 'home-coming period;'

"Whereas, The State of Tennessee stands pre-eminent as the mother State of the great Southwest, having furnished the States of Texas, Arkansas and Missouri with their 'bone and sinew,' and it being meet and proper that the glorious memory of Tennessee should be kept in the hearts of those sons and daughters who peopled their lands with Crocketts and Houstons—by setting aside a period so that those sons and daughters, lovers of their native land, may visit the place of their birth and the homes of their ancestors—the Volunteer State; now, therefore, be it

"Resolved by the General Assembly of the State of Tennessee, That September 23-28 be set aside as the Tennessee home-coming week, and that the Governor be requested to extend a cordial invitation to all Tennesseeans, wherever they may be dispersed, to assemble in the city of Nashville on the dates set apart for the purpose for a proper celebration of the 'home-comers' week;" and

Whereas, The sons of Tennessee imparted a glory to the Alamo and lent a luster to San Jacinto and have in peace and war maintained the honor, cherished the traditions and promoted the prosperity of this incomparable State, have reclaimed her prairies, transmuted her waste places into blossoming gardens, supplanted the tepee of the wild Indians with Christian homes, filled with happy boys and girls, promising citizenship unexcelled in the history of the world, thus linking by every tie of love and memory, the history and destiny of Texas and Tennessee; now, therefore be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, That the Governor of this State be directed to accept said invitation and he is hereby directed to appoint and designate a committee of fifty native Tennesseeans to attend said home-coming at Nashville, Tenn., from September 23 to 28, 1907, without expense to the State, as the accredited representatives of the state of Texas.

The resolution was read, and on motion of Senator Glasscock, was adopted.

SENATE BILL NO. 52—FREE CONFERENCE COMMITTEE ON.

Senator Hudspeth called up

Senate bill No. 52, A bill to be entitled "An Act to define the duties of railroad companies in this State with respect to shipping live stock, and to require that they promptly furnish cars for such shipments, and fix penalties for failure of such duty,"

And moved that the Senate rescind its action on a former day (see last Monday's Journal) by which the Senate refused to concur in the amendments that are shown under that head of the proceedings of that day.

The motion to rescind prevailed.

Senator Hudspeth then moved that the Senate do not concur in the following House amendments to Senate bill No. 52, and asked for a Free Conference Committee:

(1)

Strike out all after the enacting clause and insert in lieu thereof the following:

"Section 1. Any person, firm, company or corporation desiring an empty car or cars to be placed at any station, siding, spur or other point on a railroad in the State of Texas, where it is usual and customary for freight to be received and discharged, to be loaded for shipment and transportation from such station, siding, spur or other point to any other point on said line of railway, or to a point on any other line of railway in this State, may make application in writing for such car or cars to the agent of said railway company at the station, siding, spur or other point where it is desired to load such car or cars. If there be no agent at such point, then the application may be made to the agent of the railway company at the station nearest to such point. It shall be the duty of such railway company to whose agent such application is made, to furnish and place, within the time that may be prescribed by the Railroad Commission and at the point designated in said application, the car or cars so applied for, whether such car or cars are intended when loaded for transportation to a point on the line of such railway company or to a point on the line of another common carrier in the State of Texas. Failure upon the part of any railway company to furnish the cars within a reasonable time upon written notice to the agent, as herein provided, shall be deemed an abuse.

"Sec. 2. Every railroad company oper-

ating a railroad between points within the State of Texas, shall receive when tendered to it by a shipper at a station on its lines, every loaded car intended for transportation over its line to a point on its line, and also every loaded car intended for transportation over its line and thence to a point on any connecting line of railroad. It shall be the duty of every person common carrier in this State to receive from shippers loaded cars and the company so receiving such loaded car or cars shall forward and haul same over its line to destination. It shall also be the duty of every common carrier in this State to receive from a shipper or shippers a loaded car or cars when destined to a point on a connecting line. The common carrier so receiving such loaded car or cars shall forward and haul same over its lines to its junction with the next connecting line to which said originating carrier shall at such junction deliver the same for further transportation to destination.

"Sec. 3. Every railroad company and common carrier operating a railroad between points within the State of Texas shall receive when tendered to it by a connecting carrier at a place of junction of their tracks, every car loaded or empty, tendered for transportation over its line to a point on its line, and every car, loaded or empty, tendered for transportation over its line and thence to a point on any connecting line. Having received from a connecting carrier a car, loaded or empty, destined to a point on its line, the company or common carrier so receiving such car or cars shall forward and haul same to destination, and every car or cars received from a connecting carrier, loaded or empty, destined to a point on any connecting line, the company receiving such loaded or empty car, shall forward and haul the same over its line to its junction with the next connecting line to which it shall deliver same for further transportation to destination.

"Sec. 4. Connecting lines, as used in this act, are two or more lines connecting with each other by crossing each other's tracks, or otherwise, and forming a continuous route between the initial and terminal points of a shipment, and a connection or connecting line is any one of said two or more lines. The junction of two or more railroads as used in this act, is the place at which said railroad crosses on another's tracks or are otherwise connected.

"Sec. 5. Failure upon the part of any railroad company and common carrier in this State to comply with the provisions of this act shall be deemed an abuse, subject to correction by the Railroad Commission of Texas. It shall also be and hereby is made the duty of the Railroad Commission of Texas to provide reasonable regulations for the transportation of carload or less than carload freight, and prescribe a minimum distance same may be moved each day by the common carrier accepting the same for transportation. It shall also be the duty of the Railroad Commission to prescribe reasonable reciprocal demurrage rules, regulations and charges."

(2)

Amend the caption so as to read as follows:

"An Act to require railroad companies and common carriers to place cars upon written application by shippers within a reasonable time to be prescribed by the Railroad Commission of Texas at any station, siding, spur or other point on a railroad in the State where it is usual and customary for freight to be received and discharged; also requiring railroad companies and common carriers to furnish cars upon such written application whether such cars are to be loaded for a point on the line of the originating road or to a point on some other railroad within the State of Texas. Also requiring railroad companies operating between points within the State of Texas to receive cars loaded or empty from any connecting carrier for further transportation and for delivery to any other connecting carrier that may be necessary to make delivery of any such shipment or car or cars; also defining connecting lines within the meaning of this act; declaring a failure to observe the requirements herein an abuse and giving to the Railroad Commission power to correct same; also requiring the Railroad Commission of Texas to establish reasonable reciprocal demurrage rules, regulations and rates."

The motion to non-concur prevailed, and

The Chair appointed the following Senators as the Free Conference Committee on part of the Senate:

Senators Hudspeth, Green, Willacy, Masterson and Veale.

SENATE CONCURRENT RESOLUTION NO. 18.

Senator Terrell moved that the pending order of business (House bill No. 112) be suspended, and the Senate take up, out of its order, Senate Joint Resotion No. 14.

Senator Skinner moved, as a substitute, that the pending order of business (House bill No. 112) be suspended, and that the Senate take up, out of its order, Senate Concurrent Resolution No. 18.

The substitute motion prevailed by the following vote:

Yeas—17.

Alexander.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Skinner.
Grinnan.	Smith.
Harbison.	Stone.
Hudspeth.	Watson.
Kellie.	Willacy.
Masterson.	

Nays—11.

Barrett.	Looney.
Brachfield.	Mayfield.
Chambers.	Senter.
Cunningham.	Stokes.
Greer.	Terrell.
Holsey.	

Absent.

Griggs.

Absent—Excused.

Harper. Veale.

The motion, as substituted, was then adopted.

The Chair laid before the Senate,

Senate Concurrent Resolution No. 18, Whereas, Congress on March 16, 1906, by an act entitled "An Act to provide for an increased annual appropriation for agricultural experimental stations and regulating the expenditure thereof," did appropriate to the several States and Territories for the further endowment and support of agricultural experiment stations; the same to be paid in equal quarterly payments on the first day of January, April, July and October of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture, out of the treasury of the United States, to the treasurer or other officers duly appointed by the governing boards of said experiment stations; to receive the same upon the conditions and for the purposes in said act set out, and,

Whereas, In said act of Congress, among other things, it is provided that the same grants of money are made subject to the legislative assent of the several States and Territories, for the purposes aforesaid; now, therefore, be it

Resolved by the Senate and House of Representatives of the State of Texas, That the State of Texas, acting by and through its Legislature, does hereby accept and assent to the said grant and appropriation for the use and benefit of the Agricultural and Experiment Station located at College Station, in the State of Texas.

The resolution was read, and adopted.

SPECIAL COMMITTEE — APPOINTMENT OF.

The Chair, in accordance with Senate Concurrent Resolution No. 7, introduced on March 6, and adopted on March 15, which provided for a special committee to inquire the cost of a certain picture of David Crockett, appointed the following special committee: Senators Stone, Barrett and Willacy.

HOUSE BILL NO. 112.

The Chair laid before the Senate, on second reading and as unfinished business from yesterday,

House bill No. 112, A bill to be entitled "An Act to require all incorporated stock companies doing a life, fire, or marine insurance business within the State of Texas to invest at least seventy-five per cent of the reserve set apart for the final payment of policies issued in this State in Texas securities and Texas property, and to keep the securities in which such reserve is invested deposited in the vaults of the Treasury of the State of Texas for the security of Texas policyholders."

The pending question was on the pending amendment by Senator Griggs, which was to strike out Section 3 of the bill.

(Senator Meachum in the chair.)

RECESS.

Pending discussion on the amendment, the Senate, at 12:15 o'clock, and on motion of Senator Stone, recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Skinner.

HOUSE BILL NO. 112.

Action recurred on House bill No. 112, the question being on the amendment by Senator Griggs. And

Senator Smith offered the following substitute for the amendment:

Strike out and insert for Section 3 the following:

"That each life and fire insurance company incorporated under the laws of any other State in the United States or of any foreign company, shall invest and keep invested in such bonds, stock, mortgages and securities as provided for by this act, the amount of reserve so required to be invested, and shall list and render in this State, during the month of January in each year for assessment and taxation under and in accordance with the laws of this State, all of its Texas property and securities owned and herein required to be owned by it on the 31st day of December preceding, and shall pay the taxes assessed thereon against such company within the time required by law.

"That on or within thirty days after the 31st day of December in each year, each of such companies doing business in this State shall file with the Commissioner of Insurance, Statistics and History of this State the executed and sworn statement provided for in Section 7 of this act, on or before the first day of March in each year shall file with said Commissioner a statement in writing, duly executed and sworn to by the president or secretary thereof, showing the amount of its Texas property and securities listed for assessment and taxation in Texas during the month of January preceding, and the counties therein where the same was so listed, and the payment of all taxes assessed against it the preceding year. The failure of any such company to make the investment in Texas property and securities, or list the same for taxes, or to pay the taxes assessed on such property as required by this act, shall forfeit its right to do business in Texas, and upon such failure, the said Commissioner shall immediately report the same to the Attorney General of the State, who shall institute suit in the district court of Travis county to forfeit the permit of such defaulting company to do business in this State."

Pending.

(Lieutenant Governor Davidson in the chair.)

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

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

Senate bill No. 34, A bill to be entitled "An Act to amend Article 3379 of the Revised Civil Statutes of the State of Texas, 1895, declaring an emergency."

Senate bill No. 156, A bill to be entitled "An Act to amend Section 3 of an act of the Twenty-ninth Legislature of Texas, approved May 1, 1905, entitled 'An Act relating to State and county finances and the finances of cities incorporated under the General Laws of this State; providing for a system of State, county and city depositories for said State, county and city funds; for the selection and designation of such depositories; to provide penalties for the violation of the provisions of this act, and to repeal all laws and parts of laws in conflict herewith," with amendments.

Senate bill No. 184, A bill to be entitled "An Act to amend Section 4 of Chapter 86 of the Acts of the Twenty-eighth Legislature, relating to wolves and other wild animals, and providing for the destruction thereof; placing Bosque county under the provisions of this law, and declaring an emergency."

Senate bill No. 310, A bill to be entitled "An Act to reorganize the Fifth Judicial District and the Seventh Judicial District of Texas, and prescribing the time of holding court in the counties composing said districts, and validating process, and declaring an emergency," with amendments.

Senate bill No. 151, A bill to be entitled "An Act to amend Section 6 of Chapter 102 of the Acts of the Regular Session of the Twenty-sixth Legislature, entitled 'An Act to promote agriculture and stock raising, and to prohibit the hunting with firearms or dogs upon the enclosed or posted lands of another, in all counties within this State, not specially named as exempt from the provisions of this act,' as amended by the Twenty-eighth Legislature, and as amended by Chapter 71a, General Laws of the Twenty-ninth Legislature, to provide penalties, and with an emergency clause," with amendments.

House bill No. 553, A bill to be entitled "An Act to authorize the Governor to equip a regiment of 500 ex-Confederate soldiers as a Guard of Honor."

House bill No. 730, A bill to be entitled "An Act to amend House bill No. 390, Chapter 18 of the Special Laws of the Regular Session of the Twenty-ninth Legislature, same being entitled 'An Act creating a more efficient road law for Comanche county; providing that the county commissioners shall be ex-officio road commissioners in their respective precincts; defining their duties and reg-

ulating their compensation; and providing that the road overseers and hands shall work under the direction of the road commissioners, and providing penalties for failure to do so; providing for working county convicts on the public roads; providing for working all delinquent taxpayers on public roads; and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 26—HOUSE AMENDMENTS CONCURRED IN.

Senator Looney called up, as a privileged matter,

Senate bill No. 26, A bill to be entitled "An Act to repeal Chapter 12 of the General Laws of Texas, passed by the Twenty-seventh Legislature, page 12, Laws of 1901, and to pass in lieu thereof this act; to create a Board of Medical Examiners for the examination and licensing of physicians, surgeons and obstetricians; to prescribe their qualifications; to provide for their proper registration, the revocation of their licenses for flagrant offenses, and to fix suitable penalties for illegal practice."

The pending question was the motion made on yesterday by Senator Looney to concur in the House amendments, and the substitute motion by Senator Alexander to non-concur in the amendments, and asked for a Free Conference Committee. (See Journal of yesterday, for the proceedings on this bill and the amendments.)

Senator Alexander made a point of order on the bill, that in that the bill had passed both branches of the Legislature; the vote by which the bill was passed reconsidered and tabled; that the bill had gone to the Governor and could not be recalled from the Governor by resolution; and was already a law without the signature of the Governor, etc.

The Chair overruled the point of order.

Senator Stone offered the following amendment to the House amendment:

Amend the House amendment No. 1 by adding the following: "By providing that each regular organized State association of practicing physicians that come under the provisions of this bill shall furnish the Governor of this State ten names from each such State association of practicing physicians from whom the appointments of this board shall be selected."

Senator Stone contended that the amendment was germane to the House amendments.

Senator Looney moved to table the amendment by Senator Stone, which motion to table prevailed by the following vote:

Yeas—16.

Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Paulus.
Cunningham.	Senter.
Faust.	Skinner.
Green.	Smith.
Looney.	Stokes.
Masterson.	Watson.

Nays—8.

Alexander.	Hudspeth.
Glasscock.	Kellie.
Grinnan.	Murray.
Holsey.	Stone.

Absent.

Greer.	Terrell.
Griggs.	Willacy.
Harbison.	

Absent—Excused.

Harper.	Veale.

Question then recurred on the substitute motion by Senator Alexander, that the Senate do not concur in the House amendments, and ask for a Free Conference Committee.

Senator Looney moved to table the substitute motion, which motion to table prevailed.

The motion to concur in the House amendments prevailed by the following vote:

Yeas—25.

Alexander.	Mayfield.
Barrett.	Meachum.
Brachfield.	Murray.
Chambers.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Grinnan.	Stokes.
Holsey.	Stone.
Hudspeth.	Terrell.
Kellie.	Watson.
Looney.	Willacy.
Masterson.	

Nays—1.

Harbison.

Absent.

Cunningham.	Griggs.
Greer.	

Absent—Excused.

Harper.	Veale.

Senator Looney moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 310—HOUSE AMENDMENTS CONCURRED IN.

Senator Terrell called up, as a privileged matter,

Senate bill No. 310, A bill to be entitled "An Act to reorganize the Fifth Judicial District and the Seventh Judicial District of Texas, and prescribing the time of holding court in the counties composing said districts, and validating process, and declaring an emergency."

And moved that the Senate concur in the following House amendments:

Amend by striking out all after Section 2 of the engrossed bill, page 1, after the word "follows," and insert the following:

"In the county of Smith, on the first Mondays in February and September of each year, and may continue in session for four weeks.

"In the county of Camp, on the fourth Monday after the first Monday in February and September of each year, and may continue in session two weeks.

"In the county of Van Zandt, on the sixth Monday after the first Monday in February and September of each year, and may continue in session five weeks.

"In the county of Wood, on the eleventh Monday after the first Monday in February and September of each year, and may continue in session four weeks.

"In the county of Upshur, on the first Monday in January and the fifteenth Monday after the first Monday in February of each year, and may continue in session four weeks.

"In the county of Smith, on the nineteenth Monday after the first Monday in February, and may continue in session eight weeks, or until the business is disposed of; provided, the term is not extended beyond August thirty-first."

The motion to concur prevailed.

Senator Terrell moved to reconsider the vote by which the amendments were concurred in, and lay the motion on the table.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR.

Executive Office,
Austin, Texas, April 5, 1907.

To the Senate:

The advice and consent of the Senate is asked to the appointment of Notaries Public of the persons whose names appear in the list transmitted herewith.

T. M. CAMPBELL, Governor.

(Note.—See full list of notaries under date of April 9th.)

(Senator Looney in the chair.)

SENATE BILL NO. 147—PENDING MOTION ON.

Senator Murray here called up, and moved to rescind the vote by which Senate bill No. 147 was finally passed. (See Journal of Tuesday, 2d inst.)

Pending.

SENATE BILL NO. 156—HOUSE AMENDMENTS CONCURRED IN.

Senator Harbison called up, as a privileged matter,

Senate bill No. 156, A bill to be entitled "An Act to amend Section 3 of an act of the Twenty-ninth Legislature of Texas, approved May 1, 1905, entitled 'An Act relating to State and county finances and the finances of cities incorporated under the General Laws of this State; providing for a system of State, county and city depositories for said State, county and city funds."

Senator Harbison moved that the Senate concur in the following House amendments:

(1.)

Amend Section 1 by inserting after the words "by adding thereto a section to be known as Section 3a" the following words: "And a section to be known as Section 18a."

(2.)

Amend Section 1 by inserting therein after the words "said additional Section 3a," the following: "And said additional Section 18a."

(3.)

Amend by inserting on page 3, before Section 19, the following:

"Sec. 18a. All interest upon deposits which shall come into the State treasury from State depositories shall become a part of the general revenue."

(4.)

Amend the caption by inserting therein after the words, "in excess of its paid up capital stock," and before the words, "and make an appropriation," the following: "And providing for the appli-

cation of all interest which may come into the State treasury from State depositories."

The motion to concur prevailed by the following vote:

Yeas—25.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Grinnan.	Smith.
Harbison.	Stokes.
Holsey.	Stone.
Hudspeth.	Willacy.
Kellie.	

Absent.

Greer.	Terrell.
Griggs.	Watson.

Absent—Excused.

Harper.	Veale.

Senator Harbison moved to reconsider the vote by which the amendments were concurred in, and lay the motion on the table.

The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Glasscock (by unanimous consent):

Resolved, That the Secretary of the Senate, with the assistance of the Journal Clerk, be requested to have made and published in the last day's Journal of the Regular Session of this Legislature a brief synopsis of all the laws passed and signed by the President of the Senate and Speaker of the House of Representatives.

The resolution was read and adopted.

HOUSE BILL NO. 677.

On motion of Senator Senter, the pending order of business (Senate bill No. 147) was suspended, and the Senate took up, out of its order, House bill No. 677.

The Chair laid before the Senate, on second reading,

House bill No. 677, A bill to be entitled "An Act to amend an act entitled 'An Act to create a more efficient road law for Dallas county, Texas,' passed by the Twenty-ninth Legislature, and declaring an emergency,"

On motion of Senator Senter, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Senter, the constitutional rule requiring 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—24.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Grinnan.	Skinner.
Harbison.	Smith.
Holsey.	Stokes.
Hudspeth.	Stone.

Absent.

Greer.	Watson.
Griggs.	Willacy.
Terrell.	

Absent—Excused.

Harper.	Veale.

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

Yeas—24.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Grinnan.	Skinner.
Harbison.	Smith.
Holsey.	Stokes.
Hudspeth.	Stone.

Absent.

Greer.	Watson.
Griggs.	Willacy.
Terrell.	

Absent—Excused.

Harper.	Veale.

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

The motion to table prevailed.

FREE CONFERENCE COMMITTEE REPORT.

By Senator Skinner:

Committee Room,
Austin, Texas, April 4, 1907.

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

Sirs: We, your Free Conference Committee, heretofore appointed, and to whom was referred

House bill No. 126, A bill to be entitled "An Act requiring commissioners courts to purchase from the lowest and best bidder all blank books and stationery supplies required by the several counties, and prescribing the manner of contracting therefor,"

Have had the same under consideration for the purpose of adjusting the differences between the Senate and House of Representatives, and beg to report we have adjusted said differences, and we report the following bill, which embodies our agreement and adjustment of differences:

H. B. No. 126. By Kennedy.

A BILL

To be Entitled

An Act requiring commissioners courts to purchase from the lowest bidder all blank books and stationery supplies required by the several counties, and prescribing the manner of contracting therefor.

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

Section 1. That the commissioners court of each and every county may, by an order entered of record, be authorized and empowered to contract as hereafter prescribed, with some suitable person or persons to supply the county with all blank books, all legal blanks and all stationery of every kind and description as may be required by law to be furnished the county officials.

Sec. 2. It shall be the duty of the commissioners court to advertise at least once in every two years for sealed proposals to furnish said blank books, legal blanks, all stationery and such other printing as may be required for the county for the term of such contract. Said advertisement shall be made by the county clerk, who shall notify, by registered letter, each newspaper published and each job printing house in the county and at least three stationery and printing houses in the State of the time said contract is to be awarded and of the probable amount of supplies needed. Should said supplies, when furnished by the successful bidder under this act, not be of the quality designated in the contract and bond hereinafter provided for, then, and in any such event, the commissioners court may declare such contract null and void, and at the next regular or called session of said court again advertise for sealed proposals as in the first instance, and the commissioners court shall have this right to again advertise for proposals as often and whenever, from any cause, the supplies are not received under the previous contract.

Sec. 3. The stationery supplies shall be divided into four classes. Class "A" shall embrace all blank books and all work requiring permanent and substantial binding. Class "B" shall embrace all legal blanks, letter heads and other printing, stationery and blank papers. Class "C" shall embrace typewriter ribbons, pens, ink, mucilage, pencils, penholders, inkstands and wares of like kind. Class "D," poll tax receipts and all election supplies of whatever nature and description not furnished by the State. Each and every bid shall be upon some particular class, separate and apart from any other class. To the lowest bidder on class "A" shall be awarded the contract for all the work of that class; to the lowest bidder on articles in class "B" shall be awarded the contract for supplying the articles embraced in that class; to the lowest bidder for articles in class "C" shall be awarded the contract for supplying articles in that class, and to the lowest bidder for articles in class "D" shall be awarded the contract for supplying articles in that class. Provided, that the commissioners court shall have the right to reject any and all bids, and all bids being equal and quality the same, every contract must be awarded to a citizen or taxpayer of the county in which the contract is let. Provided further, that the commissioners court may receive separate bids for the several classes herein mentioned.

Sec. 4. Each bid shall be accompanied by the bond of the bidder, with two or more good and sufficient sureties, conditioned that should the contract be awarded to him that he will, without delay, upon being notified of such award, enter into a written contract, according to the law and with his proposal, and will give bond as may be required for the faithful performance of said contract.

Sec. 5. No member of the commissioners court or any county officer shall

be, either directly or indirectly, interested in any such contract, and all contracts shall be made in open court, with the lowest bidder, and all bids shall be spread in full on the minutes of the court.

Sec. 6. The successful bidder or bidders shall enter into a written contract with the court, and shall give bond in the sum of two hundred and fifty dollars, for each class or contract; said contract shall be signed by the successful bidder, with two or more good and sufficient sureties, and shall be conditioned for the faithful compliance with his bid and with the law, and shall be made payable to the county judge or his successors in office. Any suit on the bond of any contractor or bidder for failure to comply with the conditions of his contract shall be brought in the court having lawful jurisdiction of the amount alleged in the county which is a party to the contract.

Sec. 7. Attached to every bid made in accordance with the provisions of this act shall be an affidavit by the manager, secretary or other agent or officer of the bidder to the effect that affiant has knowledge of the relations of the bidder with other firms in the same line of business, and that the bidder is not a member of any trust, pool or combination of any kind, and has not been for the six months last past, directly or indirectly, concerned in any pool or agreement or combination to control the price of supplies bid on, or to influence any person to bid or not to bid thereon.

Sec. 7a. The commissioners court of each county may, by order of record, after contracts have been in force for the time specified in such contract, repeal said order.

Sec. 8. The fact that there is no law regulating the purchase of stationery by the several counties creates an imperative public necessity and emergency which requires that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

SKINNER,
GREEN,
WILLACY,
HUDSPETH,
BRACHFIELD.
On part of the Senate.
KENNEDY,
GILMORE,
SAVAGE of Bell,
LIVELY,
COX.
On part of the House.

On motion of Senator Skinner, the report was adopted by the following vote:

Yeas—24.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Grinnan.	Skinner.
Harbison.	Smith.
Holsey.	Stokes.
Hudspeth.	Stone.

Absent.

Greer.	Watson.
Griggs.	Willacy.
Terrell.	

Absent—Excused.

Harper.	Veale.

Senator Skinner moved to reconsider the vote by which the report was adopted, and lay the motion on the table.

The motion to table prevailed.

REFUSE TO SUSPEND.

Senator Alexander moved that the pending order of business (Senate bill No. 147) be suspended, and the Senate take up, out of its order, Senate bill No. 248.

Senator Holsey moved, as a substitute, that the pending order of business (Senate bill No. 147) be suspended, and the Senate take up, out of its order, House bill No. 719.

The substitute motion was lost by the following vote:

Yeas—10.

Barrett.	Mayfield.
Glasscock.	Murray.
Harbison.	Paulus.
Holsey.	Senter.
Masterson.	Stokes.

Nays—14.

Alexander.	Hudspeth.
Brachfield.	Kellie.
Chambers.	Looney.
Cunningham.	Meachum.
Faust.	Skinner.
Green.	Smith.
Grinnan.	Stone.

Absent.

Greer.	Watson.
Griggs.	Willacy.
Terrell.	

Absent—Excused.

Harper. Veale.

Senator Alexander then withdrew his motion.

(Lieutenant Governor Davidson in the chair.)

HOUSE BILL NO. 657.

On motion of Senator Grinnan, the pending order of business (Senate bill No. 147) was suspended, and the Senate took up, out of its order, House bill No. 657.

The Chair laid before the Senate, on second reading,

House bill No. 657, A bill to be entitled "An Act creating the Rockwood Independent School District, in Coleman county, Texas, and defining its boundaries," etc.

On motion of Senator Grinnan, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

On motion of Senator Grinnan, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring 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—24.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Grinnan.	Skinner.
Harbison.	Smith.
Holsey.	Stokes.
Hudspeth.	Stone.
Kellie.	Willacy.

Absent.

Cunningham.	Terrell.
Greer.	Watson.
Griggs.	

Absent—Excused.

Harper. Veale.

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

Yeas—25.

Alexander.	Barrett.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Grinnan.	Skinner.
Harbison.	Smith.
Holsey.	Stokes.
Hudspeth.	Stone.
Kellie.	Willacy.
Looney.	

Absent.

Greer.	Terrell.
Griggs.	Watson.

Absent—Excused.

Harper. Veale.

On motion of Senator Grinnan, the vote by which the bill was passed was reconsidered and tabled.

SENATE CONCURRENT RESOLUTION NO. 19.

On motion of Senator Cunningham, the pending order of business (Senate bill No. 147) was suspended, and the Senate took up, out of its order, Senate Concurrent Resolution No. 19.

The Chair laid before the Senate

Senate Concurrent Resolution No. 19 (see resolution in full under head of "Bills and Resolutions").

On motion of Senator Cunningham the committee report, which provided that the resolution be not printed, was adopted.

The resolution was read and adopted.

On motion of Senator Cunningham, the vote by which the resolution was adopted was reconsidered and tabled.

RECESS.

Senator Skinner moved that the Senate recess until 8 o'clock tonight, and

Senator Stone moved that the Senate adjourn until Monday morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn until Monday morning was lost by the following vote:

Yeas—6.

Faust.	Masterson.
Harbison.	Murray.
Hudspeth.	Stone.

Nays—19.

Alexander.	Brachfield.
Barrett.	Chambers.

Cunningham.	Meachum.
Glasscock.	Paulus.
Green.	Senter.
Grinnan.	Skinner.
Holsey.	Smith.
Kellie.	Stokes.
Looney.	Willacy.
Mayfield.	

Absent.

Greer.	Terrell.
Griggs.	Watson.

Absent—Excused.

Harper.	Veale.

The motion to recess then prevailed.

AFTER RECESS.

(Night Session.)

The Senate was called to order by Lieutenant Governor Davidson.

HOUSE BILL NO. 697.

On motion of Senator Willacy, the pending order of business (House bill No. 112) was suspended, and the Senate took up, out of its order, House bill No. 697.

The Chair laid before the Senate, on second reading,

House bill No. 697, A bill to be entitled "An Act to donate land belonging to the State of Texas, situated on Mustang Island, in Nueces county, Texas, to the United States government, on which to locate, construct and maintain all or part of the south jetty to be constructed by the United States government in the improvement of the harbor at Aransas Pass, Texas, and for the location, construction and maintenance of a railway or railways for the construction and maintenance of said jetty, and on which to locate engineers' office and other necessary buildings, and for the cession by the State to the said United States government of all such lands for all said purposes, and declaring an emergency."

On motion of Senator Willacy, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring 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—21.

Alexander.	Barrett.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Green.	Skinner.
Grinnan.	Smith.
Holsey.	Stone.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Glasscock.	Paulus.
Greer.	Senter.
Griggs.	Stokes.
Harbison.	Terrell.

Absent—Excused.

Harper.	Veale.

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

Yeas—21.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Skinner.
Green.	Smith.
Grinnan.	Stone.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Glasscock.	Paulus.
Greer.	Senter.
Griggs.	Stokes.
Harbison.	Terrell.

Absent—Excused.

Harper.	Veale.

On motion of Senator Willacy, the vote by which the bill was passed was reconsidered and tabled.

SENATE BILL NO. 306.

On motion of Senator Kellie, the pending order of business (House bill No. 112) was suspended, and the Senate took up, out of its order, Senate bill No. 306.

The Chair laid before the Senate, on second reading,

Senate bill No. 306, A bill to be entitled "An Act to amend House bill No. 565, Chapter 49 of the Special Laws of the State of Texas, passed by the Twenty-ninth Legislature of the said State, beginning on the 15th day of January,

1905, and adjourning on May 14th, 1905, and which said act was entitled 'An Act to incorporate the city of Beaumont, to grant it a special charter, and to repeal an act of the Legislature of the State of Texas, approved May the 12th, 1899, and entitled "An Act to incorporate the city of Beaumont, to grant it a special charter and to fix its boundaries," and to repeal all acts amendatory of said act, and all special charters and amendments thereto heretofore granted to said city of Beaumont, and to declare an emergency,' by amending Sections 3, 6 and 7 of said act passed by said Twenty-ninth Legislature, and is found on page 398 of the Special Laws of the State of Texas, passed at the Regular and First Called Sessions of the Twenty-ninth Legislature, and repealing all laws in conflict with amendments herein provided, and declaring an emergency, and striking out Sections 3, 6 and 7, and substituting Sections 3, 6 and 7 as follows."

On motion of Senator Kellie, the committee report, which provided that the bill be not printed, was adopted.

The bill was read second time, and ordered engrossed.

On motion of Senator Kellie, the constitutional rule requiring 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—21.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Skinner.
Faust.	Smith.
Green.	Stone.
Grinnan.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Glasscock.	Mayfield.
Greer.	Paulus.
Griggs.	Senter.
Harbison.	Stokes.

Absent—Excused.

Harper.	Veale.

Senator Kellie offered the following amendment:

Amend the bill by striking out after the word "suspended" the following: "And this act shall take effect from and after its passage."

The amendment was adopted by the following vote:

Yeas—21.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Skinner.
Faust.	Smith.
Green.	Stone.
Grinnan.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Glasscock.	Mayfield.
Greer.	Paulus.
Griggs.	Senter.
Harbison.	Stokes.

Absent—Excused.

Harper.	Veale.

Senator Kellie offered the following amendment:

Amend the bill by changing Sections 8 and 9 to read 9 and 10, respectively.

The amendment was adopted by the following vote:

Yeas—21.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Skinner.
Faust.	Smith.
Green.	Stone.
Grinnan.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Glasscock.	Mayfield.
Greer.	Paulus.
Griggs.	Senter.
Harbison.	Stokes.

Absent—Excused.

Harper.	Veale.

Senator Kellie offered the following amendment:

Amend the bill by adding Section 8, as follows:

"This bill shall not become effective as a law until the City Council of the city of Beaumont shall first pass a resolution ordering an election to be held by the qualified voters who are real estate taxpayers in the city of Beaumont, and until such taxpayers have voted in

favor of the propositions contained in this bill. After the passage of this bill the City Council of the city of Beaumont shall order an election to be held within the city of Beaumont, at which only qualified electors who are real estate owners in said city shall be allowed to vote, and said City Council shall prescribe the form of the ballots to be used, and said election shall be governed under and by the rules of law applicable to elections of such character. After said election has been held the returns thereof shall be made to the City Council, who shall proceed immediately to canvass the returns, and if a majority of the voters are in favor of the propositions contained in this bill the City Council shall so certify, and this bill shall become effective and be in force immediately. If, however, a majority of such votes so cast at such election shall be against the propositions contained in this bill, then this act shall not take effect. In no event, however, shall the present officers of the city of Beaumont be disturbed in the possession of their offices until the next general election."

The amendment was adopted by the following vote:

Yeas—21.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Skinner.
Faust.	Smith.
Green.	Stone.
Grinnan.	Terrell.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Glasscock.	Mayfield.
Greer.	Paulus.
Griggs.	Senter.
Harbison.	Stokes.

Absent—Excused.

Harper.	Veale.

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

Yeas—21.

Alexander.	Grinnan.
Barrett.	Holsey.
Brachfield.	Hudspeth.
Chambers.	Kellie.
Cunningham.	Looney.
Faust.	Masterson.
Green.	Meachum.
Murray.	Terrell.
Skinner.	Watson.
Smith.	Willacy.
Stone.	

Absent.

Glasscock.	Mayfield.
Greer.	Paulus.
Griggs.	Senter.
Harbison.	Stokes.

Absent—Excused.

Harper.	Veale.

On motion of Senator Kellie, the vote by which the bill was passed was reconsidered and tabled.

SENATE BILL NO. 314.

On motion of Senator Masterson, the pending order of business (House bill No. 112) was suspended, and the Senate took up, out of its order, Senate bill No. 314.

The Chair laid before the Senate, on second reading,

Senate bill No. 314, A bill to be entitled "An Act to amend the charter of the city of Galveston, and to authorize the board of commissioners of the city of Galveston to license, tax, regulate and prescribe the location of all places within the corporate limits of the city of Galveston wherein intoxicating liquors are kept for sale."

On motion of Senator Masterson, the committee report, which provided that the bill be not printed, was adopted.

Senator Masterson offered the following amendment, which was adopted:

Amend the bill by adding:

"Sec. 2. The fact that great inconvenience is now suffered by the city of Galveston because of the lack of the power given the city commission by this bill, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this bill take effect from and after its passage, and it is so enacted."

Bill read second time, and ordered engrossed.

On motion of Senator Masterson, the constitutional rule requiring 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.

Alexander.	Chambers.
Barrett.	Cunningham.
Brachfield.	Faust.

Green.	Meachum.
Grinnan.	Murray.
Holsey.	Skinner.
Hudspeth.	Smith.
Kellie.	Stone.
Looney.	Terrell.
Masterson.	Watson.
Mayfield.	Willacy.

Absent.

Glasscock.	Paulus.
Greer.	Senter.
Griggs.	Stokes.
Harbison.	

Absent—Excused.

Harper.	Veale.

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

Yeas—22.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Skinner.
Faust.	Smith.
Green.	Stokes.
Grinnan.	Stone.
Holsey.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Glasscock.	Mayfield.
Greer.	Paulus.
Griggs.	Senter.
Harbison.	

Absent—Excused.

Harper.	Veale.

On motion of Senator Masterson, the vote by which the bill was passed was reconsidered and tabled.

HOUSE BILL NO. 719.

On motion of Senator Holsey, the pending order of business (House bill No. 112) was suspended, and the Senate took up, out of its order, House bill No. 719.

The Chair laid before the Senate, on second reading,

House bill No. 719, A bill to be entitled "An Act creating the Kerens Independent School District in Navarro county, and to provide for the election of trustee, raising of revenue by taxation, issuing bonds and maintaining public schools therein."

On motion of Senator Holsey, the committee report, which provided that the bill be not printed, was adopted.

Senator Holsey offered the following amendment, which was adopted:

Amend by adding Section 4 as follows:

"Sec. 4. The near approach of the close of the session of the Legislature creates an imperative public necessity that the rule requiring bills to be read on three several days should be suspended, and an emergency exists that this act take effect and be in force from and after its passage, and it is so enacted."

Senator Holsey offered the following amendment, which was adopted:

Amend the caption by adding the emergency clause.

Bill read second time, and passed to a third reading.

On motion of Senator Holsey, the constitutional rule requiring 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—23.

Alexander.	Masterson.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Skinner.
Faust.	Smith.
Green.	Stokes.
Grinnan.	Stone.
Holsey.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney	

Absent.

Glasscock.	Harbison.
Greer.	Paulus.
Griggs.	Senter.

Absent—Excused.

Harper.	Veale.

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

Yeas—23.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Green.	Skinner.
Grinnan.	Smith.
Holsey.	Stokes.
Hudspeth.	Stone.

Terrell. Willacy.
Watson.

Absent.

Glasscock. Harbison.
Greer. Paulus.
Griggs. Senter.

Absent—Excused.

Harper. Veale.

On motion of Senator Holsey, the vote by which the bill was passed was reconsidered and tabled.

HOUSE BILL NO. 399.

On motion of Senator Faust, the pending order of business (House bill No. 112) was suspended, and the Senate took up, out of its order, House bill No. 399.

The Chair laid before the Senate, on second reading,

House bill No. 399, A bill to be entitled "An Act to amend Sections 1, 4, 5, 6 and 11, of Chapter 108, Acts of the Twenty-ninth Legislature, being an act entitled 'An Act regulating the sale of concentrated commercial feeding stuffs and the materials from which they are manufactured, defining concentrated feeding stuffs, prohibiting their adulteration, providing for their correct weighing and marking, and providing for the collection of samples, the expenses of the enforcement of the law, and fixing penalties for its violation,' and to add thereto Section 11a, empowering the director of the Experiment Station to adopt standards and definitions for concentrated feeding stuffs, and to refuse the registration of feeding stuffs under certain circumstances, and to cancel registration under certain circumstances after notice, and to empower said director to adopt rules and regulations for the enforcement of all of the provisions of the act."

On motion of Senator Faust, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Faust, the constitutional rule requiring 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—24.

Alexander. Chambers.
Barrett. Cunningham.
Brachfield. Faust.
Green. Murray.
Grinnan. Paulus.
Holsey. Skinner.
Hudspeth. Smith.
Kellie. Stokes.
Looney. Stone.
Masterson. Terrell.
Mayfield. Watson.
Meachum. Willacy.

Absent.

Glasscock. Harbison.
Greer. Senter.
Griggs.

Absent—Excused.

Harper. Veale.

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

Yeas—24.

Alexander. Masterson.
Barrett. Mayfield.
Brachfield. Meachum.
Chambers. Murray.
Cunningham. Paulus.
Faust. Skinner.
Green. Smith.
Grinnan. Stokes.
Holsey. Stone.
Hudspeth. Terrell.
Kellie. Watson.
Looney. Willacy.

Absent.

Glasscock. Harbison.
Greer. Senter.
Griggs.

Absent—Excused.

Harper. Veale.

On motion of Senator Faust, the vote by which the bill was passed was reconsidered and tabled.

HOUSE BILL NO. 375.

On motion of Senator Murray, the pending order of business (House bill No. 112) was suspended, and the Senate took up, out of its order, House bill No. 375.

The Chair laid before the Senate, on third reading,

House bill No. 375, A bill to be entitled "An Act to amend Section 2, Chapter 58, Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, reorganizing the Twenty-third, Twenty-fourth, Twenty-fifth, Thirty-sixth and Forty-ninth Judicial Districts of the State of Texas, and fixing

the time for holding district court therein so as to change the time of holding the district court in the counties of Bee, Goliad, Jackson, Karnes, Refugio, Calhoun, Victoria and DeWitt, comprising the Twenty-fourth Judicial District of Texas."

The bill was read third time, and passed.

On motion of Senator Murray, the vote by which the bill was passed was reconsidered and tabled.

HOUSE BILL NO. 112.

Action here recurred on House bill No. 112, and the question being on the substitute amendment by Senator Smith for the amendment by Senator Griggs.

Senator Skinner moved the previous question on the amendment, and the substitute, which motion being duly seconded and was so ordered.

Action then recurred on the substitute by Senator Smith, and same was lost by the following vote:

Yeas—9.

Faust.	Smith.
Kellie.	Stone.
Looney.	Terrell.
Murray.	Willacy.
Paulus.	

Nays—15.

Alexander.	Hudspeth.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Skinner.
Green	Stokes.
Grinnan.	Watson.
Holsey.	

Absent.

Glasscock.	Harbison.
Greer.	Senter.
Griggs.	

Absent—Excused.

Harper.	Veale.

Action then recurred on the amendment by Senator Griggs, and the same was lost.

Senator Skinner offered the following amendment:

Amend the bill by striking out all of Section 3, page 6, after the word "Texas," in line 17, and insert in lieu thereof the following: "Or with any national bank in this State designated and appointed by the Controller of the Currency as a depository for moneys and funds belonging to the United States or with any State bank or trust company or national bank in this State, authorized and appointed by law as a depository for State moneys and funds, and any depository in which any such securities are deposited shall forward to the State Treasurer of this State quarterly, or whenever demanded by him, a statement of the character and amount of the securities so deposited, and such securities shall at all times be subject to the payment of any money which may become due upon any of such policies of insurance; provided, that no securities when deposited under the provisions of this act shall be withdrawn without authority in writing from the State Treasurer."

SKINNER,
BRACHFIELD.

Senator Skinner moved the previous question on the amendment, which motion being duly seconded, was so ordered.

The amendment was adopted.

Senator Skinner offered the following amendment, which was adopted:

Amend the bill by striking out Section 6, and renumber the other sections to conform to this amendment.

Senator Skinner offered the following amendment, which was adopted:

Amend the bill by inserting after "State," in line 14, page 8, the following: "Or president of such bank."

Senator Skinner offered the following amendment, which was adopted:

Amend by striking out all after "same," in line 18, page 8, down to "which," in line 19, same page.

Senator Skinner offered the following amendment, which was adopted:

Amend the bill by striking out Section 13 thereof, and renumbering the other sections to conform to this amendment.

(Senator Mayfield in the chair.)

Senator Skinner offered the following amendment, which was adopted:

Amend the bill by inserting after the word "Treasury" in line 13, page 8, the following: "Or any of the above mentioned depositories."

Senator Smith here moved to reconsider the vote by which Section 6 was stricken out of the bill.

Senator Skinner moved the previous question on the motion, which motion being duly seconded, was so ordered.

The motion to reconsider the vote by which Section 6 was stricken out of the bill was lost by the following vote:

Yeas—10.

Alexander.	Grinnan.
Faust.	Kellie.

Looney.	Smith.
Murray.	Stone.
Senter.	Terrell.

Nays—15.

Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Paulus.
Cunningham.	Skinner.
Green.	Stokes.
Holsey.	Watson.
Hudspeth.	Willacy.
Masterson.	

Absent.

Glasscock.	Griggs.
Greer.	Harbison.

Absent—Excused.

Harper.	Veale.

Senator Green offered the following amendment, which was adopted:

Amend the Senate substitute as follows: Strike out in line 19 of the caption the words "fire or marine."

GREEN,
ALEXANDER.

Senator Green offered the following amendment, which was adopted:

Strike out in line 22 of the caption the words: "And on property situated in this State."

GREEN,
ALEXANDER.

Senator Green offered the following amendment, which was adopted:

Strike out all of Section 1 after the word "State," in line 9, on page 5, thereof.

GREEN,
ALEXANDER.

Senator Green offered the following amendment, which was adopted:

Strike out all of line 12, Section 3, page 6, after the word "provided," and all of lines 13, 14, 15 and the word "reserve," in line 16, page 3.

GREEN,
ALEXANDER.

Senator Green offered the following amendment, which was adopted:

Strike out of line 7, Section 5, page 7, the words, "and property in."

GREEN,
ALEXANDER.

Senator Green offered the following amendment, which was adopted:

After the word "securities," and before the word "in," in line 9, Section 3, page 6, insert the words "(except policies upon which loans may be made.)"

GREEN,
ALEXANDER.

Senator Green offered the following amendment, which was adopted:

Strike out all of line 15, page 9, Section 12, after the word "plan" and all of line 16.

GREEN,
ALEXANDER.

Senator Green offered the following amendment, which was adopted:

Strike out all of line 23, page 14, after the word "Texas," and the word "State," in line 24.

GREEN,
ALEXANDER.

Senator Senter offered the following amendment:

Amend the bill by adding at the end of Section 2 the following:

"Provided, that the Insurance Commissioner of the State shall be empowered to waive the requirements of this act, or any part thereof, upon a sufficient showing by any company affected by the provisions hereof that it can not obtain the securities named in Section 2 without a sacrifice of the interest of its policyholders, and the Insurance Commissioner shall have the authority to judge of the sufficiency of such showing."

Senator Hudspeth moved the previous question on the amendment, which motion, being duly seconded, was so ordered.

The amendment by Senator Senter was adopted.

Senator Willacy, offered the following amendment, which was adopted:

Amend the printed bill as follows:

Amend by inserting between the words "property" and "and," in line 23, page 4, the following: "Or in the bonds of the United States." Also amend by inserting after the word "estate," in line 5, page 5, the following: "Or in the bonds of the United States, or any other State of the United States."

Bill read second time, and passed to a third reading.

Senator Skinner moved that the constitutional rule requiring bills to be read on three several days be suspended, and the bill put on its third reading and final passage.

The motion was lost by the following vote, a four-fifths vote being necessary:

Yeas—17.

Alexander.	Barrett.

Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Paulus.
Green.	Skinner.
Grinnan.	Stokes.
Holsey.	Terrell.
Hudspeth.	Willacy.
Looney.	

Nays—6.

Faust.	Senter.
Kellie.	Smith.
Murray.	Stone.

Absent.

Glasscock.	Harbison.
Greer.	Meachum.
Griggs.	Watson.

Absent—Excused.

Harper.	Veale.

Senator Skinner moved to reconsider the vote by which the bill passed to a third reading, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 148.

On motion of Senator Barrett, the pending order of business (Senate bill No. 98) was suspended, and the Senate took up, out of its order, House bill No. 148.

(Lieutenant Governor Davidson in the chair.)

The Chair laid before the Senate, on second reading,

House bill No. 148, A bill to be entitled "An Act to amend Section 100 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to subjects to be taught in the public schools of this State."

On motion of Senator Barrett, the committee report, which provided that the bill be not printed, was adopted.

Senator Barrett offered the following amendment, which was adopted:

Amend engrossed House bill No. 148, page 1, in line 3 of Section 100, by striking out the words "vocal music."

Senator Smith offered the following amendment:

Amend Section 1 by adding thereto the following: "Provided, that the trustees of any of such schools may suspend the teaching of the elements of agriculture in schools of which they have the management."

Senator Barrett moved to table the amendment, which motion to table was lost by the following vote:

Yeas—9.

Alexander.	Paulus.
Barrett.	Senter.
Chambers.	Skinner.
Green.	Terrell.
Grinnan.	

Nays—12.

Brachfield.	Masterson.
Faust.	Murray.
Holsey.	Smith.
Hudspeth.	Stokes.
Kellie.	Stone.
Looney.	Willacy.

Absent.

Cunningham.	Harbison.
Glasscock.	Mayfield.
Greer.	Meachum.
Griggs.	Watson.

Absent—Excused.

Harper.	Veale.

The amendment by Senator Smith was then adopted by the following vote:

Yeas—13.

Brachfield.	Murray.
Faust.	Smith.
Holsey.	Stokes.
Hudspeth.	Stone.
Kellie.	Terrell.
Looney.	Willacy.
Masterson.	

Nays—8.

Alexander.	Grinnan.
Barrett.	Paulus.
Chambers.	Senter.
Green.	Skinner.

Absent.

Cunningham.	Harbison.
Glasscock.	Mayfield.
Greer.	Meachum.
Griggs.	Watson.

Absent—Excused.

Harper.	Veale.

Senator Barrett offered the following amendment, which was adopted:

Amend the bill by adding the emergency clause, as follows, and conforming thereto the caption of the bill:

"Sec. 10. The crowded condition of the calendar and the demand for this law, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted."

Bill read second, time, and passed to a third reading.

On motion of Senator Barrett, the constitutional rule requiring 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.

Alexander.	Masterson.
Barrett.	Murray.
Brachfield.	Paulus.
Chambers.	Senter.
Faust.	Skinner.
Green.	Smith.
Grinnan.	Stokes.
Holsey.	Stone.
Hudspeth.	Terrell.
Kellie.	Watson.
Looney.	Willacy.

Absent.

Cunningham.	Harbison.
Glasscock.	Mayfield.
Greer.	Meachum.
Griggs.	

Absent—Excused.

Harper.	Veale.

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

Yeas—22.

Alexander.	Masterson.
Barrett.	Murray.
Brachfield.	Paulus.
Chambers.	Senter.
Faust.	Skinner.
Green.	Smith.
Grinnan.	Stokes.
Holsey.	Stone.
Hudspeth.	Terrell.
Kellie.	Watson.
Looney.	Willacy.

Absent.

Cunningham.	Harbison.
Glasscock.	Mayfield.
Greer.	Meachum.
Griggs.	

Absent—Excused.

Harper.	Veale.

On motion of Senator Barrett, the vote by which the bill was passed was reconsidered and tabled.

HOUSE CONCURRENT RESOLUTION NO. 18.

On motion of Senator Skinner, the pending order of business (Senate bill No. 98) was suspended, and the Senate took up, out of its order, House Concurrent Resolution No. 18.

The Chair laid before the Senate

House Concurrent Resolution No. 18, Authorizing the Attorney General to sell or exchange certain law books and certain articles of furniture now in the Attorney General's Department.

The resolution was read, and adopted.

HOUSE BILL NO. 688.

On motion of Senator Grinnan, the pending order of business (Senate bill No. 98) was suspended, and the Senate took up, out of its order, House bill No. 688.

The Chair laid before the Senate, on second reading,

House bill No. 688, A bill to be entitled "An Act to amend Sections 2, 4, 6, 7, 9, 12 and 14 of the Special Laws of Texas, approved April 15, 1905, being House bill No. 542, and entitled 'An Act to create a more efficient road system for Coleman county, Texas.'"

On motion of Senator Grinnan, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

On motion of Senator Grinnan, the committee report, which provided that the bill be not printed, was adopted.

Senator Grinnan offered the following amendment, which was adopted:

Amend by adding the emergency clause, as follows:

"Sec. 10. The crowded condition of the calendar and the demand for this law create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted."

Bill read second time, and passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring 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.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Murray.
Faust.	Paulus.
Green.	Senter.
Grinnan.	Skinner.
Holsey.	Smith.
Hudspeth.	Stokes.

Stone.	Watson.
Terrell.	Willacy.

Absent.

Cunningham.	Harbison.
Glasscock.	Mayfield.
Greer.	Meachum.
Griggs.	

Absent—Excused.

Harper.	Veale.

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

Yeas—22.

Alexander.	Masterson.
Barrett.	Murray.
Brachfield.	Paulus.
Chambers.	Senter.
Faust.	Skinner.
Green.	Smith.
Grinnan.	Stokes.
Holsey.	Stone.
Hudspeth.	Terrell.
Kellie.	Watson.
Looney.	Willacy.

Absent.

Cunningham.	Harbison.
Glasscock.	Mayfield.
Greer.	Meachum.
Griggs.	

Absent—Excused.

Harper.	Veale.

On motion of Senator Grinnan, the vote by which the bill was passed was reconsidered and tabled.

HOUSE BILL NO. 361.

On motion of Senator Alexander, the pending order of business (Senate bill No. 98) was suspended, and the Senate took up, out of its order, House bill No. 361.

The Chair laid before the Senate, on second reading,

House bill No. 361, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Regular Session of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature; Chapter 129, Acts of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature, by adding to said Article 642 a new subdivision to be known as Subdivision 65, providing for the establishment and maintenance of fishing, hunting and boating clubs; the protection, preservation and propagation of fish and game; the purchase and ownership of such lands and bodies of water as may be desirable in connection therewith; the erection of suitable improvements thereon; and the raising of such live stock for profit only as the preserves of such club will maintain."

REFUSE TO ADJOURN.

Senator Looney moved that the Senate recess until tomorrow morning at 10 o'clock.

Senator Kellie moved that the Senate adjourn until Monday morning at 10 o'clock. The motion to adjourn was lost by the following vote:

Yeas—6.

Faust.	Murray.
Kellie.	Paulus.
Masterson.	Stone.

Nays—14.

Alexander.	Looney.
Barrett.	Senter.
Brachfield.	Skinner.
Chambers.	Smith.
Green.	Stokes.
Holsey.	Watson.
Hudspeth.	Willacy.

Absent.

Cunningham.	Harbison.
Glasscock.	Mayfield.
Greer.	Meachum.
Griggs.	Terrell.
Grinnan.	

Absent—Excused.

Harper.	Veale.

There being no quorum present, Senator Hudspeth moved a call of the Senate to secure a quorum. The call was seconded, and the roll call developed a quorum present, the following Senators answering to their names:

Present—21.

Alexander.	Masterson.
Barrett.	Murray.
Brachfield.	Paulus.
Chambers.	Senter.
Faust.	Skinner.
Green.	Smith.
Grinnan.	Stokes.
Holsey.	Stone.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Cunningham.	Harbison.
Glasscock.	Mayfield.
Greer.	Meachum.
Griggs.	Terrell.

Absent—Excused.

Harper.	Veale.

Action then recurred on the motion to recess until tomorrow morning at 10 o'clock, and

Senator Smith moved that the Senate adjourn until tomorrow morning at 10 o'clock. The motion to adjourn was lost.

The motion to recess was then lost by the following vote:

Yeas—7.

Brachfield.	Paulus.
Grinnan.	Skinner.
Looney.	Willacy.
Masterson.	

Nays—14.

Alexander.	Kellie.
Barrett.	Murray.
Chambers.	Senter.
Faust.	Smith.
Green.	Stokes.
Holsey.	Stone.
Hudspeth.	Watson.

Absent.

Cunningham.	Harbison.
Glasscock.	Mayfield.
Greer.	Meachum.
Griggs.	Terrell.

Absent—Excused.

Harper.	Veale.

HOUSE BILL NO. 361.

Action here recurred on House bill No. 361, the question being on passage of the bill to a third reading, and

Senator Alexander offered the following amendment, which was adopted:

Amend House bill No. 361 by adding:

"Subdivision 66. The auditing of books, accounts and transactions of persons, firms or corporations, private or municipal."

Senator Alexander offered the following amendment, which was adopted:

Amend House bill No. 361 by adding:

"Sec. —. The near approach of the end of the session and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended and this act shall take effect and be in force from and after its passage, and it is so enacted."

Senator Alexander offered the following amendment:

Amend the caption by striking out all after the figures "642," in line 20, and inserting in lieu thereof the words: "New subdivisions to be known as Subdivisions 65, 66, 67 and 68."

Pending.

Senator Skinner here moved that the Senate recess until 9:45 o'clock tomorrow morning.

The motion was lost.

Action recurred on House bill No. 361, and

Senator Looney made a point of order on the bill under the Constitution, because it was a proposed amendment to Article 642 of the Revised Statutes, without re-enacting and publishing at length the entire article.

The Chair sustained the point of order, pending further investigation.

HOUSE BILL NO. 327.

On motion of Senator Stone, the pending order of business (Senate bill No. 98) was suspended, and the Senate took up, out of its order, House bill No. 327.

The Chair laid before the Senate, on second reading,

House bill No. 327, A bill to be entitled "An Act to so amend Article 5083, Chapter 2, Title CIV, of the Revised Civil Statutes of the State of Texas, 1895, as to require railroads to report under oath rolling stock operated by them under rental, hire, lease or other form of contract, and to give name and address of true owner; and requiring county tax assessor to properly assess such property, and declaring an emergency."

Bill read second time, and passed to a third reading.

Senator Stone moved the constitutional rule requiring bills to be read on three several days be suspended, and the bill put on its third reading and final passage.

The vote on this motion showed no quorum voting, the following Senators answering to their names:

Yeas—17.

Alexander.	Grinnan.
Barrett.	Holsey.
Brachfield.	Hudspeth.
Chambers.	Kellie.
Faust.	Looney.
Green.	Masterson.

Senter. Stone.
Smith. Watson.
Stokes.

Absent.

Cunningham. Meachum.
Glasscock. Murray.
Greer. Paulus.
Griggs. Skinner.
Harbison. Terrell.
Mayfield. Willacy.

Absent—Excused.

Harper. Veale.

Senator Stone moved a call of the Senate for the purpose of securing a quorum, the motion, being duly seconded, was so ordered.

The roll was called, the following Senators answering to their names:

Present—19.

Alexander. Looney.
Barrett. Masterson.
Brachfield. Senter.
Chambers. Skinner.
Faust. Smith.
Green. Stokes.
Grinnan. Stone.
Holsey. Watson.
Hudspeth. Willacy.
Kellie.

Absent—10.

Cunningham. Mayfield.
Glasscock. Meachum.
Greer. Murray.
Griggs. Paulus.
Harbison. Terrell.

Absent—Excused.

Harper. Veale.

Senator Smith moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was lost by the following vote:

Yeas—2.

Grinnan. Masterson.

Nays—17.

Alexander. Looney.
Barrett. Senter.
Brachfield. Skinner.
Chambers. Smith.
Faust. Stokes.
Green. Stone.
Holsey. Watson.
Hudspeth. Willacy.
Kellie.

Absent.

Cunningham. Mayfield.
Glasscock. Meachum.
Greer. Murray.
Griggs. Paulus.
Harbison. Terrell.

Absent—Excused.

Harper. Veale.

Senator Terrell was here announced at the bar of the Senate, which made twenty members.

Pending some delay,

Senator Terrell asked to be excused, on account of important business, and

Senator Smith moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was lost by the following vote:

Yeas—8.

Faust. Skinner.
Green. Smith.
Grinnan. Terrell.
Masterson. Willacy.

Nays—12.

Alexander. Kellie.
Barrett. Looney.
Brachfield. Senter.
Chambers. Stokes.
Holsey. Stone.
Hudspeth. Watson.

Absent.

Cunningham. Mayfield.
Glasscock. Meachum.
Greer. Murray.
Griggs. Paulus.
Harbison.

Absent—Excused.

Harper. Veale.

Senator Glasscock was here announced present, which completed a quorum, the following Senators answering to their names:

Present—21.

Alexander. Looney.
Barrett. Masterson.
Brachfield. Senter.
Chambers. Skinner.
Faust. Smith.
Glasscock. Stokes.
Green. Stone.
Grinnan. Terrell.
Holsey. Watson.
Hudspeth. Willacy.
Kellie.

Absent—8.

Cunningham.	Mayfield.
Greer.	Meachum.
Griggs.	Murray.
Harbison.	Paulus.

Absent—Excused.

Harper.	Veale.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following bills:

House bill No. 553, to Committee on Military Affairs.

House bill No. 730, to Committee on Roads, Bridges and Ferries.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read,

House bill No. 383, "An Act to establish an asylum to be known as the State Institution for the Feeble Minded, and such blind and deaf persons as may apply hereunder, and define feeble minded, and declaring an emergency."

House bill No. 416, "An Act to prohibit contributions of any money or its equivalent by corporations for the purpose of aiding or defeating the election of any candidate for the office of Representative to Congress of the United States, Presidential or Vice Presidential electors from this State, district, county or precinct office in this State or the success or defeat of any political measure submitted to a vote of the people of the State, and providing penalties therefor, and providing that all laws and parts of laws in conflict herewith are hereby repealed, and declaring an emergency."

House bill No. 624, "An Act to amend Section 10 of Chapter 75 of the General Laws of the State of Texas as passed at the Regular Session of the Twenty-seventh Legislature of Texas, same being an act to create a more efficient road system for Grayson county, Texas, and declaring an emergency, so as to provide in Section 10 an increase in the pay of said county commissioners when acting as road commissioners, and declaring an emergency."

House bill No. 449, "An Act to amend Chapter 46 of the Special Laws of the Regular Session of the Twenty-eighth Legislature, entitled 'An Act to render more effective and efficient the present road law in the State of Texas in its application and operation in the county of Wilbarger."

Senate bill No. 306, "An Act to amend House bill No. 565, Chapter 49, of the Special Laws of the State of Texas, passed at the Twenty-ninth Legislature of said State, beginning on the 15th day of January, 1905, and adjourning on May 14, 1905, and which said act was entitled 'An Act to incorporate the city of Beaumont, to grant it a special charter, and to repeal an act of the Legislature of the State of Texas, approved May 12, 1899, and entitled an act to incorporate the city of Beaumont, to grant it a special charter, and to fix its boundaries, and to repeal all acts amendatory of said act, and all special charters and amendments thereto heretofore granted to said city of Beaumont, and to declare an emergency,' by amending Sections 3, 6 and 7 of said act passed by the said Twenty-ninth Legislature, which act became effective as a law on April 25, 1905, and is found on page 398 of the Special Laws of the State of Texas, passed at the Regular and First Called Sessions of the Twenty-ninth Legislature, and repealing all laws in conflict with amendments herein provided, and declaring an emergency, and striking out Sections 3, 6 and 7 and substituting Sections 3, 6 and 7, as set forth in said bill."

House bill No. 448, "An Act to restore and confer upon the county court of Mills county the criminal jurisdiction heretofore belonging to it under the Constitution and General Statutes of Texas, to conform to the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act, and declaring an emergency."

House bill No. 661, "An Act to confer upon the county court of Irion county the civil and criminal jurisdiction belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said changes; to fix the time of holding court, and to repeal all laws in conflict with this act, and declaring an emergency."

House bill No. 144, "An Act to amend Chapter 153 of the General Laws of the State of Texas, passed at the Regular Session of the Twenty-fifth Legislature, and amended at the Regular Session of the Twenty-sixth Legislature and at the Regular Session of the Twenty-seventh Legislature, and at the First Called Session of the Twenty-seventh Legislature and at the Reuglar Session

of the Twenty-eighth Legislature and at the Regular Session of the Twenty- ninth Legislature, 'An Act to prohibit the taking of fish from the fresh waters and streams of this State otherwise than by means of the ordinary hook and line and trot line, and to prohibit the sale or shipping game fish in this State, and to provide penalties for the violation thereof,' by fixing a penalty for the use of poison, dynamite or other explosives in killing, catching and taking fish; also regulating the sale and shipment of fish."

House bill No. 566, "An Act to amend Section 1, Chapter 43, of the Special Laws of the Twenty-ninth Legislature, relating to special road system of Robertson county, Texas, providing for elections of freeholders to determine whether or not a special tax of 15 cents on every $100 worth of property for road and bridge purposes, and further providing for the proration of the taxes collected between the commissioners precincts of said county."

House bill No. 398, "An Act to require railroad companies chartered under the laws of the State of Texas and doing business in this State to purchase sufficient rolling stock and motive power to handle all passenger and freight traffic comfortably, expeditiously and without unreasonable delay, and conferring authority upon the Railroad Commission of Texas to require compliance with the provisions of this act, and prescribing penalties for their failure to do so or to observe orders made therein by the Railroad Commission of Texas."

House bill No. 474, "An Act to amend Sections 7, 8, 9 and 11 of 'An Act to create a more efficient road system for Parker county,' passed at the Regular Session of the Twenty-sixth Legislature, Chapter 41, amending said section so as to change the amount necessary to be paid in cash to entitled one to be exempt from road duty at the time of paying same, and providing that same shall be paid to road overseers, and prescribing how he shall pay the same; also designating term of court at which overseer shall report; also exempting county from liability for damage to road tools."

House bill No. 507, "An Act to amend the special road law of Van Zandt county Texas, as enacted by the Twenty-eighth Legislature and sent to the Governor for approval on the 8th day of April, 1903, and to authorize and empower the commissioners court of said county to issue bonds for the permanent improvement of the public roads of said county."

RECESS.

Senator Willacy moved that the Senate recess until tomorrow morning at 10 o'clock, and

Senator Watson moved that the Senate adjourn until Monday morning at 10 o'clock.

Action being on the longest time first, the motion to adjourn was lost.

The motion to recess prevailed, and the Senate, at 11:40 o'clock p. m., recessed until tomorrow morning at 10 o'clock.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson at 10 o'clock a. m., Saturday, April 6th.

MOTION TO RESCIND.

Senator Brachfield moved that the Senate rescind the vote by which the Senate concurred in the House amendments to Senate bill No. 310 (see former proceedings of today), and on the motion

Senator Smith made the point of order that there was no quorum present and no business could be transacted.

On Senator Brachfield's motion, the yeas and nays were called for, and no quorum was voting, the following Senators answering to their names:

Yeas—20.

Alexander.	Looney.
Brachfield.	Masterson.
Chambers.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Grinnan.	Smith.
Harbison.	Stokes.
Holsey.	Stone.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Barrett.	Mayfield.
Cunningham.	Meachum.
Faust.	Paulus.
Greer.	Terrell.
Griggs.	

Absent—Excused.

Harper.	Veale.

Senator Looney moved a call of the Senate for the purpose of securing a quorum, the motion being duly seconded, was so ordered, the following Senators answering to their names:

Present—20.

Alexander.	Brachfield.

Chambers.	Masterson.
Glasscock.	Murray.
Green.	Senter.
Grinnan.	Skinner.
Harbison.	Smith.
Holsey.	Stokes.
Hudspeth.	Stone.
Kellie.	Watson.
Looney.	Willacy.

Absent—9.

Barrett.	Mayfield.
Cunningham.	Meachum.
Faust.	Paulus.
Greer.	Terrell.
Griggs.	

Absent—Excused.

Harper.	Veale.

ADJOURNMENT.

On motion of Senator Chambers, the Senate, at 10:20 o'clock a. m., adjourned until 10:30 o'clock Saturday morning.

APPENDIX.

PETITIONS.

By Senator Hudspeth:

El Paso, Texas, April 2, 1907.

Hon. T. M. Campbell, Governor of the State of Texas, Austin, Texas.

Dear Sir: We, the undersigned, being advised that it is the intent and purpose of the Gross Receipts Tax Bill now before the Texas Legislature, to impose a tax of 2 per cent on the gross receipts of certain lines of business, wish to make a strong protest against the enactment of a bill of this nature, as we consider it not only an unjust and exorbitant tax, but one that would work a hardship on a large proportion of the citizens of Texas, as it would very materially advance the cost of all commodities or values affected thereby. It would have the effect of advancing the price of all kinds of lumber to the consumer from 6 to 10 per cent. We are also informed that many of the best life and fire insurance companies would be compelled to withdraw from the State if burdened with the proposed tax, thereby jeopardizing the interests of every insurer in the State, whether he be merchant, wage earner, farmer or manufacturer.

The consumer would suffer because he must pay the increased cost. So, after all, the additional cost would have to be borne by the wage earner, the farmer and the home builder, a great majority of whom are people of moderate means.

We are also informed that there is another bill under consideration, known as the Intangible Assets Bill, which is as drastic and far-reaching as the Gross Receipts Bill, and would be equally detrimental in its effects to the interests and welfare of the citizens of Texas, and we do most respectfully and earnestly protest against the enactment of these, or any other laws of similar nature.

Signed by three hundred citizens of El Paso, Texas.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Finance Committee, to whom was referred

House bill No. 13, A bill to be entitled "An Act to levy a tax upon the sale and disposition of intoxicating liquors at retail, and to provide penalties for its violation, providing for the execution of a bond and prescribing remedies thereon and the conditions thereof, and repealing all laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that the following substitute pass in lieu thereof, and that it be not printed, except that we request that both the original and the substitute be printed in the Journal.

WILLACY, Chairman.

Following is the original bill in full, and the committee substitute:

H. B. No. 13. By Baskin.

A BILL

To Be Entitled

An Act to regulate the sale and disposition of intoxicating liquors at retail, and to provide penalties for its violation; providing for the execution of a bond, and prescribing remedies thereon and the conditions thereof, and repealing all laws in conflict with this act.

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

Section 1. That a dramshop keeper is a person or firm permitted by law,

being licensed under the provisions of this act to sell vinous, spirituous and malt liquors in any quantity, either at retail or in the original package, not exceeding ten gallons.

Sec. 2. A tippler is a person permitted by law, being licensed under the provisions of this act, to sell malt liquor in any quantity, either at retail or in the original package, and not exceeding ten gallons.

Sec. 3. The term "intoxicating liquor," as used in this article, shall be construed to mean fermented, vinous or spirituous liquors or any composition of which fermented, vinous or spirituous liquors is a part; and all the provisions of this article shall be liberally construed as remedial in their character.

Sec. 4. No person shall, directly nor indirectly, sell vinous or spirituous liquor in any quantity less than three gallons, either at retail or in the original package, without taking out a license as a dramshop keeper. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not less than $50 nor more than $200, or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment.

Sec. 4a. This act shall not be so construed as to deny the right of wine growers to sell wine of their own production in any quantity without license; provided, that such wine grower shall not permit nor suffer any wine so sold by him to be drunk upon his premises; and provided further, that this section shall not be so construed as to give any wine grower the right to sell any wine to any minor without the permission of the parent, master or guardian of such minor first had and obtained, or any drunkard, after being notified by any relative to such drunkard not to make such sale, gift or disposition. Every wine grower who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than $25 nor more than $100, or by imprisonment in the county jail during a term not to exceed three months, or by both such fine and imprisonment.

Sec. 5. No person shall sell, directly nor indirectly, malt liquor in any quantity less than three gallons, either at retail or in the original package, without taking out a license as a tippler; provided, that this section shall not apply to a dramshop keeper, and that a dramshop keeper's license shall be construed to embrace a tippler's license. Any person who shall violate the provisions of this section shall upon conviction therefor be punished by a fine of not less than $25 nor more than $100, or by imprisonment in the county jail for a term not exceeding thirty days, or by both such fine and imprisonment.

Sec. 6. No dramshop keeper nor tippler shall keep such dramshop or tippling house at more than one place at the same time under the same license, nor shall the license of a dramshop keeper, nor of a tippler, be assignable or transferable; and any dramshop keeper or tippler having a license as such, and desiring to surrender the same to the State, county or city is hereby authorized to surrender such license to the same and receive therefor the pro rata unearned portion of such license.

Sec. 7. Any person or firm having a license as a dramshop keeper, or as a tippler, who shall knowingly violate any of the provisions of this act shall, upon conviction therefor, in addition to the punishments herein prescribed, forfeit his license as a dramshop keeper, or tippler, and the court in which such conviction is had shall cause such forfeiture to be entered in the judgment of conviction, and such dramshop keeper, or tippler, shall thenceforward be deemed to have no license, and the clerk of such court shall certify such forfeiture to the Comptroller, as elsewhere herein provided.

Sec. 8. No license to keep a dramshop nor tippling house shall be issued otherwise than is provided herein, and each license shall expire on the last day of June of each year, if issued before the first day of July, and on the last day of December of each year, if issued after the first day of July and before the last day of December of such year.

The tax imposed by this act shall be payable semi-annually in advance on the first day of July and the first day of January of each year. Licenses issued after the first day of July and before the first day of January shall be for the remaining portion of the semi-annual period on the next succeeding last day of December, and licenses issued after the first day of January and before the last day of June shall be for the remaining portion of the semi-annual period ending on the next succeeding last day of June, and the annual tax herein imposed shall be collected pro rata for such remaining portion of the semi-annual period. Upon taking effect of this act

all liquor dealers' licenses then in force in this State, or any county, city or town shall immediately become forfeited and void, and the pro rata part of the tax for the unearned portion of any license in force at the time this act takes effect shall be refunded by the State, or by any county, city or town, as to any tax collected by them respectively. Upon the taking effect of this act all licenses issued thereunder shall be for the unexpired portion of the semi-annual period ending on the next succeeding last day of December, if the act shall take effect after the first day of July and prior to the first day of January, or for the unexpired portion of the semi-annual period ending in the next succeeding last day of June, if the act shall take effect after the first day of January and prior to the first day of July, and the tax herein imposed shall be paid pro rata for such portion of the semi-annual period.

Sec. 9. That hereafter any person or firm desiring a license as a dramshop keeper or tippler in any locality within this State other than where local option is in force shall make application under oath to the Comptroller of Public Accounts of the State on forms to be provided by him, for a permit to apply for a license to engage in such business, which said application shall state the county and the locality therein where such person or firm desires to engage in such business, the name and place of residence of the person making the application (and if the applicant is a firm, the style of the same and the names and places of residence of the individual members thereof, as the case may be, and that such person or firm, or any member thereof, are not disqualified under the laws of this State regulating and affecting the sale of intoxicating liquors from engaging in such business), thereupon it shall be the duty of the Comptroller to examine, consider and act upon such application, and if he is satisfied that such applicant is entitled to such permit he shall issue the same, which said permit shall state all the facts and things herein required to be stated in the application, and shall be attested by the Comptroller and bear the impress of the seal of his office, for which the Comptroller shall be entitled to a fee of $1, to be tendered by the applicant when the application is presented.

Sec. 10. Any person or firm desiring a license as a dramshop keeper or as a tippler, may, in vacation or in term time, file a petition with the judge of the county court of the county in which he desires to keep such dramshop or tippling house, which petition shall have attached thereto the permit required by Section 9 hereof as an exhibit to such petition, shall state that the applicant is a law-abiding, tax paying male citizen of the State of Texas, over the age of 21 years, and has been a resident of the county wherein such license is sought for more than two years next before the filing of such petition; that his license as a dramshop keeper nor as a tippler has not been revoked or forfeited within two years next before the filing of such petition; that he desires a license as a dramshop keeper or as a tippler, as the case may be, specifically stating where such dramshop or tippling house is to be kept, describing with reasonable certainty the house or place wherein the same is to be kept, and that said petition is accompanied with the written consent of a majority of the resident property owners in the block or square wherein said dramshop or tippling house is to be kept, as provided for in Section 11 hereof; upon the filing of the petition herein provided for the county judge shall set the same for hearing at a time not less than ten nor more than twenty days from the filing of the same, and if, upon the trial or hearing thereof, he finds the permit aforesaid entitles applicant to a license, he shall grant a license such as prayed for; provided, however, that upon the filing of such petition the clerk of the county court shall give notice of the filing thereof by posting upon the court house door a written notice of such petition, together with the substance thereof. And the petition, when filed, shall remain with said clerk until the same is acted upon by the county judge, and shall be open to the inspection of any person desiring to see the same. And any resident tax paying citizen, county or district attorney shall be permitted to contest the facts stated in such petition and the applicant's right to obtain the license sought, upon giving security for all cost which may be incurred in such suit, should the same be decided in favor of applicant; provided, no county nor district attorney shall be required to give bond for such cost, but the county or State, as the case may be, shall be liable therefor.

Sec. 11. No license to keep a dramshop or tippler's shop shall be issued to keep a dramshop or tippler's shop in any block or square in any city or town, or any addition thereto, in this State until a majority of the residents (assessed tax paying citizens) and guardians of minors

(owning real property in said block or square) shall sign a petition for such dramshop or tippling house to be kept in such block or square; such petition shall be filed as an exhibit to the petition mentioned in Section 10 hereof, and shall remain as a part of the files (of said case) and not be taken from the court room, and shall be open to the inspection of any person desiring to see the same, and such petition shall be effective for one year from the granting of a license thereon, and the signature of no minor shall be counted on said petition; provided, that such written consent shall not be required to secure a license to be used in any block or square in which there is no church, school house or dwelling house, but such fact shall be stated in the application for such license; and provided also, that a hotel shall not be construed to be a dwelling house.

Sec. 12. Upon the hearing of the petition, as provided in Section 10 hereof, the county judge shall render his judgment granting or refusing the license sought, as the fact and law warrants, and shall cause the same to be recorded at length in a book kept for that purpose, which book shall be a record of said court and shall be preserved by the clerk thereof as an archive of his office.

Sec. 13. Upon the granting of a license by the county judge, as provided by law, the clerk shall furnish the applicant with a certified copy of the judgment, which, when exhibited to the county tax collector by him and the payment to said collector, the license tax hereinafter provided for, said collector shall receive said license tax and issue to such applicant his receipt therefor, showing the amount paid, date of payment, for what paid, whether dramshop or tippler's license, and what place such dramshop or tippling house is to be kept.

Sec. 14. Upon the presentation to the county clerk by the applicant of the tax collector's receipt, provided for in the preceding section, and delivery to him of the bond provided for in Section 16 of this act, he shall examine such bond and receipt, and if such bond conforms to the provisions of said Section 16 hereof, and such receipt conforms to the judgment authorizing the same, he shall issue to the applicant the proper license, which shall be by him signed, be under the seal of his office, be dated, state on its face for what it is issued, the date when it will expire, by whom and where such dramshop or tippling house is to be kept, and shall describe the place where the same is to be kept.

Sec. 15. That every person or firm having a license under the provisions of this act who may be engaged or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises in any locality in this State, other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 12 o'clock, midnight, until 5 o'clock a. m. of each week day, and shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 12 o'clock, midnight, Saturday until 5 o'clock a. m. of the following Monday of each week, and any such person or firm, or his or their agent or employe, who shall open or keep open or permit to be open or kept open any such house or place of business for the purpose of traffic, or who shall sell or barter any intoxicating liquor or merchandise of any kind, or who shall transact or permit to be transacted therein or therefrom any business between the hours aforesaid, shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than $20 nor more than $200 or by imprisonment in the county jail for not more than three months or by both such fine and imprisonment.

Sec. 15a. There shall hereafter be levied and collected from every dramshop keeper or tippler in this State an annual State tax of $600 on each separate dramshop or tippling house by him operated, if located within any county having 80,000 inhabitants or more, according to the last preceding Federal census, and from every dramshop keeper an annual State tax of $375, if located elsewhere than within such a county, and there shall hereafter be levied and collected from every tippler in this State, on each separate tippling house by him operated, located elsewhere than inside the limits of a county having 80,000 inhabitants or more, according to the last preceding Federal census, an annual State tax of $62.50 on every separate tippling house by him operated.

Sec. 16. That every person or firm desiring to engage in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to be drunk on the premises shall, before engaging in such sale, be required to enter into bond in the sum of $5000; provided, however, that any person or firm dealing exculsively in malt liquors, shall be required to give

bond only in the sum of $1000, with at least two good, lawful and sufficient sureties, payable to the State of Texas, to be approved, as to security, by the county judge, and by the county attorney as to form, conditioned that said person or firm so selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, shall keep an open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; and that such person or firm, or his or their agent or employe, will not sell nor permit to be sold in his or their house of place of business, nor give not permit to be given any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication to any person under the age of 21 years, or to a student of any institution of learning or to any habitual drunkard or to any person after having been notified in writing through the sheriff or other peace officer by the wife, mother, daughter or sister of the person (which said notice shall be in force and effect for a period of two years), not to sell to any such person; and that he or they will not permit any person under the age of 21 years to enter and remain in such house or place of business; that he or they will not permit any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State; and that he or they will not adulterate the liquors sold by them in any manner by mixing the same with any drug; and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind; which said bond shall be filed in the office of the county clerk of the county where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose, for which service the said clerk shall be entitled to a fee of 75 cents, which said bond may be sued on at the instance of any person or persons aggrieved by the violations of its provisions, and such person shall be entitled to recover the sum of $500 as liquidated damages for each infraction of the conditions of such bond, and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond as above indicated, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorney, or either of them, to institute suit thereupon in the name of the State of Texas for the use and benefit of the county, and the amount of $500 as a penalty shall be recovered from the principals and sureties upon a breach of any of the conditions thereof; and hereafter when any recovery is had by any person or by any county or district attorney for the use and benefit of the county in any action in any court of competent jurisdiction on the bond of any person or firm engaged in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, to be drunk on the premises, in any locality other than where local option is in force, the license of such person or firm shall by reason of such recovery be forfeited, revoked and canceled, and the court entering such judgment of recovery shall also enter an order declaring forfeited, revoked and canceled such license, and the unearned portion of the occupation tax paid therefor shall not be refunded, but shall be forfeited to the State and county, city or town to which the money for same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters in any quantity to be drunk on the premises without first having the bond required by this act, or who shall sell the same after said license shall have been forfeited, revoked and canceled shall be deemed guilty of a misdemeanor, and on conviction shall be fined in the same amount provided for where no license has been obtained.

An open house in the meaning of this chapter is one in which no screens or other device is used or placed inside or outside of such house or place of business for the purpose of or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold to be drunk on the premises.

A quiet house or place of business in the meaning of this chapter is one in which no music,

loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways.

By an orderly house is meant one in which no prostitute or lewd woman or women are allowed to enter or remain; and it is further provided that said house must not contain any vulgar or obscene pictures.

Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety thereon and by filing with the county judge an affidavit that such notice has been given, and if, within five days after such notice, he fails to make a new bond he shall cease to pursue such business until a new bond is given. Any person who shall continue to pursue said business after such notice is given and such affidavit is filed, shall be guilty of a misdemeanor and shall be punished as provided in cases where no license has been procured; provided, that where the sale was made in good faith, with the belief that the minor was of age and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; and provided further, that where the sale to an habitual drunkard is made in good faith, with the belief that he was not an habitual drunkard, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond, provided, the provisions of this act shall apply to suits by the State or any individual, provided, that no license shall be issued under this act to any person who has been convicted of a felony and served such term of conviction.

Sec. 16a. Before any license to keep a tippling house shall be issued by the clerk of any county, the applicant therefor shall deliver to such clerk a bond approved by the county judge, payable to the State of Texas, in the sum of $1000, with two or more resident sureties, or with some surety company authorized by law to execute bonds, and conditioned that the person obtaining such tippler's license will not violate any of the penal provisions of this act, and that he will pay all cost, fines and penalties which may be adjudged against him under the provisions of this act. (And especially conditioned that he will not sell vinous or spirituous liquors at the place at which such tippling house is operated. Which bond may be sued on in the same manner and in the same way as the bond provided for in Section 16 hereof.

Sec. 16b. In the event of the death of the licensee of any dramshop or tippling house, as the case may be, leaving an unearned portion of any license issued by the State or county, city or towns, the heirs, exectuors, administrators or legal representatives of such deceased person may present the license of such person to the State, county, city or town and receive payment for the unearned portion of such license tax collected by them, respectively.

Sec. 17. The clerk of the county court shall, at the expiration of the first license granted upon the petition as hereinbefore provided, grant a license for six months to the applicant, to keep a dramshop or tippling house, as prayed for in the petition first presented, upon the payment by such applicant of the license fee therefor and complying with the other conditions, the same as when granted by the court, and in no other case shall said clerk grant a license.

Sec. 18. The clerk of the county court shall make out a statement of all such licenses granted by him and the amount paid the collector on each for State and county taxes and report the same to the Comptroller of Public Accounts of the State.

Sec. 19. Whenever it shall be shown to the county judge upon the written application of any reputable taxpaying citizen that any dramshop keeper or tippler of the county has not at all times since the issuance of his license kept an orderly house, setting forth the time or times when said dramshop keeper or tippler has failed to keep an orderly house, and how and in what respect he has failed to keep an orderly house, such judge shall receive such application and file the same and immediately notify said dramshop keeper or tippler of the filing of said application, and that such application will be heard by said county judge upon its merits five days after the service of such notice on said dramshop keeper or tippler. If, on the hearing of such application, the county judge ascertains the facts in said application to be true, and that said dramshop keeper or tippler has not at all times since the issuance of his license kept an orderly house, said judge shall order the license of such dramshop keeper or tippler to be revoked, and from the date of such order

of revocation the dramshop keeper or tippler shall be deemed to have no license. If the facts in said application are found not to be true, and application shall be dismissed, and all costs of such proceedings awarded against the party filing such application. In the event said application is found to be true and the license of said dramshop keeper or tippler are revoked, then all costs shall be adjudged against said dramshop keeper or tippler. Any said dramshop keeper or tippler who may feel aggrieved at the ruling of said county judge under any such application shall have the right to appeal from such order the same as any other civil case now provided by law.

Sec. 20. The proper authorities of the cities, towns and counties within this State shall have power to levy and collect annually, license taxes from dramshop keepers and tipplers within their limits, not to exceed one-half of the amount levied and collected by the State upon such dramshop keepers or tipplers.

Sec. 21. Every dramshop keeper or other person who shall sell, give away or otherwise dispose of or suffer the same to be done about his premises, any intoxicating liquor in any quantity, to any minor, without the written permission of the parent, master or guardian of such minor first had or obtained, or who shall have in his employ about his dramshop, or who shall permit any minor to enter and loaf or remain in such dramshop, shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than $10, nor more than $200, or by imprisonment in the county jail for not longer than sixty days, or by both such fine and imprisonment.

Sec. 22. Any sale, gift or other disposition of intoxicating liquors made to any minor without the permission or consent herein required, or to any habitual drunkard, or on any Sunday or election day, by any agent, clerk or other person, acting for any dramshop keeper, tippler, or other person, shall be deemed and taken to be for all purposes of this act as the act of sucn dramshop keeper, tippler or other person.

Sec. 22a. Any person or firm doing business under a tippler's license in this State who shall sell any spirituous or vinous liquors, shall, on conviction therefor, shall be punished by a fine of not less than $100 nor more than $500, and by imprisonment in the county jail not less than thirty days nor more than six months.

Sec. 23. No dramshop keeper, nor tippler's license shall be issued to any person whose license as a dramshop keeper or tippler has been revoked or forfeited within two years before the filing of his application for license, or who has had in his employ, in his business of drmashop keeper, or as a tippler, any person whose license has been revoked or forfeited within two years next before the filing of such petition, or was a member of any firm at the time its license was forfeited or revoked and within two years next before the filing of such application.

Sec. 24. No license shall be granted to any person to keep a dramshop nor tippling house who shall have carried on the business of a dramshop keeper or of a tippler after the expiration of his license previously issued and without having received a license for such purpose, or whose license shall have been revoked or forfeited within two years before the filing of his application for such license. No license shall be issued to any person to keep a dramshop nor tippling house in any house or building used for the purpose of prostitution or as a house of assignation, or as a house of ill fame or gambling house. If, after a license has been issued to a dramshop keeper or tippler, the building in which the same is located shall be used for the above mentioned purposes, or any of them, with the knowledge and consent of such dramshop keeper or tippler, his license may be revoked upon application, as hereinbefore provided.

Sec. 25. It shall be unlawful for any dramshop keeper to use, exhibit. suffer to be kept, exhibited or used in his dramshop any piano, organ or other musical instrument whatever, for the purpose of performing upon or having the same performed upon in such dramshop, or to permit any sparring. boxing, wrestling, or any other exhibition or contest or cock fight in his dramshop; or to set up, keep, use or permit to be kept or used in or about the premises of his dramshop, or by any other person, or run, or permit to be run in connection with such dramshop, in any manner or form whatever. any billiard table, pool table, or other gambling table, bowling or ten pin alley, cards, dice, dominoes, or any other device for gaming or playing any games of chance or to permit any person to play at, on or with such table, alley, cards, dice, dominoes or other device of any kind. Any dramshop keeper violating

any of the provisions of this section shall, upon conviction, be fined not less than $25, nor more than $200, or by imprisonment in the county jail for not longer than thirty days, or both such fine and imprisonment.

Sec. 26. No dramshop keeper or keeper of a tippling house shall employ or suffer to be employed, any female as a servant, bartender or waitress in said dramshop or tippling house, nor permit on the premises of said dramshop or tippling house any dancer, singer or lewd woman, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than twelve months, or by a fine of not exceeding $500, or both such fine and imprisonment.

Sec. 27. It shall be unlawful for any dramshop keeper or tippler to sell, give away, or otherwise dispose of, or suffer the same to be done, about his premises, any intoxicating liquors to any habitual drunkard after such dramshop keeper or tippler shall have been notified by the wife, father, mother, brother, sister, child or guardian of such person not to sell, give away, or furnish to such person any intoxicating liquors, and any dramshop keeper or tippler violating this section shall be fined not less than $10 nor more than $200, or by imprisonment in the county jail for not exceeding six months, or punished by both fine and imprisonment.

Sec. 28. This article, or any of the provisions thereof, shall not be construed to be in conflict with any local option law now or hereafter in force in this State, and no license to operate a dramshop or tippling house shall be issued to operate said dramshop or tippling house at any place where local option law is in force and operation.

Sec. 29. The license required by this article shall be posted in some conspicuous place in the house where the business or occupation for which such license is necessary and carried on, before engaging in such business or occupation, and any person so licensed who fails to so post the same shall be fined not exceeding $100.

Sec. 30. It shall be unlawful for any person to sell, or offer for sale, any intoxicating liquors at any place where people have assembled for religious worship, or for educational, literary or political purposes, or at any election precinct on any election day, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $50 nor more than $200, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

Sec. 31. The county clerk of any county in this State having a population of more than 50,000 inhabitants, shall make out a list of all persons then having a license under the provisions of this act, and shall deliver the same to each grand jury empaneled in such county. Said list shall be arranged in alphabetical order; shall give the name of the persons to whom same was issued, the date of its issue, the date it will expire, stating whether the same is a dramshop keeper's or tippler's license, and shall describe where said license was to be used.

Sec. 32. The judges of the district courts in this State shall give this act in special charge to each grand jury empaneled in their respective districts.

Sec. 33. The county clerk, county judge and other officers shall receive for services rendered in the carrying out of this law such fees as are now allowed by law for similar services.

Sec. 34. All laws and parts of laws in conflict with this act are hereby expressly repealed.

S. C. S. H. B. No. 13. By Baskin.

A BILL

To Be Entitled

"An Act to regulate the sale and disposition of spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, and the places wherein same is sold; imposing an occupation tax upon persons, firms, corporations and associations of persons selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication; requiring retail liquor dealers and other persons to secure license to sell such liquors, and defining retail liquor dealers and regulating the business thereof; requiring retail malt dealers and other persons to secure license to sell malt liquors exclusively capable of producing intoxication, and defining retail malt liquor dealers and regulating the business thereof; exempting wine growers who sell wine of their own production from the provisions of this act; provided same is not sold to be drunk on the premises where sold, and otherwise regulating the business of such wine growers; regulating the transfer of licenses of retail liquor dealers and retail malt dealers; pre-

scribing the conditions of the bond of such retail dealers and the conditions upon which licenses to such dealers and other persons may be issued; providing for the refund of any unearned portion of any license upon the death of the licensee; requiring the county clerk to report all licenses granted to the Comptroller of Public Accounts; providing for the revocation under certain conditions of licenses issued, defining intoxicating liquor, and providing penalties for the violation of the provisions of this act, and declaring an emergency."

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

Section 1. Hereafter there shall be collected from every person, firm, corporation or association of persons selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication in this State, not located in any county or subdivision of a county, justice precinct, city or town where local option is in force under the laws of Texas, an annual tax of three huindred and seventy-five dollars ($375) on each separate establishment, as follows: For selling such liquors or medicated bitters in quantities of one gallon or less than one gallon, three hundred and seventy-five dollars ($375); for selling such liquors or medicated bitters in quantities of one gallon or more than one gallon, three hundred and seventy-five dollars ($375); provided, that in selling one gallon the same may be made up of different liquors in unbroken packages aggregating not less than one gallon; for selling malt liquors exclusively, sixty-two dollars and fifty cents; provided further, that nothing in this article shall be so construed as to exempt druggists who sell spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, on the prescription of a physician or otherwise, from the payment if the tax herein imposed; provided further, that this article shall not apply to the sale by druggists of tinctures and drug compounds in the preparation of which such liquors or medicated bitters are used and sold on the prescription of a physician or otherwise, and which tinctures and compounds are not intoxicating beverages prepared in the evasion of the provisions of this chapter nor the local option law. The commissioners court of the several counties in this State shall have the power to levy and collect from every person or association of persons selling spirituous, vinous or malt liquors or medicated bitters a tax equal to one-half the State tax herein levied, and where any such sale is made in any incorporated city or town, such city or town shall have the power to levy and collect a tax upon such sale equal to that levied by the commissioners court of the county in which such city or town is situated.

Sec. 2. A retail liquor dealer is a person or firm permitted by law, being licensed under the provisions of this act, to sell spirituous, vinous and malt liquors and medicated bitters capable of producing intoxication, in quantities of one gallon or less which may be drunk on the premises.

Sec. 3. A retail malt dealer is a person or firm permitted by law, being licensed under the provisions of this act, to sell malt liquors capable of producing intoxication exclusively in quantities of one gallon or less which may be drunk on the premises.

Sec. 4. No person shall, directly or indirectly, sell spirituous or vinous liquors capable of producing intoxication in quantities of one gallon or less without taking out a license as a retail liquor dealer. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for a term not to exceed six months, or by both such fine and imprisonment.

Sec. 5. No person shall sell, directly or indirectly, malt liquor capable of producing intoxication in quantities of one gallon or less without taking out a license as a retail malt dealer; provided, that this section shall not apply to a retail liquor dealer, and that a retail liquor dealer's license shall be construed to embrace a retail malt dealer's license. Any person who shall violate the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a term not exceeding ninety days, or by both such fine and imprisonment.

Sec. 6. This act shall not be so construed as to deny the right of wine growers to sell wine of their own production in any quantity without licenses; provided, that such wine grower shall not permit or suffer any wine sold by him to be drunk on his premises; and provided further, that this section shall not be so construed as to give any wine grower the right to sell any wine to any minor without the permission of the parent, master or guardian of such minor first

had and obtained, or any drunkard, after being notified by any relative of such drunkard not to make such sale, gift or disposition. Every wine grower who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail during a term not to exceed three months, or by both such fine and imprisonment.

Sec. 7. No retail liquor dealer nor retail malt dealer shall carry on said business at more than one place at the same time under the same license, nor shall any such license be assignable or transferrable more than once, but before the assignee or transferree of such license can engage in business thereunder he shall comply with the provisions of this act as is required of the original licensee; and provided further, that the sale of such license, whether in the name of the original licensee or transferree, may be made under execution or mortgage, and the purchaser of such license at such sale shall have the right to surrender such license to the State, county or city which issued the tax receipt which is the basis therefor, and shall receive therefor the pro rata unearned portion of such license; provided further, that should said original licensee or his assignee or transferree desire to change the place designated in said license he may do so by applying to the county judge as in case of original application for license as provided in Section 9 of this act, but it shall be necessary to furnish another certificate from the Comptroller of Public Accounts.

Sec. 8. Any person or firm having a license as a retail liquor dealer or a retail malt dealer, and who shall be convicted of selling or permitting to be sold, or giving or permitting to be given, any intoxicating liquors to a minor, or of permitting a minor to enter and remain in his place of business, or of permitting any games prohibited by law to be played, dealt or exhibited in or about his place of business, or to rent or let his place of business, or any part thereof, for such purpose or purposes, or of permitting prostitutes and lewd women to enter and remain in his place of business, shall, in addition to the punishment herein prescribed, forfeit his license as a retail liquor dealer or a retail malt dealer, as the case may be, and the court in which such conviction is had shall cause such forfeiture to be entered in the judgment of conviction, and such retail liquor dealer or retail malt dealer shall thenceforward be deemed to have no license, and the clerk of such court shall certify such forfeiture to the Comptroller of Public Accounts as elsewhere herein provided.

Sec. 9. That hereafter any person or firm desiring a license as a retail liquor dealer or a retail malt dealer in any locality within this State other than where local option is in force, shall make application under oath to the Comptroller of Public Accounts of the State, on forms to be provided by him, for a permit to apply for a license to engage in such business, which said application shall state the county and locality therein where such person or firm desires to engage in such business, the name and the place of residence of the person making the application, and if the applicant is a firm, the style of the same and the names and places of residence of the individual members thereof, as the case may be, and that such person or firm, or any member thereof, are not disqualified under the laws of this State regulating and affecting the sale of intoxicating liquors from engaging in such business, thereupon it shall be the duty of the Comptroller to examine and act upon such application, and if he is satisfied that such applicant is entitled to such permit, he shall issue the same, which said permit shall state all the facts and things herein required to be stated in the application, and shall be attested by the Comptroller and bear the impress of the seal of his office, for which the Comptroller shall be entitled to a fee of $1, to be tendered by the applicant when the application is presented.

Sec. 10. Any person or firm desiring a license as a retail liquor dealer, or as a retail malt dealer, may, in vacation or in term, file a petition with the judge of the county court of the county in which he desires to engage in such business, which petition shall have attached thereto the permit required by Section 9 hereof, as an exhibit to such petition, shall state that the applicant is a law-abiding, taxpaying male citizen of the State of Texas, over the age of twenty-one years, and has been a resident of the county wherein such license is sought for more than two years next before the filing of such petition; that his license as a retail liquor dealer or retail malt dealer has not been revoked or forfeited within two years next before the filing of such petition; that he desires a license as a retail liquor dealer, or as a retail malt dealer, as the case may be, specifically stating the

place where such business is to be conducted, describing with reasonable certainty the house or place wherein the same is to be kept. And if the place of business be in any block or square of any city or town where there are more bona fide residences than there are business houses in said block or square, or in any block where there is a church or school, then said petition shall be accompanied with the written consent of a majority of the bona fide householders of the residences in said block or square. Upon the filing of the petition herein provided for, the county judge shall set the same for hearing at a time not less than ten or more than twenty days from the filing of the same, and if, upon the trial of hearings thereof, he finds the facts stated in said petition are true and that the same is accompanied by the permit aforesaid, he shall grant a license such as prayed for; provided, however, that upon the filing of such petition the clerk of the county court shall give notice of the filing thereof, by posting upon the court house door a written notice of such petition, together with the substance thereof. And the petition when filed shall remain with the said clerk until the same is acted upon by the county judge, and shall be open to the inspection of any person desiring to see the same. And any resident taxpaying citizen residing or owning property in the block or square where said business is to be conducted, or county or district attorney, shall be permitted to contest the facts stated in such petition, and applicant's right to obtain the license sought, upon giving security for all costs which may be incurred in such suit, should the same be decided in favor of applicant; provided, no county nor district attorney shall be required to give bond for such costs, but the county or State, as the case may be, shall be liable therefor.

Sec. 11. Upon the hearing of the petition, as provided in Section 10 hereof, the county judge shall determine the truth or falsity of the facts alleged, and shall render his judgment, granting or refusing the license accordingly, and shall cause the same to be recorded at length in a book kept for that purpose, which book shall be a record of said court and shall be preserved by the clerk thereof as an archive of his office.

Sec. 12. Upon the granting of a license by the county judge, as provided by law, the clerk shall furnish the applicant with a certified copy of the judgment, when exhibited to the county tax collector by him, and the payment to said collector of the license tax herein provided for, said collector shall receive said license tax and issue to such applicant his receipt therefor, showing the amount paid, date of payment, for what paid, whether retail liquor dealer or retail malt dealer's license, and where such business is to be conducted.

Sec. 13. Upon the presentation to the county clerk by the applicant of the tax collector's receipt provided for in the preceding section, and delivery to him of the bond provided for in Section 15 of this act, he shall examine such bond and receipt, and if such bond conforms to the provisions of said Section 15 hereof, and if such receipt conforms to the judgment authorizing the same, he shall issue to the applicant the proper license, which shall be by him signed, be under the seal of his office, be dated, state on its face for what it is issued, the date when it will expire, by whom and where such business is to be conducted, and shall describe the place where the same is to be kept.

Sec. 14. That every person or firm having a license under the provisions of this act, who may be engaged in, or who may hereafter engage in the sale of intoxicating liquors to be drunk on the premises in any locality of this State, other than where local option is in force, shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 12 o'clock midnight until 5 o'clock a. m. of each week day, and shall close and keep closed their houses and places of business and transact no business therein or therefrom from and after 12 o'clock midnight Saturday until 5 o'clock a. m. of the following Monday of each week, and any such person or firm, or his or their agent or employe, who shall open or keep open, or permit to be open or kept open, any such house or place of business for the purpose of traffic, or who shall sell or barter any intoxicating liquor or merchandise of any kind, or who shall transact or permit to be transacted therein or therefrom any business between the hours aforesaid shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than $25 nor more than $200, or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment, and in addition thereto, upon complaint or petition of the county attorney, the license of said dealer may be revoked ac-

cording to the practice and procedure as set forth in Section 18 of this act.

Sec. 15. That every person or firm desiring to engage in the sale of spirituous, vinous or malt liquor or medicated bitters capable of producing intoxication, to be drunk on the premises, shall, before engaging in such sale, be required to enter into a bond in the sum of $5000; provided, however, that any person or firm dealing exclusively in malt liquors shall be required to give bond only in the sum of $1000, with at least two good, lawful and sufficient sureties, and the sureties required by law on the bonds of liquor dealers shall make affidavit, before some officer authorized to administer oaths, that they, in their own right over and above all exemption, are each worth the full amount of the bond they sign as sureties, and no county judge shall approve any such bond unless the affidavits as provided for in the preceding section shall have been duly made. The approval of any such bond by the county judge without such affidavit shall make said county judge liable for any penalty recovered on such liquor dealers' bonds, and any person who shall make false affidavit as required by this act shall be punished as provided for in the Penal Code of this State. Provided, that nothing herein shall prevent the making of such bond by a surety company as permitted by law, payable to the State of Texas, to be approved, as to security, by the county judge, conditioned that said person or firm so selling spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, shall keep open, quiet and orderly house or place for the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, and that such person or firm, or his or their agent or employe, will not sell nor permit to be sold in his or their house or place of business, nor give nor permit to be given any spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication to any person under the age of 21 years, or to a student of any institution of learning, or to any habitual drunkard, or to any person, after having been notified in writing through the sheriff or other peace officer by the wife, mother, daughter or sister of the person, which said notice shall be in force and effect for a period of two years, not to sell to any such person; and that he or they will not permit any person under the age of 21 years to enter and remain in such house or place of business; that he or they will not permit any games prohibited by the laws of this State to be played, dealt or exhibited in or about such house or place of business, and that he or they will not rent or let any part of the house or place in which he or they have undertaken to sell spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, in any quantity, to be drunk on the premises, to any person or persons for the purpose of running or conducting any game or games prohibited by the laws of this State; and that he or they will not adulterate the liquors sold by them in any manner, by mixing the same with any drug; and that he or they will not knowingly sell or give away any impure or adulterated liquors of any kind; which said bond shall be filed in the office of the county clerk of the county where such business is conducted, and shall be recorded by such clerk in a book to be kept for such purpose, for which service the said clerk shall be entitled to a fee of 75 cents; which said bond may be sued on at the instance of any person or persons aggrieved by the violation of its provisions, and such person shall be entitled to recover the sum of $500 as liquidated damages for each infraction of the conditions of such bond, and the said bond shall not be void on the first recovery, but may be sued on until the full penal sum named therein shall have been recovered. In addition to civil proceedings for individual injuries brought on said bond, as above indicated, if any person or firm shall violate any of the conditions of the bond herein required, it shall be the duty of the county and district attorney, or either of them, to institute suit thereupon, or any person owning real property in the county may institute suit thereupon, in the name of the State of Texas, for the use and benefit of the county, but no compensation shall be allowed such citizen, and he may be required to give security for cost, and the amount of $500 as a penalty shall be recovered from the principals and sureties upon the breach of any of the conditions thereof; and hereafter when any recovery is had by any person or by any county or district attorney for the use and benefit of the county, in any action in any court of competent jurisdiction, on the bond of any person or firm engaged in the sale of spirituous, vinous or malt liquors or medicated bit-

ters capable of producing intoxication, or malt liquors exclusively, to be drunk on the premises, in any locality other than where local option is in force, upon the ground that such licensee sold or permitted to be sold, or gave or permitted to be given, any such liquors to a minor in his place of business, or permitted a minor to enter and remain in his place of business, or sold such liquor to any person after having been notified in writing not to sell to such person, or that such licensee permitted prostitutes or lewd women to enter and remain in his place of business, or permitted any games prohibited by law to be played, dealt or exhibited in or about his place of business, or of renting or letting his place of business or any part thereof for such purpose or purposes, the license of such person of firm shall, by reason of such recovery, be forfeited, revoked and canceled, and the court entering such judgment of recovery shall also enter an order declaring forfeited, revoked and canceled such license, and the unearned portion of the occupation tax paid therefor shall not be refunded, but shall be forfeited to the State and county, city or town to which the money for the same may have been paid. And any person or firm who shall sell any such liquors or medicated bitters in any quantity, to be drunk on the premises, without first giving bond as required by this act, or who shall sell the same after said license shall have been forfeited, revoked and canceled, shall be deemed guilty of a misdemeanor, and on conviction shall be fined in the same amount provided for where no license has been obtained.

An open house in the meaning of this chapter is one in which no screens or other device is used or placed inside or outside of such house or place of business for the purpose of, or that will obstruct the view through the open door or place of entrance into any such house or place where intoxicating liquors are sold, to be drunk on the premises.

A quiet house or place of business in the meaning of this chapter is one in which no music, loud or boisterous talking, yelling or indecent or vulgar language is allowed, used or practiced, or any other noise calculated to disturb or annoy any person residing or doing business in the vicinity of such house or place of business, or those passing along the streets or public highways.

By an orderly house is meant one in which no prostitutes or lewd women or woman are allowed to enter or remain; and it is further provided, that said house must not contain any vulgar or obscene pictures.

Any surety on such bond may relieve himself from further liability thereon by giving the principal in said bond notice in writing that he will no longer remain as surety thereon, and by filing with the county judge an affidavit that such notice has been given, and if within five days after such notice he fails to make a new bond he shall cease to pursue said business until a new bond is given. Any person who shall continue to pursue said business after such notice is given, and such affidavit is filed, shall be guilty of a misdemeanor and shall be punished as provided in cases where no license has been procured; provided, that where the sale was made in good faith, or the minor permitted to enter and remain in good faith, with the belief that the minor was of age, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; and provided further, that where the sale to an habitual drunkard is made in good faith, with the belief that he is not an habitual drunkard, and there is good ground for such belief, that shall be a valid defense to any recovery on such bond; provided, the provisions of this act shall apply to suits by the State or of any individual. Provided, that no license shall be issued under this act to any person who has been convicted of a felony and served such term of conviction.

Sec. 16. In the event of the death of any licensee under this act, leaving an unearned portion of any license issued under this act, the heirs, executors, administrators or legal representatives of such deceased person may present the license of such person to the State, county, city or town and receive payment for the unearned portion of such license tax collected by them, respectively.

Sec. 17. The clerk of the county court shall make out a statement of all such licenses granted by him and the amount paid the collector on each for State and county taxes, and report the same to the Comptroller of Public Accounts of the State.

Sec. 18. Whenever it shall be shown to the county judge upon the written application of any reputable taxpaying citizen that any licensee under this act of said county has not at times since the issuance of his license kept an orderly house, setting forth the time or times when said licensee has failed to keep

an orderly house, and how and in what respect he has failed to keep an orderly house, such judge shall receive such application and file the same and immediately notify said licensee of the filing of said application, and that such application will be heard by said county judge upon its merits, five days after the service of such notice of said licensee. If, on the hearing of said application, the county judge ascertains the facts in said application to be true, and that said licensee has not at all times since the issuance of his license kept an orderly house, said county judge shall order the license of such licensee to be revoked, and from the date of such order of revocation the licensee shall be deemed to have no license. If the facts in said application are found not to be true, said application shall be dismissed, and all costs of such proceedings awarded against the party filing such application. In the event said application is found to be true, and the license of said licensee is revoked, then all costs shall be adjudged against said licensee. Any said licensee who may feel aggrieved at the ruling of said county judge under any application shall have the right to appeal from such order, the same as any other civil cases now provided by law.

Sec. 18a. That hereafter when the license issued to any person or firm to engage in the sale of spirituous, vinous or malt liquors or medicated bitters capable of producing intoxication, or malt liquors exclusively, to be drunk on the premises, in any locality other than where local option is in force, has been declared forfeited, revoked and canceled by a final judgment of any court of competent jurisdiction within this State, whether such judgment is had in a civil or criminal proceeding, as provided in this act, it shall be the duty of the clerk of such court to immediately certify such forfeiture under the seal of such court to the Comptroller of Public Accounts of the State of Texas, which said certificate shall state the date of such forfeiture, the county and court in which it was declared, the number and the nature of the cause, whether civil or criminal, and the name and residence of the licensee or defendant, the name of the person or the style of the firm, and the names and places of residence of the individual members in any such firm or the name and place of residence of any such person, as the case may be, as shown by the application for license filed by such person or firm in the county court, or as determined by the judgment of the court in which the proceeding was had, stating in which, for which service the clerk shall receive a fee of $1, to be taxed and collected as costs against the defendant or defendants in such proceeding, civil or criminal. And it shall be the duty of the Comptroller upon receiving any such certificate to file and record the same in a book to be kept by him for such purpose, and thereafter no permit or license shall be issued to any such person or firm or to any member of any such firm to engage in the sale of spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, or malt liquors exclusively, within the period of two years from and after the date of entry by the court of such final judgment.

Sec. 19. Every retail liquor dealer or malt liquor dealer, or other person, who shall knowingly sell, give away or otherwise dispose of, or suffer the same to be done, about his premises, any intoxicating liquor in any quantity, to any minor, without the written consent of the parent, master or guardian of such minor first had and obtained, or who shall have in his employ about his place of business, or who shall permit any minor to enter and loaf or remain in his place of business, shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than $10 nor more than $200, or by imprisonment in the county jail for not longer than sixty days, or by both such fine and imprisonment.

Sec. 20. Any sale, gift or other disposition of intoxicating liquors made to any minor without the permission or consent herein required, or to any habitual drunkard, or on any Sunday or election day by any agent, clerk or other person acting for any retail liquor dealer or retail malt dealer, or other person, shall be deemed and taken to be for all purposes of this act as the act of such retail liquor dealer or retail malt dealer, or other person.

Sec. 21. Any person or firm doing business under a retail malt dealer's license in this State, who shall sell any spirituous or vinous liquors, shall upon conviction therefor be punished by a fine of not less than $100 nor more than $300, and by imprisonment in the county jail for not less than thirty days nor more than six months, and shall, in addition to the punishment herein prescribed, forfeit his license as a retail malt dealer, and the court in which such conviction is had shall cause such forfeiture to be entered in the

judgment of conviction, and such retail malt dealer shall thenceforward be deemed to have no license, and the clerk of said court shall certify such forfeiture to the Comptroller of Public Accounts, as elsewhere herein provided.

Sec. 22. No retail liquor dealer, nor retail malt dealer's license shall be issued to any person whose license as either a retail liquor dealer or retail malt dealer has been revoked or forfeited within two years before the filing of his application for license, or who has had in his employ in his business of retail liquor dealer, or retail malt dealer, any person whose license has been revoked or forfeited within two years next before the filing of such application.

Sec. 23. No license shall be granted to any person as a retail liquor dealer or as a retail malt dealer who shall have carried on any such business after the expiration of his license previously issued, and without having received a license for such purpose, or whose license shall have been revoked or forfeited under the provisions of this act within two years before the filing of his application for such license. No license shall be issued to any person to do business as a retail liquor dealer or malt dealer in any house or building used for the purpose of prostitution or as a house of assignation, or as a house of ill-fame or gambling house. If, after a license has been issued to a retail liquor dealer, or retail malt dealer, the building in which the same is located shall be used for the above mentioned purposes, or any of them, with the knowledge and consent of such licensee, his license may be revoked upon application, as hereinbefore provided.

Sec. 24. It shall be unlawful for any retail liquor dealer or retail malt dealer to use, exhibit, suffer to be kept, exhibited or used in his place of business any piano, organ or other musical instrument whatever, for the purpose of performing upon or having the same performed upon in such place, or to permit any sparring, boxing, wrestling, or any other exhibition or contest or cock fight in his place, or to set up, keep, use or permit to be kept or used in or about the said premises, or by any other person, or to run or to be run in connection with such place of business, in any manner of form whatever, any billiard table, pool table, or gambling table, bowling or ten pin alley, cards, dice, dominoes or any other device for gaming or playing any game of chance or to permit any person to play at, on or with such tables, alleys, cards, dice, dominoes or other device of any kind. Any retail liquor dealer or retail malt dealer violating any of the provisions of this section shall upon conviction be fined in a sum not less than $25 nor more than $200, or by imprisonment in the county jail for not longer than thirty days, or both such fine and imprisonment.

Sec. 25. No retail liquor dealer or retail malt dealer shall employ or suffer to be employed any female as a servant, bartender or waitress, other than a member of his own family, in his place of business, nor permit on said premises any dancer, singer or lewd woman, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than twelve months, or by a fine of not exceeding $500, or both such fine and imprisonment.

Sec. 26. It shall be unlawful for any retail liquor dealer or retail malt dealer to sell, give away, or otherwise dispose of, or suffer the same to be done, about his premises, any intoxicating liquors to any habitual drunkard after he shall have been notified by the wife, father, mother, brother, sister, child or guardian of such person not to sell, give away or furnish to such person any intoxicating liquors, and any retail liquor dealer or retail malt dealer violating this section shall be fined not less than $25 nor more than $200, or by imprisonment in the county jail for not exceeding six months, or punished by both such fine and imprisonment.

Sec. 27. This article, or any of the provisions thereof, shall not be construed to be in conflict with any local option law now or hereafter to be in force in this State, and no license to any retail liquor dealer or retail malt dealer shall be issued or shall be effective at any place where local option law is in force and operation.

Sec. 28. The license required by this article shall be posted in some conspicuous place in the house where the business or occupation for which such license is necessary and carried on, before engaging in such business or occupation, and any person so licensed who fails to so post the same shall be fined not exceeding $100.

Sec. 29. It shall be unlawful for any person to sell or offer for sale any intoxicating liquors at any place where people have assembled for religious worship,

or for educational or literary purposes, or at any election precinct on any election day, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

Sec. 30. The county clerk of any county in this State having a population of more than fifty thousand inhabitants shall make out a list of all persons then having a license under the provisions of this act and deliver the same to each grand jury impaneled in such county. Said list shall be arranged in alphabetical order; shall give the names of the persons to whom same were issued, the date of its issue, the date it will expire, stating whether the same is a retail liquor dealers's or retail malt dealer's license, and shall describe where said license was to be used.

Sec. 31. The judges of the dictrict courts of this State shall give this act in special charge to each grand jury empaneled in their respective districts.

Sec. 32. The county clerk, county judge and other officers shall receive for services rendered in the carrying out of this law such fees are are now allowed by law for similar services.

Sec. 33. In case the license of any retail liquor dealer or retail malt dealer is forfeited under any of the provisions of this act, nevertheless such licensee shall be authorized to sell or dispose of in bulk any stock of intoxicating liquors he may have on hand at the time such license is forfeited.

Sec. 34. The term "intoxicating liquor," as used in this article, shall be construed to mean fermented, vinous or spirituous liquors or any composition of which fermented, vinous or spirituous liquors is a part; and all the provisions of this article shall be liberally construed as remedial in their character.

Sec. 35. All laws and parts of laws in conflict with this act are hereby expressly repealed.

Sec. 36. The fact that the calendar is greatly crowded, and the fact of the near approach of the close of the session, create an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is accordingly hereby suspended.

(Floor Report.)

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

House bill No. 662, A bill to be entitled "An Act to create the county court of McLennan county at law, to define the jurisdiction thereof, and to conform to such change the jurisdiction of the county court of McLennan county,"

Have had the same under consideration, and we report same back to the Senate with the following amendments, and with the recommendation that it do pass, and be not printed:

Amend the bill by striking out all of Section 12 of the bill and insert in lieu thereof the following:

"Sec. 12. The judge of the county court of McLennan county 'at law' shall receive as compensation the fees as are now established by law relating to county judges, except those arising out of probate matters, to the extent of $2500 annually and all fees in excess of that amount shall be turned over to the county treasurer of such county, on or before January 1st of each year, to be applied to the general revenue fund of the county."

Amend the bill further by striking out all of Section 13 and insert in lieu thereof the following:

"Sec. 13. The county judge of McLennan county shall hereafter receive as compensation all fees arising from probate matters, as are now established by law relating to county judges and in addition such salary for the ex-officio duties of his office as may be allowed him by the commissioners court, not exceeding the sum of $1500 annually, payable at such time or times as such court may direct."

Stone, Chairman; Grinnan, Masterson, Chambers, Paulus, Brachfield, Meachum, Green, Senter, Skinner.

(Floor Report.)

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

House bill No. 291, A bill to be entitled "An Act defining the requisites of a plea of privilege to be sued in the

county of one's residence, and provided that issuing process for witnesses and taking depositions shall not constitute a waiver of such plea,"

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

Stone, Chairman; Chambers, Griggs, Skinner, Paulus, Green, Meachum.

(Floor Report.)

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

House bill No. 78, A bill to be entitled "An Act to amend Title XXX, Chapter 16, Article 1360, Revised Statutes of the State of Texas, relating to bills of exceptions,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass.

Stone, Chairman; Grinnan, Chambers, Senter, Brachfield, Skinner, Paulus.

(Floor Report.)

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

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

Senate bill No. 318, A bill to be entitled "An Act concerning the jurisdiction of the Court of Civil Appeals and to amend Article 996, Chapter 13, of the Revised Civil Statutes of the State of Texas,"

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.

Stone, Chairman; Skinner, Grinnan, Green, Chambers, Meachum, Masterson.

(Floor Report.)

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 688, A bill to be entitled "An Act to amend Sections 2, 4, 6, 7, 9, 12 and 14 of the Special Laws of Texas, approved April 15th, 1905, being House bill No. 542, and entitled 'An Act to create a more efficient road system for Coleman county, Texas, and making the county commissioners of said county ex-officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners; and providing for the appointment of road overseers, and defining their duties; and for the working of the county convicts upon the roads of said county; and providing for officers' fees, and rewards for escaped convicts, and authorizing the working of county convicts partly upon the county convict farm as well as upon the public roads, and partly upon both, in the discretion of the commissioners court; and making provisions applicable, as far as practicable, to convicts when worked on county farms; and to provide for the summoning of teams for road work and for allowance of time for road service for same; and fixing a penalty for a violation of this act; and to repeal all laws in conflict with this act as to Coleman county; providing for the condemnation of land needed for widening, straightening, changing or draining roads; providing for the taking of timber, gravel, earth, stone or other necessary material for the improvement of roads, and giving persons summoned to work upon the roads the right to be relieved from the discharge of such duty on the payment of specific sums of money herein stipulated; providing for the collection of such sums of money by road overseers; and prescribing penalties for failure to comply with the provisions of this act,"

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

Green, Glasscock, Senter, Mayfield, Hudspeth, Watson.

(Floor Report.)

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

House bill No. 483, A bill to be entitled "An Act to amend Chapter 125 of the Acts of the Twenty-eighth Legislature, being entitled 'An Act for the creation and maintenance of a Pasteur hospital for the treatment of hydrophobia,' so as to provide for the disposition

of fees paid by non-indigent patients, and declaring an emergency,"

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

Paulus, Chairman; Green, Faust, Senter, Willacy, Terrell.

(Floor Report.)

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 657, A bill to be entitled "An Act creating the Rockwood Independent School District in Coleman county, Texas, and defining its boundaries; providing for the election of a board of trustees thereof and defining their duties, powers and authority; authorizing said board of trustees to levy, assess and collect a tax of not exceeding twenty-five cents on the $100 valuation of all property in said district subject to taxation, for the purpose of purchasing or constructing public free school buildings and sites therefor within the district, and for the equipping and furnishing the same, and to issue bonds for such purposes; and to levy, assess and collect a tax of not exceeding fifty cents on the $100 valuation of such property for maintenance and support of its schools; requiring and providing for elections on the proposition to levy such taxes and issuance of bonds; providing for the assessment and collection of such taxes; and providing for elections on the proposition to levy such taxes and issuance of bonds; providing for the assessment and collection of such taxes, and providing for the collection for account of said district of the special twenty cents on the $100 valuation of property in said district levied for the years 1906 and 1907, and investing said district and the board of trustees thereof with all the rights, powers, privileges and duties conferred and imposed by general laws upon independent school districts and the board of trustees thereof formed by the incorporation of a town or village for free school purposes only, under general law,"

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

Barrett, Chairman; Green, Grinnan, Senter, Paulus, Glasscock, Meachum.

(Floor Report.)

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

House bill No. 695, A bill to be entitled "An Act to create the Donie Independent School District in Freestone county, Texas, and defining it boundaries, etc.,"

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

Barrett, Chairman; Green, Grinnan, Kellie, Paulus, Glasscock.

(Floor Report.)

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Concurrent Resolution No. 19, have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Stokes, Faust, Green, Paulus, Skinner, Barrett, Masterson.

(Floor Report.)

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 604, A bill to be entitled "An Act to amend an act to incorporate the city of San Antonio and to repeal an act of the Legislature of the State of Texas, approved August 13th, 1870, entitled 'An Act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal an act entitled an act to incorporate the city of San Antonio, approved July 17th, 1856, an act entitled an act to amend an act to incorporate the city of San Antonio, approved February 11th, 1860, and also to repeal all acts amendatory of said act approved August 13, 1870, and declaring an emergency,' passed by the Twenty-eighth Legislature, being Chapter 54 of the Special Laws thereof, by amending Sections 1,

9, 17, 33, 46, 52, 53, 56, 90, 97 and 108 and 124, and repealing Section 34a thereof, and to repeal all laws or parts of laws in conflict therewith, and declaring an emergency,"

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

Chambers, Chairman; Senter, Masterson, Green, Holsey, Alexander, Smith.

(Floor Report.)

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

House bill No. 713, A bill to be entitled "An Act to incorporate the city of Tyler in Smith county, Texas, and to define its boundaries, and provide for its government and the management of its affairs, and declaring an emergency,"

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

Chambers, Chairman; Alexander, Green, Holsey, Willacy, Masterson.

Committee Room,
Austin, Texas, April 4, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 316, A bill to be entitled "An Act to grant a new charter to the city of Dallas, Dallas county, Texas; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 314, A bill to be entitled "An Act to amend the charter of the city of Galveston, and to authorize the board of commissioners of the city of Galveston to license, tax, regulate and prescribe the location of all places within the corporate limits of the city of Galveston wherein intoxicating liquors are kept for sale, and declaring an emergency,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, April 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 306, A bill to be entitled "An Act to amend House bill No. 565, Chapter 49, of the Special Laws of the State of Texas, passed at the Twenty-ninth Legislature of said State, beginning on the 10th day of January, 1905, and adjourning on May 14, 1905, and which said act was entitled 'An Act to incorporate the city of Beaumont, to grant it a special charter, and to repeal an act of the Legislature of the State of Texas, approved May 12, 1899, and entitled an act to incorporate the city of Beaumont, to grant it a special charter, and to fix its boundaries, and to repeal all acts amendatory of said act, and all special charters and amendments thereto heretofore granted to said city of Beaumont, and to declare an emergency,' by amending Sections 3, 6 and 7 of said act, passed by the said Twenty-ninth Legislature which act became effective as a law on April 25, 1905, and is found on page 398 of the Special Laws of the State of Texas, passed at the Regular and First Called Sessions of the Twenty-ninth Legislature, and repealing all laws in conflict with amendments herein provided, and declaring an emergency, and striking out Sections 3, 6 and 7, and substituting Sections 3, 6 and 7, as set forth in said bill,"

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 236, "An Act to amend the charter of the city of Galveston, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 210, "An Act to change and prescribe the time for holding district court in the Fourth Judicial District, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 17, Be it resolved by the Senate, the House of Representatives concurring, That the Hon. Robt. L. Taylor, the distinguished United States Senator from Tennessee, is hereby invited to deliver an address in the House of Representatives to a joint session of the Legislature upon whatever subject he may desire at some time that may suit his convenience, and that the House be tendered to him from 8 p. m. until 12, midnight, some night during the session, and that the Secretary of the Senate is hereby instructed to telegraph this resolution to the Hon. Robt. L. Taylor at San Antonio,

And find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared:

Senate bill No. 226, "An Act to amend 'An Act imposing an annual occupation tax upon each office or place kept and maintained by persons, firms or corporations in this State at which intoxicating liquors legally deliverable are delivered upon payment of purchase money therefor; providing a penalty for failure to pay such tax, and declaring an emergency,' passed and enacted at the present session of the Thirtieth Legislature of the State of Texas, and approved the 12th day of February, 1907, so as to add thereto Section 2a, relieving such persons, firms or corporations from keeping, operating or maintaining offices at which intoxicating liquors are deliverable upon the payment of the purchase price therefor, and further relieving such persons, firms or corporations from any obligation to receive, transport or deliver any intoxicating liquors to be paid for on delivery, and so as to add thereto Section 2b, repealing all laws and parts of laws in conflict with this act, and to add thereto Section 2c, providing that if any section of this act should be attacked or held invalid such action shall not affect the force and legality of other sections, and declaring an emergency."

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

Section 1. That the act passed by the Thirtieth Legislature of the State of Texas, and approved the 12th day of February, 1907, known as House bill No. 53, imposing an annual occupation tax upon each office or place kept and maintained by persons, firms or corporations in this State, at which intoxicating liquors legally deliverable are delivered upon payment of purchase money therefor, be and the same is hereby amended by adding thereto the following:

Sec. 2a. No peson, firm or corporation shall be required to keep, operate or maintain any office at which intoxicating liquors are deliverable upon the payment of the purchase price thereof, nor shall any such person, firm or corporation be compelled to receive, transport or deliver any intoxicating liquors, the purchase price of which, or any part thereof, is to be paid said person, firm or corporation on delivery.

Sec. 2b. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 2c. In the event any section of this act should be attacked or for any reason held invalid, such action shall not affect the force or legality of other sections of this act.

Sec. 2. That the crowded condition of the calendar of both the Senate and the House, together with the fact that the act above referred to was not amended is liable to cause great loss and much damage to the express companies of this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read

on three several days be and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 14, Whereas, On March 28th, both branches of this Legislature adopted House Concurrent Resolution No. 26, requesting the Governor of this State to return to the House and Senate, Senate bill No. 26 for correction and amendment; and

Whereas, on the same day the Governor did, through his messenger, in response to said request, transmit to the Senate said Senate bill No. 26, entitled "An Act to repeal Chapter 12 of the General Laws of Texas, passed by the Twenty-seventh Legislature, page 12, Laws of 1901, and to pass in lieu thereof this act to create a board of medical examiners for the examination and licensing of all physicians, surgeons and obstetricians; to prescribe their qualifications; to provide for their proper registration; the revocation of their licenses for flagrant offenses, and to fix suitable penalties for illegal practice"; now, therefore, for the purpose of amending and correcting said bill, it is

Resolved by the Senate, the House concurring, That the action of the Lieutenant Governor and of the Speaker of the House of Representatives in signing said bill in the presence of the two bodies, respectively, be and the same is hereby rescinded and the said officers, respectively, be and they are hereby authorized and directed to erase their signatures from the enrolled bill.

And find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 7, A resolution providing for the appointment of a special committee to investigate the cost of the life-size picture of David Crockett, now hanging on the walls of the first floor of the Capitol, and which is the property of Mrs. Huddle, with the view of purchasing same,

And find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 230, "An Act to create a more efficient road system for Burnet county,"

And find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 255, "An Act to amend Chapter 5, Title CII, of the Revised Civil Statutes of Texas of 1895, as amended by the Acts of 1899, by amending Article 5001c as enacted by the Twenty-sixth Legislature of 1899, relating to the mode of preventing certain animals from running at large in counties or in subdivisions thereof, so as to provide relief for enclosed land owners in cases where such land adjoins territory in which a stock law is in force, and providing an emergency."

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

Section 1. That Article 5001c, as passed by the Twenty-sixth Legislature of 1899, is so amended as to hereafter read as follows:

"Article 5001c. Whenever there is territory between two subdivisions of a county which have adopted a stock law, or when there is territory adjoining a subdivision which has adopted a stock

law, and in such territory there are less than fifty freeholders, an election shall be ordered on the petition of a majority of the freeholders residing in such territory, and the election shall be held as provided by law in other cases relating to the adoption of the stock law. And in cases where there are no freeholders on such intervening or adjoining territory, then, on the petition of the owner or owners of the land the commissioners court shall issue an order extending the stock law to said territory, and the same shall be included in the territory of such adjoining subdivision, and any person or persons who own enclosed lands adjoining any other lands which have been added to territories in which a stock law prevails, shall have the same right, and on petition of the owner or owners of such land to the commissioners court the said commissioners court shall issue an order extending the stock law to said territory, and the same shall be included in the territory of such adjoining subdivisions."

Sec. 2. The fact that there is now no law providing relief for persons who own enclosed land adjoining territories in which a stock law prevails, either in counties or subdivisions of counties, which omission at this time is working a hardship upon many communities in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted,

And find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 53, "An Act denouncing as a nuisance any place, room or other building in any county, justice precinct, town, city, or such subdivision of a county as may be designated by the commissioners court of said county, in which the sale of intoxicating liquors has been prohibited under the laws of this State, kept or used for the purpose of selling intoxicating liquor in violation of law; also denouncing as a nuisance any intoxicating liquor kept, possessed or used for such purpose, and the tools, appliances and furniture used therewith, and prescribing a suitable procedure for the search and seizure of any such liquors, tools, appliances and furniture, for the trial of the issue presented, the judgment to be rendered therein; also to prevent, by means of the writ of injunction at the suit of the State or any citizen thereof the use or the contemplated use or threatened use of any such place, room or building, or the keeping of any such intoxicating liquors and the tools, appliances and furniture used therewith for any such illegal purpose, and providing for an emergency."

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

Section 1. Any place, room or building in any county, justice precinct, town, city or such subdivision of the county as may be designated by the commissioners court of said county, in which the sale of intoxicating liquor has been prohibited under the laws of this State, kept, maintained or used for the purpose of selling intoxicating liquor in violation of law, and any intoxicating liquor kept or possessed for such purpose, whether kept or possessed in any such place, room or building, or elsewhere, and any signs, screens, bars, bottles, glasses and any other furniture, tools, appliances or other articles or things used as aids in keeping and maintaining any such place, room or building or any liquor, are each and all hereby declared to be a common nuisance.

Sec. 2. Upon affidavit being made by any credible person of the county where the proceeding is begun, before the county judge or a justice of the peace of said county, describing the place, room or building where it is believed by affiant that intoxicating liquor is being sold in violation of law, as is being kept or possessed for the purpose of being sold in violation of law, or shall name or describe, if the name is unknown, any person who has, keeps or possesses any intoxicating liquor for the purpose of sale in violation of law, then, and in either event, it shall be the duty of each county judge or justice of the peace, as the case may be, to issue a warrant commanding the sheriff or any constable of the county to immediately search any such place, room or building, describing the same, or such person, giving name or description, and it shall be the duty of said officer to whom said warrant is delivered by the county judge or justice of the peace to immediately search such place, room or building, and if refused admission into any such place, room or building, or into any place, room or building where the affiant has good rea-

son to believe any such person has placed or secreted any such liquor, then, and in such event, the officer executing such warrant shall be and he is hereby authorized to force an entrance to any such place, room or building, using such force as may be necessary for that purpose, and he shall search for and seize any intoxicating liquor found in such place, room or building, or in the possession or under the control of such person named or described in said warrant, and shall also seize all signs, screens, bars, bottles, glasses, furniture, tools, appliances or other articles or things used in keeping or maintaining such place, or used in any manner as an aid to the unlawful sale of intoxicating liquor, and after seizure he shall make an accurate inventory of everything seized, stating therein the estimated value of each item, and shall securely keep the same until replevied or otherwise disposed of under the provisions of this act.

Sec. 3. The search warrant above provided for shall, in substance, conform to the following requisites: It shall run in the name of the State of Texas and be directed to the sheriff or any constable of the county; shall command him to search the place, room, premises, building or part thereof, or the person named in the complaint, and shall specify in general terms the things to be searched for and seized, and shall be signed officially by the magistrate issuing the same; provided an immaterial variance between the complaint and warrant shall not render the latter void.

Sec. 4. At any time before the trial of the issues as provided herein the owner of said property seized, or any part thereof, or the person in whose possession or under whose control the same was at the time of seizure, may replevy the same by giving bond, with two or more good and sufficient sureties or a solvent guaranty or surety company chartered or authorized to do business under the laws of this State, to be approved by the officer making the seizure or his successor in office, payable to the State of Texas, in an amount equal to the value of the property replevied as fixed in the inventory, conditioned that should said party in said action be condemned as a nuisance the obligors in such bond will pay to the State of Texas the amount thereof, being the value of the property replevied as fixed by said officer, and all costs, including 15 per cent additional on said amount as a fee to the county or district attorney who discharges such duty for the State and 10 per cent on the amount thereof for the sheriff or constable.

Sec. 5. The officer executing said warrant shall, within fifteen days, make due return to the county judge or the justice of the peace issuing the same, and when a seizure has been made thereunder he shall, within five days after said seizure, make said return, showing therein a list of the liquor and other articles seized, the value thereof as fixed by him and the replevy bond or bonds, if any given, and if not replevied the name and residence of the owner or owners of any such property seized and not replevied, and if no one is known to be the owner, then the name or names and residence of the person, firm or corporation in whose possession or under whose control said liquor or other property was when seized. On return being made to said county judge or justice of the peace he shall file and docket said cause or causes, the same to be filed and docketed in the proper court of said county having jurisdiction of the amount involved, as shown by the valuation of the officer or by the amount of the replevy bond or bonds, if any; provided, that when the county and district court has concurrent jurisdiction, then the same shall be filed in either the county or district court, as directed by the county attorney or district attorney who may represented the State in such proceedings; provided further, when two or more replevy bonds are given, or where there are two or more owners or claimants to the property or parts thereof seized, urging distinct and separate claims, then, and in such event, each case shall be filed and docketed separately in the proper court, and in such event said county judge or justice of the peace shall make and certify to as many copies of the original papers as there are cases, all of which shall be considered and treated as originals.

The justice of the peace or clerk of the court, when filed, shall docket the cause in the name of the State of Texas as plaintiff and the principal in the replevy bond, and if not replevied, the name of the owner or person found in possession as defendant.

Sec. 6. The court in which said case or cases shall be filed shall immediately issue notice, which shall be served upon the defendant in the manner required for service of citation in civil suits; provided, the defendant shall be required to answer if served ten days before the first day of the return terms, excluding the day of service and return; and provided further, the defendant shall have the right to expedite a trial of the issue by waiving service and time. Said cause, if tried by a jury, shall be submitted on a special issue, which shall be in

substance whether or not the intoxicating liquors and other property seized constituted a nuisance within the meaning of this act when seized. The said cause shall have precedence in all courts over all other causes except cases of like kind or cases to which the State is a party. The same shall be tried and prosecuted under the rules of evidence, practice and procedure and in all other respects as other civil cases, and in case of appeal the transcript shall, without delay, be made up and forwarded by the clerk to the proper appellate court; provided, that the State shall not be required to pay or give security for costs nor bond on appeal, and the same shall be perfected by notice thereof given in open court.

Sec. 7. The notice provided for in this act shall briefly recite the record upon which it is based; provided, that any immaterial variance between the writ and former proceedings will not be fatal thereto. It shall require the defendant to show cause by a day named why the liquor and other articles seized should not be declared a nuisance, but the burden of proof shall be upon the State to show by a preponderance of the evidence that the allegations of the complaint are substantially true.

Sec. 8. The property shall remain in the custody of the officer seizing or in that of his successor in office until final judgment, subject to such order for the preservation of same as the judge or justice of the peace may make, either in term time or vacation, as shall appear to the best interests of all parties concerned; provided, that the defendant in said suit may replevy the property at any time prior to final trial.

Sec. 9. Should the State prevail in the suit the court shall enter a judgment condemning the property seized to be destroyed and against the defendant for all costs, and shall issue a proper writ directing the sheriff or any constable of the county to execute the same. The said writ shall conform in all material respects to the writ of execution, except that it shall command said officer, in addition to making levy sufficient to collect the amount of costs, to destroy said property in the manner most suited to its nature. If the property, prior to the entry of said judgment, has been replevied judgment shall be entered against the principal and the sureties on said bond for the full amount thereof, including 15 per cent thereof attorneys' fees and 10 per cent fee to the sheriff or constable, and the judgment, when collected, less the costs, shall be paid into the county treasury and shall become a part of the jury fund of the county. Should the defendant prevail judgment shall be entered restoring said property seized to the defendant or discharging the replevy bond, as the case may be.

Sec. 10. In all cases when the State recovers judgment there shall be taxed against the defendant as costs the usual fees allowed in civil cases, in addition to 15 per cent of the value of the property for the county or district attorney's fees and 10 per cent of the value thereof for the sheriff or constable, which fees and costs shall not be accounted for by said officers under any provisions of law relating to fees of office; provided, however, that the State shall in no event be liable for or be required to pay any costs.

Sec. 11. The actual, threatened or contemplated use of any place, room, premises, building or part thereof, in any county, justice precinct, town, city or subdivision of a county as may be designated by the commissioners court of said county, in which the sale of intoxicating liquor has been prohibited under the laws of this State, for the purpose of selling intoxicating liquor in violation of law, or in which to keep, store or deposit any intoxicating liquor for the purpose of being sold in violation of law, or the possession of or having under control or management at any such place any intoxicating liquor for the purpose and with the intent to sell the same in violation of law, shall be enjoined at the suit of the State or of any citizen thereof.

Sec. 12. Any person, company, corporation or association of persons who may so use or be about to use, or who may aid or assist in any such actual or threatened use of such place, room, premises, building or part thereof, or any person who may have, possess or manage for any such purpose any intoxicating liquor, or who may aid or assist another in thus possessing, having or maintaining or managing intoxicating liquor for such purpose, may be made a party defendant to such suit.

Sec. 13. The Attorney General and the several district and county attorneys shall institute and prosecute all such injunction suits, that the said Attorney General or district attorney or county attorney may deem necessary; provided, that such suit may be brought and prosecuted by any one of said officers; and provided further, that nothing contained herein shall prevent such injunction from issuing at the suit of any citizen of this State, who may sue in his own name, and any such citizen shall not be required to show that he has been personally injured

by reason of the matters and things of which he complains.

Sec. 14. The procedure in all cases brought hereunder shall be the same as in other suits for injunction, or where injunction is sought, as near as may be; provided, that where the suit is brought in the name of the State by any of the officers aforesaid, the petition thereof need not be verified, nor shall the State be required to pay or give security for costs or on appeal, and appeal by the State shall be perfected by giving notice thereof in open court, and all such cases shall have precedence on the docket of all courts where pending.

Sec. 15. In any proceeding under the provisions of this act evidence of the general reputation of the house, place, building, premises or part thereof, or of the business, occupation or pursuit of the defendant involved, may be admitted in evidence as tending to prove the allegations of the complaint; provided, that in any investigation no person shall be exempt from giving testimony therein, but the testimony given by a witness shall not be used against him in any criminal action or proceeding, nor shall any criminal action or proceeding be brought against such witness on account of any testimony so given by him.

Sec. 16. The insufficiency of the laws of this State to prevent violation of the local option laws creates an emergency and an imperative public necessity demanding that this act take effect and be in force from and after its passage, and the same is so enacted.

And find the same correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 94, "An Act to amend Article 325 of Title V, Chapter 4, of the Code of Criminal Procedure of the State of Texas, pertaining to the taking of bail in felony cases when the court is in session, and authorizing the sheriff or other peace officer having in custody the accused to take a bail bond, and repealing all laws in conflict herewith, and declaring an emergency."

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

Section 1. That Article 325 of Title V, Chapter 4, of the Code of Criminal Procedure of the State of Texas, be and the same is hereby amended so as to hereafter read as follows:

In cases of felony, when the accused is in custody of the sheriff or other peace officer and the court before which the prosecution is pending is in session (in the county where the accused is in custody, the court shall fix the amount of bail), if it is a bailable case, and the sheriff or other peace officer, unless it be the police of a city is authorized to take a bail bond of the accused, if executed with good and sufficient sureties, in the amount as fixed by the court, to be approved by such officer taking the same, and will thereupon discharge the accused from custody, and it shall not be necessary for the defendant or his sureties to appear in court, but such bail bond may be taken as if court was not in session except for the fixing of the amount of bail as aforesaid.

Be it further enacted, that all laws and parts of law in conflict herewith be and the same are hereby repealed.

Sec. 2. The fact that under the present law great inconvenience is occasioned, and delay caused in the administration of justice, requires immediate action upon this subject, and creates an emergency and an imperative public necessity that the rule requiring bills to be read on three several days be suspended and said rule is hereby suspended, and this act to take effect and be in force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 238, "An Act providing for extensions by the Penitentiary Board of the railroad now owned by the State of Texas at the Rusk penitentiary; for its maintenance, equipment and operation; providing for condemning right of way and material therefor; providing for condemnation proceedings; providing for the issuance of bonds by the Penitentiary Board aggregating one hundred and fifty thousand dollars ($150,000), bearing interest at 5 per

cent per annum, secured by a lien upon said State railroad, its extensions and equipment; providing a method of redemption of said bonds; providing for the purchase of said bonds by the Board of Education out of the permanent school fund; providing that the Railroad Commission of Texas shall have jurisdiction over the traffic carried on and over said State railroad, and authorizing said Commission to compel a fair division of freight and passenger charges between said railroad and connecting lines of railroad; that said Penitentiary Board shall enforce and obey the orders and regulations of the Railroad Commission; providing that this act shall be cumulative of all other laws in force in this State, and declaring an emergency."

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

Section 1. That the Penitentiary Board be and they are hereby authorized, and it shall be their duty to extend, build and construct the railroad now owned by the State of Texas at the Rusk penitentiary to a connection with the Texas & New Orleans Railway, and to a connection with the International & Great Northern Railroad, or to a connection with either of said railroads, as said board and the Governor may deem to be to the best interest of the State, and also to maintain, equip and operate said State railroad and any and all such extensions thereof, to purchase therefor such equipments, rolling stock, engines and cars as said board may deem necessary or expedient.

Said board shall also be and they are hereby authorized to build, construct, maintain and operate, in connection with and along said State railroad, over the right of way thereof, an electric, telephone or telegraph line.

Sec. 2. Whenever it shall be or become necessary to take, occupy or use any land or material for the purpose of constructing, building, draining or maintaining the said extensions or extension of said State railroad, or for the purpose of draining or maintaining any portion of said State railroad, including any and all extensions thereof, or for the purpose of constructing and maintaining turnouts, sidings and switches therefor, or for the purpose of forming and maintaining any connection with any other railroad or railroads, said Penitentiary Board shall have full power and authority to enter upon, take, occupy and use such land, first paying therefor, however, the value and price thereof, if the owner thereof and said Penitentiary Board can agree on the value and price thereof; the value of the land so taken and the amount of damages, if any, to be paid by said board; but if such owner of such land and said board can not agree thereon, said board may proceed to condemn any and all such land in the same manner, so far as applicable, that a railroad corporation, under laws now existing, or to be hereafter passed, may condemn the land for right of way; and, in so far as such proceedings may be applicable, the same proceedings may be had, and as to each party, the same rights shall exist as would exist if such proceedings in condemnation were by or on behalf of a railroad corporation, except that in no case shall said Penitentiary Board, of the State of Texas, be required to give bond.

Sec. 3. Any and all proceedings in condemnation provided for by this act shall be instituted and prosecuted in the name of the State of Texas, for the use of said Penitentiary Board and their successors in office, and any and all judgments and decrees of condemnation in such proceedings, and any and all deeds for any and all such lands may be acquired by said board for any of the purposes mentioned in this act shall run accordingly.

Any and all such condemnation proceedings shall be instituted and prosecuted by the county attorney of the county in which such land or material may be situate; and as compensation for such services such county attorney shall be entitled to receive and shall be paid by said board, out of current revenues, reasonable fees, not exceeding in any instance, more than 10 per cent of the price which said board shall pay for such condemned land or material.

Sec. 4. In order to obtain and secure repayment of the necessary money with which to carry into effect the provisions of this act, said Penitentiary Board shall be, and they are hereby authorized, and it shall be their duty, to have printed and to execute, as herein provided, twenty bonds, to be designated and known as "Penitentiary Railroad Bonds," and numbered, consecutively, from one to twenty, inclusive, each for the principal sum of seven thousand five hundred dollars ($7500), bearing interest from their date at 5 per cent per annum, payable annually, on the first day of December of each year, as indicated upon the coupons therefor, which shall be attached to such bonds, principal and interest payable to the State

Treasurer of the State of Texas, at his office, at Austin, Texas, and maturing one each year, consecutively, until all such bonds shall have matured, and reserving to said Penitentiary Board the right to pay off and redeem such bond and its interest coupons at the option of said board. Each of said bonds shall, upon its face, declare that payment of such bond and its interest coupons is secured by a lien upon said State railroad, including any and all extensions thereof authorized by this act, and embracing its entire right of way, franchises, depot buildings and grounds, equipment, rolling stock, engines and cars, and that, to the payment thereof, are pledged all of the net revenues and income which may be derived or received by said board from year to year, from any and all sources whatsoever, and remaining after the payment of the current expenses of every character which may be incurred by said board, or under its direction, pursuant to law, in such current year, until all of said bonds and coupons shall have been paid. All such net income, from year to year, shall be so applied by said board, from time to time, until all of said bonds and coupons shall have been paid.

The form of such bonds and coupons shall be approved by the Attorney General, and all such bonds and coupons shall be signed by the president and secretary of said board, and such bonds shall be countersigned by the Governor.

Such bonds and coupons, when so executed and delivered to the Comptroller of Public Accounts, shall constitute a valid lien upon said State railroad, including any and all extensions thereof authorized by this act, and embracing its entire right of way, franchises, depot buildings and grounds, equipment, rolling stock, engines and cars.

Sec. 5. The Comptroller of Public Accounts and the State Board of Education are, severally, hereby authorized, and it shall be their duty, to purchase said bonds from said Penitentiary Board, and to pay to said board therefor, out of the permanent school fund, the face value of said bonds, with accrued interest thereon, down to the date of such purchase; and the principal of such bonds shall constitute and remain a part of the permanent school fund and the interest thereon shall become a part of the available school fund, and such bonds and coupons shall be deposited with, and kept and held by the State Treasurer, as provided by law, in case of other securities belonging to the permanent school fund; provided, however, that no part of the permanent school fund shall be invested in such bonds unless same shall have been registered by the Comptroller of Public Accounts and shall be accompanied by a certificate from the Attorney General, under his seal, to the effect that such bonds are in all respects in compliance with the requirements of this act.

Sec. 6. The money which shall be derived by said Penitentiary Board from said bonds, or so much thereof as may be necessary, shall be used by said board for the purpose set forth in this act; and the residue thereof, if any, shall be applied by said board at any time to payment, pro tanto, of said bonds and coupons, in numerical order.

Sec. 7. The Railroad Commission of Texas shall have the same jurisdiction and power over the traffic carried on and over said railroad and with respect to divisions of traffic charges between said railroad and connecting lines of railroad as said Commission now has or may hereafter have by law, in the matter of compelling just and fair divisions of traffic charges between connecting lines of railway corporations in this State, and it shall be and is hereby made the duty of the Penitentiary Board of this State to obey and enforce all rules, regulations rates and divisions relating to such traffic charges as are made and fixed by the Railroad Commission of Texas.

Sec. 8. No convict shall be employed or used in the operation or handling of any train or car upon said State railroad which may be used or operated thereon in transporting, for hire, either passengers or freight.

Sec. 9. It shall be the duty of said Penitentiary Board to carry into effect each and all of the provisions of said bond and of this act.

Sec. 10. The provisions of this act shall be construed as cumulative of all laws in force in this State.

Sec. 11. The fact that there now exists no law providing for means for the extension of said State railroad, and the fact that the operation of said State railroad, and the fact that the operation of the Rusk penitentiary will be materially facilitated and cheapened by such extensions and operation of said State railroad, as in this act provided, and the fact that such extension is necessary to protect the timber and mineral resources of said penitentiary, creates an emergency and an imperative public necessity requiring that the con-

stitutional rule which provides that bills be read on three several days be suspended, and it is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 82, "An Act to establish the Texas State Board of Pharmacy, and to prescribe the power and duties of said board, and to regulate the practice of pharmacy, and the licensing of pharmacists and the compounding and sale of medicines, drugs and poisons in the State of Texas, and to provide penalties for any infringement of the provisions of this act, and to repeal all laws in conflict herewith."

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

Section 1. That it shall be unlawful for any person not licensed as a pharmacist, within the meaning of this act, to conduct or manage any pharmacy, drug or chemical store, apothecary shop or other place of business for the retailing, compounding or dispensing of any drug, chemical or poison, or for the compounding of physician's prescriptions, or to keep exposed for sale at retail any drug, chemicals or poisons, except as hereinafter provided, or for any person not licensed as a pharmacist or assistant pharmacist, within the meaning of this act, to compound, dispense, or sell at retail any drug, chemical, poison or pharmaceutical preparation upon the prescription of a physician, or otherwise, or to compound physician's prescriptions, except as an aid to or under the supervision of a person licensed as a pharmacist under this act. And it shall be unlawful for any owner or manager of a pharmacy or drug store, or other place of business, to cause or permit any other than a person licensed as a pharmacist or assistant pharmacist to compound, dispense or sell at retail any medicine or poison, except as an aid to or under the supervision of a person licensed as a pharmacist. Provided, however, that nothing in this section shall be construed to prevent any person from engaging in the business herein described as proprietors and owners thereof, provided such proprietors or owners shall have employed in his business to conduct same some one qualified under this act, nor to interfere with any legally registered practitioner of medicine or dentistry in the compounding of his prescriptions, or to prevent him from supplying his patients such medicine as he may deem proper, nor with exclusively wholesale business of any dealer who shall be licensed as a pharmacist, or who shall keep in his employ at least one person who is licensed as a pharmacist, nor with the selling at retail of non-poisonous domestic remedies, nor with the sale of patent or proprietary preparations, when sold in unbroken packages, nor with the sale of poisonous substances which are sold exclusively for use in the arts, or for use as insecticides, when such substances are sold in unbroken packages bearing a label having plainly printed upon it the name of the contents, the word "poison" and the names of at least two readily obtainable antidotes.

Sec. 2. All persons heretofore registered by district boards as pharmaceutical examiners shall, upon presenting proof of such registration in accordance with the law regulating the practice of pharmacy then in force, and the payment of one dollar, be entitled to a certificate of registration as licensed pharmacist, under the meaning of this act, from the State Board of Pharmacy, without examination. Such application shall be made to the State Board of Pharmacy within ninety days after the first meeting of said board. Proprietors and employes of such proprietors who are actively engaged in the preparation of physician's prescriptions, and compounding and vending of medicines in towns of less than 1000 inhabitants in the State of Texas, and also proprietors and employes of such proprietors who shall become so engaged in such towns during the next five years after the passage of this act, shall be exempt from examination, provided he or she will register as required in this act, and upon paying the said Board of Pharmacy $1 shall receive a certificate of registration, which shall entitle such person to practice pharmacy in towns of 1000 inhabitants or under. Provided, that should such person fail to apply for registration within ninety days from and after the first meeting of said board,

said party shall be required to pay the same fee as in original registration.

Every person who shall hereafter desire to be licensed as a pharmacist shall file with the secretary of the Board of Pharmacy an application upon blanks furnished by the Board of Pharmacy for that purpose, duly verified under oath, setting forth the name and age of the applicant, the place or places at which, and the time spent in the study of the science and art of pharmacy, the experience in the compounding of physicians' prescriptions which the applicant has had under the direction of a legally licensed pharmacist, and shall appear at a time and place designated by the Board of Pharmacy, and submit to an examination as to his or her qualifications for registration as a licensed pharmacist or assistant pharmacist; provided, however, if any applicant should fail to pass a satisfactory examination he or she may at any subsequent meeting of the Board of Pharmacy within six months be permitted to be re-examined without cost.

Sec. 3. In order to be licensed as a pharmacist within the meaning of this act an applicant shall be not less than twenty-one years of age, and shall have been licensed as an assistant pharmacist for not less than two years prior to his application for license as a pharmacist, or he shall present to the board satisfactory evidence that he is a graduate of a reputable school or college of pharmacy, or that he has had four years practical experience in pharmacy under the instruction of a pharmacist, and he shall also pass a satisfactory examination by or under the direction of a Board of Pharmacy.

In order to be licensed as an assistant pharmacist within the meaning of this act an applicant shall not be less than eighteen years of age, and shall have a sufficient preliminary general education, and shall have not less than two years' experience in pharmacy, and shall pass a satisfactory examination by or under the direction of the Board of Pharmacy.

Provided, however, that in the case of persons who have attended a reputable school or college of pharmacy the actual time of attendance at such school or college of pharmacy may be deducted from the time of experience required of pharmacist and assistant pharmacist, but in no case shall less than two years' experience be required for registration as a licensed pharmacist.

Sec. 4. If the applicant for license as a pharmacist or assistant pharmacist has complied with all the requirements of the two preceding sections, the Board of Pharmacy shall enroll his name upon the register of pharmacist or assistant pharmacist, and issue to him a license which shall entitle him to practice as pharmacist or assistant pharmacist for a period of two years from the date of said license.

The Board of Pharmacy may refuse to grant a license to any person guilty of felony or gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practice, and the Board of Pharmacy, after due notice and hearing, may revoke a license for like cause or any license which has been procured by fraud.

Sec. 5. The Board of Pharmacy may issue license to practice as pharmacist or assistant pharmacist in this State, without examination, to such persons as have been legally registered or licensed as pharmacists or assistant pharmacists in other States or foreign countries; provided, that the applicant for such license shall present satisfactory evidence of qualifications equal to those required from licentiates in this State, and that he was registered or licensed by examination in such other State or foreign country, and that the standard of competency required in such other State or foreign country accords similar recognition to the licentiates of this State.

Applicants for license under this section shall, with their application, forward to the secretary of the Board of Pharmacy the same fees as are required of other candidates for license.

Sec. 6. Every certificate of license to practice as pharmacist or assistant pharmacist, and every license to any proprietor or employe to conduct a drug store in towns of not more than 1000 inhabitants, as above provided, and every renewal of such license shall be conspicuously exposed in the pharmacy or drug store or place of business of which the pharmacist or assistant pharmacist or other person to whom it is issued is the owner or manager, or in which he is employed.

Every licensed pharmacist or assistant pharmacist who desires to continue in the practice of his profession shall, within thirty days next preceding the expiration of his license or permit, file with the board an application for the renewal thereof, which application shall be accompanied by the fee hereinafter prescribed.

If the board shall find that the applicant has been legally licensed in this

State and is entitled to renewal of license, or to a removal of such permit, it shall issue to him a certificate attesting the fact.

If any pharmacist or assistant pharmacist shall fail, for a period of sixty days after the expiration of his license, to make application to the board for its renewal, his name shall be erased from the register of licensed pharmacist or assistant pharmacist, and such person, in order to become registered as a licensed pharmacist or assistant pharmacist, shall be required to pay the same fee as in the case of original registration. The name of the responsible manager of every pharmacy, drug store or apothecary shop shall be conspicuously displayed outside of such place of business.

Sec. 7. The Governor shall, on or before September 1, after his inauguration, appoint five persons, licensed as pharmacists, who are actively engaged in the practice of pharmacy within this State at the time of their appointment, and shall have been so engaged for the past five years or more immediately preceding their appointment.

The Texas State Pharmaceutical Association may recommend to the Governor, on or before August 1, after his inauguration, a list of names of persons who are licensed pharmacists of this State, of twice the number to be appointed, and the appointments may be made by the Governor from this list.

The five persons so appointed shall constitute a board to be styled "The Texas Board of Pharmacy," who shall hold their office for two years, and until their successors shall have been appointed and qualified.

Provided, however, that no person who is connected with any school or college of pharmacy in any way shall be appointed as a member of the Texas State Board of Pharmacy. And any member of the board may be removed by the Governor for good cause shown him.

Provided, further, that no two members of the board shall reside in the same county.

In case of vacancy from death or other cause, the Governor shall appoint a successor to fill out the unexpired term, with qualifications as above set forth.

Sec. 8. The persons so appointed and constituting the Texas State Board of Pharmacy shall, within thirty days after their appointment and annually thereafter, meet and organize by the election of a president, secretary and treasurer, who shall hold their office for the term of one year from the date of their election.

The president and the treasurer shall be elected from the members of the board, and the secretary need not be a member of the board. The secretary shall receive such salary as may be prescribed by the Board of Pharmacy and his necessary expense while engaged in the performance of his official duties. The board may adopt such by-laws and regulations as they shall deem necessary to carry into execution the provisions of this act, but which shall not be inconsistent with this act.

The treasurer and secretary shall give bond in such sum as the board may determine, which at no time shall be for less amount than the sum handled by them annually. The expense of making such bonds shall be paid by the board. The secretary shall collect all money due the board from all sources and shall pay the same over to the treasurer within ten days after making his receipt therefor.

The bonds of the treasurer and secretary of the board shall be payable to the Governor of the State of Texas, and shall be conditioned for the faithful performance of all duties imposed by law, or by order of the Board of Pharmacy.

The board shall prescribe the pay of the members thereof, but at no time shall the amount exceed $5 per day for each member, and this amount to be paid to them for such days during which they are actually engaged in the discharge of their official duties, and they are to receive such additional amounts as they may actually incur for expenses in the discharge of their duties for mileage, hotel bills, stamps and stationery; provided, no bill either for services of a member of such board or any expense of such member shall be paid until an itemized statement of such service and each item of expense has been made out and sworn to by such member of such board, before some officer authorized under the law to administer oaths, and such account shall have been filed with and approved by said board; provided, that the State shall never be liable for the salary and expense of any members of this board.

Sec. 9. The persons so appointed and constituting the Texas State Board of Pharmacy, before entering upon the duties of said office, shall take the oath prescribed by the Constitution of the State of Texas for State officers, and shall file the same in the office of the

Secretary of State, who shall thereupon issue to each of said members a certificate of appointment.

Sec. 10. It shall be the duty of the board to examine all applications for registration of such persons as may be entitled to the same under the provisions of this act, and to make an annual report to the Governor, a copy of which shall be furnished to the Texas State Pharmaceutical Association, upon the condition of pharmacy in Texas, which report shall embrace all the proceedings of the board and give an itemized account of all money received and disbursed by said board, and said itemized account of money paid out by said board shall show to whom paid and specifically for what purpose it was paid; and also the names of all pharmacists duly registered under this act. And it shall be the further duty of the board to deliver all money on hand at the end of the term of each board, after all outstanding debts have been paid over to their successors in office.

Sec. 11. The Texas State Board of Pharmacy shall hold meetings for the examination of applicants for registration, and for the transaction of such other business as may legally come before it, at least once in four months, and such additional meetings as may be necessary; provided, that said regular meetings shall be held on the third Tuesday of January, May and September of each year, in such cities or places as the said board may select, or such cities or places as shall be deemed most convenient for applicants. Due notice of such meetings shall be given by publication in such papers as may be selected by the board, thirty days in advance of said meetings, three members shall constitute a quorum for the transaction of any and all business. The president and secretary shall have the power to administer oaths in all matters pertaining to the examination and registration of pharmacist and assistant pharmacist.

The board shall keep a record of its proceedings and a register of all persons to whom certificates or license as pharmacist or assistant pharmacist and permits have been issued, and all renewals thereof, and the books and register of the board, or a copy of any part thereof, certified by the secretary, shall be accepted as competent evidence in all the courts.

Sec. 12. Any member of the Board of Pharmacy may issue a temporary certificate upon satisfactory proof that the applicant is competent; said temporary certificate shall be null and void after the first meeting of the Board of Pharmacy next after granting said temporary certificate; provided, that not more than one temporary certificate shall ever be granted to any one person.

Sec. 13. The Board of Pharmacy shall be entitled to charge and collect the following fees: For the examination of an applicant for license as a pharmacist, $5; for the examination of an applicant for license as an assistant pharmacist, $2.50; for renewing the license as a pharmacist, $1; for renewing the license as assistant pharmacist, $1; for issuing a license to any proprietor or employe to conduct a drug store in towns of not more than 1000 inhabitants, $1.

All fees shall be paid before any applicant may be admitted to examination or his name placed upon the register of pharmacists, or assistant pharmacist, or before any license or permit or any renewal thereof may be issued by the board.

Sec. 14. Whoever not being licensed as a pharmacist shall conduct or manage any drug store or other place of business for the compounding, dispensing or sale at retail of any drugs, medicine or poisons, or for the compounding of physicians' prescriptions contrary to the provisions of Sections 1 and 2 of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than $25 nor more than $100, and each week such drug store or pharmacy or other place of business is so unlawfully conducted shall be held to constitute a separate and distinct offense.

Whoever not being licensed as a pharmacist or assistant pharmacist shall compound, dispense or sell at retail any drugs, medicine, poison or pharmaceutical preparation, even upon a physician's prescription or otherwise, and whoever being the owner or manager of the drug store, pharmacy or other place of business, shall cause or permit any one not licensed as a pharmacist or assistant pharmacist to dispense, sell at retail or compound any drug, medicine, poison or physicians' prescription contrary to provisions of Sections 1 and 2 of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $10 nor more than $100.

Any license or permit or renewal thereof obtained through fraud or by any false or fraudulent representations shall be void and of no effect in law. Any person who shall make any false or fraudulent representations for the

purpose of procuring a license or permit or renewal thereof, either for himself or for another, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $25 nor more than $100, and any person who shall willfully make a false affidavit for the purpose of procuring a license or permit or renewal thereof, either for himself or for another, shall be deemed guilty of perjury, and upon conviction thereof shall be subject to like penalties as in other cases of perjury.

Whoever being the holder of any license or permit granted under this act shall fail to expose such license or permit, or any renewal thereof, in a conspicuous position in the place of business to which such license or permit relates, or in which the holder thereof is employed, contrary to the provisions of Section 6 of this act, shall, upon conviction thereof, be fined not less than $5 nor more than $25, and each week that such license, permit or renewal shall not be exposed shall be held to constitute a separate and distinct offense, and whoever being the holder of any license or permit granted under this act, shall, after the expiration of such license or permit, and without renewing the same, continue to carry on the business for which such license or permit was granted, contrary to the provisions of Section 6 of this act, shall, upon conviction thereof, be fined not less than $5 nor more than $25.

Sec. 15. That all laws and parts of laws in conflict herewith be and the same are hereby repealed,

And find it correctly enrolled, and have this day, at 11:30 o'clock a. m., presented same to the governor for his approval.

MASTERSON, Chairman.

SIXTY-SIXTH DAY.

Senate Chamber,
Austin, Texas.
Saturday, April 6, 1907.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson in the chair.

Roll call, no quorum present, the following Senators answering to their names:

Present—18.

Alexander.	Glasscock.
Brachfield.	Green.
Chambers.	Grinnan.
Cunningham.	Hudspeth.
Kellie.	Skinner.
Looney.	Smith.
Masterson.	Stokes.
Murray.	Watson.
Senter.	Willacy.

Absent.

Barrett.	Mayfield.
Faust.	Meachum.
Greer.	Paulus.
Griggs.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Holsey.	

Senator Chambers moved a call of the Senate for the purpose of securing a quorum, the motion being duly seconded, was so ordered, the following Senators answering to their names:

Present—18.

Alexander.	Kellie.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Murray.
Glasscock.	Skinner.
Green	Smith.
Grinnan.	Stokes.
Holsey.	Watson.
Hudspeth.	Willacy.

Absent.

Barrett.	Meachum.
Faust.	Paulus.
Greer.	Senter.
Griggs.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Mayfield.	

The Sergeant-at-Arms was instructed to bring in the absentees.

Pending delay, Senators Stone and Senter were announced present.

(Senator Brachfield in the chair.)

Pending further delay, Senator Watson moved that the Senate adjourn until 10 o'clock Monday morning. The motion was lost by the following vote:

Yeas—9.

Alexander.	Masterson.
Brachfield.	Stone.
Cunningham.	Watson.
Glasscock.	Willacy.
Kellie.	

Nays—10.

Chambers.	Looney.
Green.	Murray.
Grinnan.	Senter.
Holsey.	Skinner.
Hudspeth.	Smith.